

## SENATE—Wednesday, October 12, 1988

(Legislative day of Thursday, October 6, 1988)

The Senate met at 10 a.m., and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

## PRAYER

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

Let us pray.

*Thou wilt keep him in perfect peace, whose mind is stayed on thee: because he trusteth in thee. Trust ye in the Lord for ever: for in the Lord Jehovah is everlasting strength.—Isaiah 26:3-4.*

God of Abraham, Isaac, and Israel, as pressure and tension inevitably build this week, may the Senators and their staffs be reminded of this practical and relevant reality from the Prophet Isaiah—God's perfect peace for those who stay their mind on Him—the everlasting strength of the Lord Jehovah for those who trust Him. Help them to see the wisdom of stealing a quiet moment in the day to turn mind and heart God-ward. 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 assistant legislative clerk read the following letter:

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

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,  
President pro tempore.

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

## RECOGNITION OF THE MAJORITY LEADER

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

## THE JOURNAL

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

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

## SCHEDULE

Mr. BYRD. Mr. President, I hope that we can come to an agreement between the two sides, the Republicans and Democrats, and within each of the two sides pass the core drug bill and go home without amendments. This is a good bill. It has been developed over a period of quite a long time by a very talented and dedicated working group on each side, chosen by the two leaders, and the core bill has been introduced with the support of the two leaders; the leadership on both sides.

I know there is a proclivity on the part of Senators to try to load everything onto these last-minute trains that are leaving the station. We used to have a continuing resolution. Now we see an effort to tie riders onto important bills hoping that those horses will carry the riders to the President's desk.

I think that the need for statesmanship requires us to rise above that. We have an opportunity here to pass a good bill. The American people are deeply concerned about the pervasiveness of drugs that know no class lines, that saturate the back alleys, and make their way even into the living rooms of the affluent. The schools, the homes, even the churches of America are without guarantee from this awful enemy of our young people, and it does not strike just the young but it is a threat to the old as well. It is the enemy in our midst, and will continue to grow and threaten the lives of young people.

I was reading in the Post this morning about the number of young people who have been knifed, shot, and slain in this Capital City of ours as a result of violence that comes from drugs and the spreading of drugs.

So we have a responsibility to pass a drug bill, and we have a drug bill that is a good drug bill.

I hope we will not let this debate on the drug bill deteriorate into a political sideshow where we will all be taking political potshots, where we will be trying to indicate who can be the toughest, and who can be the John Wayne in the drug war. We can all be tough.

We have a good, tough bill. It carries the death penalty in it. But we can get bogged down worrying about who can be the toughest, and we can get into all kinds of trouble. We can have all kinds of amendments, and I think we ought to avoid that, and pass this drug bill. I am willing on this side to do everything I possibly can to keep down

amendments. I believe that on this side we can—I think we can—avoid offering amendments, any amendments except perhaps the one amendment to strike the death penalty. That will probably be bipartisan in its support, and there will certainly be bipartisan opposition to it, myself for one. We can defeat that motion to strike.

Then if we can avoid other amendments, include in the core bill the child pornography legislation that was recently passed—we did not pass it, but we adopted that amendment to the profamily package—include that, and the distinguished Republican leader may have an idea as to something he would also propose to be included as well. Then, say no more amendments, just debate this bill and go home, or at least send it over to the House. I have hopes and some reason to believe the House will accept our core bill. It might not. But I think it will.

In any event, we would have fulfilled our responsibility. We have a responsibility to do that, and to avoid getting down into the mud battles that are certainly possible and potential if we let our thirst for political potshots get the better of us.

I make that proposal. I am confident that the distinguished Republican leader wishes as much as I do to pass a good drug bill. I hope that we can do that.

I yield the floor.

## RECOGNITION OF THE REPUBLICAN LEADER

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

## SCHEDULE

Mr. DOLE. Mr. President, I indicate to the majority leader that we are going to be meeting at 10:45 with the principal players on this side of the aisle. A couple of them are not available this morning, but we hope to have some information. I will meet with the majority leader later this morning.

There have been suggestions, and I think the core bill is a good bill. I think it was always perceived by some on this side as a starting point, not a completed product. We have Members on both sides with amendments they would like to add.

Also, there were Senators on both sides of the aisle meeting, and some of

these amendments were set aside—no major amendments but minor ones. The staffs would meet, and some of them would say, "My Senator probably would not agree with that," and they would set that amendment aside. Perhaps some of those amendments could be agreed to.

There is some feeling that we could codify the exclusionary rule, the Supreme Court decision in *United States v. Leon*, 48 U.S. 897. There is a meeting going on, as we speak, concerning habeas corpus. I think Senator RUDMAN is meeting with Senator THURMOND and perhaps somebody on the other side of the aisle. I know that is a matter of great interest to the Senator from Florida [Mr. GRAHAM]. They think there might be another approach which might satisfy some who strenuously object to including anything on habeas corpus in the drug bill.

So, in the next few hours, we hope to come to some conclusion on this side, and I will be back to the majority leader as soon as I can.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I am sure effort is going forth. I am also sure that between the Republican leader and myself, we would have no problem working it out.

#### BICENTENNIAL MINUTE

APRIL 19, 1878: THE SENATE AND THE PHONOGRAPH

Mr. DOLE. Mr. President, the human voice is perhaps the most fundamental instrument of the U.S. Senate. For almost two centuries this Chamber has served as the stage for great national debates. Senators speak daily on issues great and small, adding our voices to the record on every issue facing this Nation. Today, our proceedings are recorded both in written form in the CONGRESSIONAL RECORD, and in audiovisual form over the C-Span television network. So it should come as no surprise that 110 years ago, in 1878, Senators were among the first to have their voices recorded on Thomas Edison's phonograph.

The young inventor, Edison, ventured down from his New Jersey laboratory on April 19, 1878, to show the world his remarkable new invention. Edison's phonograph recorded sound on wax cylinders and could immediately play back its recordings. Accompanied by a newspaper correspondent from the Senate Press Gallery, Philadelphia Inquirer reporter Uriah Hunt Painter, Edison carried his machine to the White House, where President Rutherford B. Hayes recorded a few words. The inventor marched down to "newspaper row," a strip of newspaper offices along 14th Street, on the site of the current National Press Club, where he demonstrated this new marvel to the press.

But it was on Capitol Hill that Thomas Edison received his most skeptical audience. Here he allowed Senators to speak and then for the first time listen to their own oratory. Senator James Beck, a Kentucky Democrat, recited a poem into the machine. When Edison adjusted the reproducer and turned the handle, the phonograph squawked back Senator Beck's words at him. However, the Senator concluded that Edison was a ventriloquist, and insisted that the inventor leave the room so that he could operate the machine without him.

#### RETIREMENT OF PAUL TRIBLE

Mr. DOLE. Mr. President, as the Republican leader in the Senate, I note with some regret that Senator PAUL TRIBLE decided not to seek re-election this year.

Obviously, all of us understand the dilemma that a young man, such as PAUL, faces—trying to balance the enormous workload of a Senator and the responsibilities of a young family, and the priorities he has now set are admirable ones.

But Paul is one of the bright young lights in the National Republican Party, as his brief Senate career has proven. He has been a staunch supporter of President Reagan—and was a critical ally in seeing to it that much of the President's agenda was realized. And he has been an equally staunch advocate for the Commonwealth of Virginia—whether it was his role in transferring the authority of National and Dulles Airport from the Federal to local government, or insuring that the Newport News shipyard was kept busy—PAUL TRIBLE was vigilant about Virginia's welfare.

Despite his junior standing in the Senate, PAUL's integrity and intelligence made him a natural selection for service on several special assignments—membership on the Special Senate Committee Investigating the Iran/Contra Affair; and as Chairman of the committee on committees which has the difficult, some might say touchy, task of making Republican Committee assignments.

I hope and trust that PAUL's exit from the Senate does not mean we have heard the last from him on the national political scene. His years in public service have already proven that he has much to offer. As the Republican leader, I thank him for his support and hard work; and wish him all good things in future endeavors.

#### HAMILTON FISH, SR. TURNS 100

Mr. DOLE. Mr. President, in just about 2 months, on December 7, a distinguished American, and a very beloved and distinguished Republican, Hamilton Fish, Sr., will celebrate his centennial birthday.

Many of us have been privileged to know and work with his son, HAMILTON FISH, Jr., who has carried on the family commitment to public service as a Congressman from New York.

And for those who have had the honor of knowing Hamilton Fish, Sr., his son's success should come as no surprise. Because there could be no better role model than Ham Fish.

During World War I, he led the "15th New York Volunteers of the Colored Infantry," later known as the 369th infantry. And as a result of his acts of bravery—including participation in the battle of Champagne and an active role in capturing Sechault, Fish was decorated with the Croix de Guerre and the American Silver Star.

Hamilton Fish did not forget his wartime experiences when he returned to the States. In 1920, during his first 5 minutes as a Member of the House of Representatives, he introduced a resolution calling for the creation of the Tomb of the Unknown Soldier. He was also an organizer and strong supporter of the American Legion. And, in one of his most widely known legislative acts, sponsored legislation making the "Star-Spangled Banner" the national anthem.

Ham Fish, Sr. served in the House for 25 years. And as the senior Republican on the House Rules and Foreign Affairs Committee, was a key player in the pivotal issues relating to foreign policy and national security. But he was also an ardent advocate of civil and human rights—including his support for \$100 million for Germans who were starving after World War I.

After leaving the House, Ham Fish involved himself in writing and the oil business.

Ham Fish, Sr.'s own words to members of the American Legion, are words he truly lived by:

It is the manifest duty of the Legion—to take the leadership of most of the nonpolitical, nonpartisan issues affecting the interests of the American people, and help in making them a better place to live in for oncoming generations.

Mr. President, I know my colleagues will want to join me in wishing Ham Fish, Sr. a wonderful 100th birthday when he celebrates it in New York this December 7, and wish him many more to come.

On a personal note, I point out that at the age of 99, he was one of my staunch supporters in New York State early this year, and one of the Dole delegates in New York. I am very proud of his involvement in my campaign, which did not go all the way, but we had a lot of fun.

#### MORNING BUSINESS

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

extend beyond 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

#### THE COMING RECESSION AND WHAT TO DO ABOUT IT

Mr. PROXMIRE. Mr. President, Data Resources puts the odds of a major recession beginning by the end of 1989 at one-in-four. Data Resources is absolutely right to frame its forecast in probabilities. A one in four chance of a recession may or may not be accurate. But it roughly indicates two things honestly. First, even the most competent of economic forecasters cannot possibly predict when a recession will start. Data Resources would certainly qualify as one of the most competent. So, it wisely frames its forecast as some time in the next 15 months. Second, even over a relatively long period, such as 15 months or so, an honest forecast cannot determine whether a recession will or will not occur. So, Data Resources is right to give odds rather than to say a recession will or will not strike during that 15-month period.

But why one chance in four? Why not three chances in four? After all, in view of the history of American business cycles in peacetime, we are overdue for a recession now. There's good reason to expect us to put off this recession. We shouldn't. But we can. We very likely will. In this Senator's mind the record peacetime expansion has continued because the Federal Government has been living far beyond its means with record deficits and a present debt of \$2.5 trillion. At the same time the American household sector has been going \$3 trillion in debt. That's a debt bigger than the Federal Government's obligations. The good-time Charley who really takes the cake is the business sector with a fantastic \$4.3 trillion of debt, a debt that is more than three times higher in relations to earnings than it was in a typically healthy economic year like 1955. Worst of all, the business debt promises to move even further out of sight in the next year or so with leveraged buyouts that will push American corporations to far greater levels of indebtedness.

Of course, all this prospective increase in new debt in the next year or so may be the prime reason the country will avoid a recession until after the end of next year—as Data Resources expects. All that borrowing and spending will continue to stimulate the economy. It will also make the next recession much deeper and more painful.

The Wall Street Journal's report on Data Resources' estimate of the timing of the next recession says nothing about the recession's severity. In view of the colossal private and public debt, whenever the recession strikes it

is likely to be king-size. Heavily leveraged firms—of which there will be thousands, will swiftly sink into insolvency. That means millions will lose their jobs. Households will lose their income they need to maintain their interest payments on the home mortgages and their car financing. This will drive housing construction firms over the brink. Automobile companies will be in deep trouble. The value of the assets of American corporations and households that seemed adequate to carry the heavy debt burden will suddenly and sharply dwindle. The Nation's financial institutions that hold much of the debt will struggle. Even in this present economic recovery period, bank, as well as savings and loan failures have hit the highest level since the Great Depression. The next recession will see their record holding of debt crumble into a miasma of nonperforming loans. The Federal Savings and Loan Insurance Corporation [FSLIC] and the Federal Deposit Insurance Corporation [FDIC], already in serious trouble, will have to come to the Congress for a bailout to redeem much of the \$3 trillion Federal Government deposit guarantees the Congress has promised the Nation's depositors. The congressional bailout in a depression of the kind we can expect will be in the hundreds of billions.

Data Resources reports that the region of the country that will suffer the most will be the same that "got stung worst" in the last four economic downturns: The Great Lakes States. That includes Michigan, Illinois, Indiana, Ohio, and my own State of Wisconsin. Data Resources has these States losing 10 percent of their manufacturing jobs by the fourth quarter of 1990, if their one in four scenario of a recession beginning late next year comes to pass.

So, what can we do about it? What we can do about it and what we should do about it are entirely different, in fact, opposite things. How can we keep the good times rolling? The answer should be very fresh in our minds. We keep the good times rolling exactly as we have for the past 6 years—since the fall of 1982: run huge Federal deficits. Pursue an easy money, low interest monetary policy designed to keep households borrowing to build homes at low interest rates. Push hard at leveraged buyouts to keep businesses feverishly at work borrowing and spending. This is like the bad advice given to a heavy drinker who fears a hangover—he is told, "Take a good stiff shot the first thing in the morning. Above all, never get sober. Sobriety means the hangover begins." Sobriety means the heavy drinker starts paying for the good times. The real answer for the heavy drinker is to stop. Stop cold. Stop at once. Do not take another drink. Sure it will hurt. But it

will save you from troubles much worse than a hangover.

Similarly, the action we should take to limit the consequences of the borrowing binge is to stop borrowing. Stop Federal spending about our revenues. Stop household borrowing. Stop business borrowing. Ah, but will that not bring on a recession and promptly? It sure will. But it will also cut our losses. We will start on the road to recovery. And the sooner we stop this reckless borrowing, the less destructive will be the recession and be less likely that it will be a full-fledged depression.

Mr. President, I yield the floor.

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

#### EARLY CHILDHOOD EDUCATION

Mr. BOND. Mr. President, last week Vice President BUSH unveiled yet another initiative to improve the lives of America's children. It is a comprehensive plan which covers a lot of ground, but I would like to draw my colleagues attention to Vice President BUSH's support for early childhood education.

I have been interested in early childhood education for years. When I was Governor of Missouri, I persuaded the State legislature to enact the "New Parents as Teachers" Program. This program helps parents teach their children in the crucial early years from birth to age three. In Missouri, trained parent educators visit new parents in their homes and help parents enhance their children's intellectual, language, physical, and social development. Parents also participate in monthly group meetings with other parents of children of the same age to discuss questions about their children's development. The program is voluntary and is run by the State department of education.

New Parents as Teachers has been a great success in Missouri—both in the increasing numbers of families that have signed up for it and in the promising test results of children involved in the program. An independent assessment of the Missouri program found that the children involved in New Parents as Teachers consistently scored higher than a control group, as well as the national norm, on all measures of intelligence, achievement, auditory comprehension, verbal ability, and language ability. Perhaps recognizing this, more parents have signed up for the program every year since its inception. Some local school districts have even approved additional levies so that there will be funding for additional parents to participate.

Seventeen States have followed Missouri's lead and have set up early childhood education programs. There are many more States that have sent

representatives to the National Center on Parents as Teachers in St. Louis to learn more about Missouri's program. Education is primarily a family and local responsibility, and successful programs like New Parents as Teachers recognize this reality. The proper role for the Federal Government to play in this area is to provide seed money, to provide encouragement for local initiatives, and to provide the leadership that can be provided at the Federal level. That is why Vice President BUSH's proposal makes such good sense.

Early childhood education helps families and children in urban, rural, and suburban areas in Missouri. It has worked well for families in all income brackets. All families can benefit from practical help in learning how to help their children learn and grow, but early childhood education can be especially crucial in helping disadvantaged children. Vice President BUSH's "invest in our children" plan recognizes this need as well, as his plan calls for increases in the Head Start Program so that all eligible 4-year-olds can be served.

We as a nation need to take good care of our children, provide them with good health care and a stimulating educational environment.

It is wise and humane to begin at the beginning with our children, and I commend the Vice President for doing so.

I invite my colleagues who may be interested in this program to contact me for further information. We are very proud of the National Center that has been established in St. Louis. I urge Members who are interested to contact me or you can contact the National Center directly for information on how such a program can be developed in your State or your area.

I thank the Chair and yield the floor.

#### THE THRIFT COMMISSION BILL AND THE DRUG BILL

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. D'AMATO. Mr. President, I would like to comment briefly on two matters. They are rather interrelated.

One is that this Senator has been informed that one of my colleagues is going to ask to bring up a bill from the House, the thrift commission bill.

The thrift commission bill in and of itself may be worthy of consideration except this particular bill is flawed. It is very much flawed as amended by the House. It eliminates the FDIC from the study. I do not think that makes sense. It adds two representatives of the industry which will be named to this important commission. I think the risk of undue influence is obvious.

However, there are greater problems. I suggest to you what they are. It is no secret that the thrift commission bill is being brought to the floor for the sole purpose of adding to it a bill that has not been considered and to use it as a vehicle to amend this legislation, legislation which was not reported from the Banking Committee, not approved by the Senate, and moreover legislation which is terribly flawed.

As a member of that Banking Committee I object to this last-minute attempt to produce legislation because the bill we would be producing has never been scrutinized by the full committee much less by the Senate.

We have more important business to do than this sleight of hand. That is exactly what this is. Some people may take offense at my characterization. When a Senator has to watch the floor because it may come up late at night or early in the morning or at some time, I suggest that is what is taking place.

Now, I think it is wrong. I think it is wrong for a number of reasons. I think the leader and the minority leader have been attempting in good faith to produce a compromise which would permit this body to do the important business of the people and that is to see to it that we have a drug bill that begins to address many of the shortcomings that exist today.

This is someone who believes very strongly that this bill can be improved. But I for one am willing to take the core bill, the core package, which the majority leader has indicated, and say, "Let us go forth and let us not end this session on the kind of bickering, petty partisanship, or even worse, egomania."

"You've got to have my amendment because if you don't have my amendment, it is not good."

That is terrible. I think all of us should take a step back. We have a pretty good package here, S. 2852. It does not do everything but it begins to go in the right direction.

It begins to set up funding mechanisms. We do not have the money there, but at least it addresses the education and the rehabilitation and answers the Daytop Village, which says: "My gosh, we need money to put extra beds for rehabilitation. We have a long waiting list of people trying to get in here."

For the first time, it says you can use these dollars to construct additional beds. For the first time, it begins to set a course, the triad—education, prevention, and good, tough law enforcement.

I do not want to have to use the various privileges that go to this august body, but I am going to serve notice now—and I do it with all due respect to all of the rights of my colleagues—if there is an attempt to bring up—again,

reasonable people might agree or disagree with my interpretation on the banking bill. I will have more to say on that.

I hope I do not have to get up later on and go into extensive remarks or to call for the reading of the full bill and to raise objection to the clerk not reading the entire bill. I think that would be a waste of time, particularly when we have come so far and we have such a short distance to travel and so many people—and I see my good friend from Georgia, Senator NUNN, who is standing now. He has labored hard in this area, and others have in a bipartisan manner.

I am just suggesting that we really finish the business of the people. Let us put S. 2852 before this body and let my colleagues come together in a spirit of compromise, of compromising their own personal wishes and getting behind a bill that essentially begins to do the job. Let us really befuddle the political pundits, who say it cannot be done, and do the right thing.

I am certainly going to urge my colleagues on this side to put aside extraneous amendments, to put aside even amendments that may not be extraneous but are so controversial that we will not be doing what is right for the people. It is a tragedy that we cannot really stay on the Senate floor and say we are serious about the drug battle if we allow these differences to keep us from doing the work of the people.

I yield the floor.

Mr. NUNN. Mr. President, I am pleased that the Senator from New York has made his statement this morning. I agree with his sentiments. I think that the core bill that we have on drugs is a good bill. It is not completely funded, but it is a start. I believe it sets the framework for basically almost a mandate for the appropriators next year to fully fund the drug bill.

I hope that we will all set aside our special projects and amendments, even those that are important. There are some of them that are pending that I have been for for years. For instance, the habeas corpus reform. I am very much in favor of that reform. But I hope that we can either work it out in a way that does not prolong the debate and make passage of the bill impossible or that it will not be proposed. And that is just one instance.

We have the exclusionary rule. We have all sorts of other problems on which we have strong feelings on both sides of the aisle. This is not a Democratic or Republican division.

I hope that we will put aside those differences in the last day or day and a half here and pass a bill, because we can actually pass the core bill in about an hour or 2 hours. We could probably even have some amendments that are not controversial and pass those very

quickly. I believe we could get through tomorrow afternoon, by the middle of the afternoon, if we took up the bill sometime this afternoon and finished it. I think it would be among the most notable achievements of this Congress, and there have been many under the leadership of Senator BYRD and Senator DOLE.

#### EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended 15 minutes and that Senators may continue to speak therein for not to exceed 5 minutes each.

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

#### EXPRESSION OF APPRECIATION TO THE DEMOCRATIC FLOOR STAFF

Mr. NUNN. Mr. President, as the 100th Congress draws to a close, I want to say a special word of appreciation to our Democratic support staff for all of their help to the members and staff of the Armed Services Committee during the past 2 years. It is a tribute to Senator BYRD's leadership and style that his staff is so supportive of the committee process and helps to ensure that the work of the Senate is accomplished.

Our floor staff works under the capable direction of Abby Saffold, the secretary of the majority. Abby's thorough knowledge and attention to the details of the legislative process have made her indispensable in the U.S. Senate. Abby and her deputy Bob Bean have always been available to provide counsel and assistance whenever they were needed.

Dick D'Amato and Scott Harris on the Democratic Policy Committee have worked very effectively with the Armed Services Committee members and staff on national security issues and legislation. They were particularly helpful in the difficult task of coordinating the work of three Senate committees on the INF Treaty this year.

Mr. President, I cannot say enough about the excellent day-to-day support we have had from the Democratic floor staff of Charles Kinney, Marty Paone, and Bill Norton. It has not been easy passing the defense authorization bills and other legislative items in this Congress. Last year we faced a lengthy filibuster and this year of course we had a Presidential veto. Charles, Marty, and Bill have always been very helpful in assisting us in moving our committee bills through the Senate.

I also want to thank our excellent Democratic Cloakroom staff of Patrick Hines, Joe Hart, Gary Heimberg, Lenny Oursler, Art Cameron, and

Balley Izard for all of their assistance during the past 2 years. Their selfless and dedicated service has made all of our jobs easier.

I should also note while not working with them on a day-to-day basis as we do with our own floor staff, the Republican floor staff has always tracked down and helped to resolve any problem areas associated with our committee's work.

Finally, I want to express my appreciation to the Senate Parliamentarian, Alan Frumin, and his two assistants Kevin Kayes and James Weber. Alan and his staff have consistently provided objective and timely answers to the many questions that our committee has directed to them.

So, from the Armed Services Committee perspective, I wish to thank Senator BYRD and his excellent staff for their extraordinary cooperation and extremely effective leadership during the last 2 years. I am more conscious of it now than ever before because I am chairman of a committee and I know that this institution could not really operate without that kind of skilled leadership.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. NUNN. Yes.

Mr. BYRD. Mr. President, I thank the Senator for his kind comments concerning the staff. Those compliments are highly deserved. They are much appreciated by the staff and by me.

I thank the distinguished chairman of the Armed Services Committee, who is also deserving of this kind of cooperation and support that the staff gives to him and his staff.

Mr. NUNN. I thank the Senator. Our committee, probably more than most in the last 2 years, has had trials and tribulations. We have had a prolonged filibuster. We have had the INF Treaty, which was extremely difficult; along with two other committees, we handled that. We have had this year a defense bill that was vetoed and we managed to put Humpty-Dumpty back together.

So we have probably expended more of the staff's time and attention than most committees. We are profoundly grateful to both Senator BYRD for his leadership and for their exemplary help to us.

#### TRIBUTE TO SENATOR LAWTON CHILES

Mr. NUNN. Mr. President, in the final days of the 100th Congress, Senator LAWTON CHILES is bringing to a close 30 years of dedicated public service here in this body and in his home State of Florida. His Senate career has been characterized by three words—perhaps more, but these are the ones that come to mind when I think of LAWTON CHILES' service—sincerity, in-

tegrity, and effectiveness. His voice will be greatly missed in the Senate.

LAWTON and Rhea CHILES are close personal friends. I have had the privilege of knowing and working with LAWTON since I first came to the Senate, 16 years ago, when he was known throughout the land as "Walkin' Lawton." Walking more than 1,000 miles across his State, with little money and little name recognition in the beginning, he set a style for campaigning that threatened to get out of hand and turn all the politicians of America into the streets.

Perhaps by coincidence, but maybe not completely, in the years since 1970, walking has become the most popular form of exercise in America, walking shoes are in every closet, malls open early for walkers and major thoroughfares and bridges all around America close down periodically just so people can walk on them.

Not content with having moved the Nation in a direction it had never previously showed signs of wanting to go since 1970, LAWTON CHILES proceeded to take on the U.S. Senate. He applied the same understated technique, with the same inevitable result. The issues that were important to LAWTON CHILES have become critical issues here in the Senate, and in the Nation as a whole—the problems of drugs and drug-related crime, the problems of an aging population, how to maintain an open and honest government, wasteful Federal procurement, the budget deficit.

Back in the late 1970's Senator CHILES and I began a lonely effort to prod the Senate into coming to grips with the growing drug problem and its relation to organized crime. He was serving as acting chairman of the Permanent Subcommittee on Investigations, on which I also served.

To get the Senate to act, we shared the daily chore of making speeches on the issue during the morning business, at first both of us speaking each day, then alternating days. We eventually wore the opposition down, and Senator Howard Baker cried, "Enough," and we got the Crime Control Act of 1982.

It has been said that public men are judged by their character and the size of the issues which concern them. LAWTON CHILES brought to the Senate a Presbyterian conscience which taught him that a man's time and talents were the gifts of God, not for his own use, but for the benefit of his people. And he has given of his time and talents humbly, with good humor, under the most frustrating circumstances.

A nation is only as strong as its institutions, and in his three terms in the Senate, LAWTON CHILES strove to make the institutions of American Government work when many preferred to

make their names proving that Government could not work. He strove to secure consensus to solve problems when others were profiting from confrontation. He took on the thorny and thankless task of improving the process of Government—the painful process of the Federal budget because he felt it was the key to the health of the national economy at a critical time, and to efficient and effective Government.

He brought to that task skills that are rare and desperately needed in our time—exceptional intellect untouched by intellectual arrogance, unquestionable integrity unmarred by self-righteousness. He is a serious man who took the business of our Nation seriously, without falling into the trap of taking himself too seriously. LAWTON CHILES retained his skill at practical jokes and his image as laid-back legislator even as he presided over the last-minute summit negotiations on the budget last year.

Perhaps the phrases "laid-back" and "low key," which have so often been used to describe the Senior Senator from Florida have misled us. He is, in many ways, the prototype of what Senators and Representatives in this Congress should be—steady, intensely dedicated to goals, identifying problems, working out solutions, and building consensus to implement those solutions.

LAWTON CHILES sees problems as challenges, so, of course, a Federal budget deficit that suddenly exceeded all the Federal budget deficits in history put together was just the sort of challenge he needed. He did not pretend to be undaunted by that dramatic debt. In fact, LAWTON admitted to feeling at times like "a fellow who had been given the captaincy of the *Titanic* after it was hit." But that did not prevent him from tackling this difficult job.

Just as he had in his 12 years in the Florida legislature, LAWTON CHILES always kept the interests of the people of Florida foremost. Representing a fast-growing, diverse State, whose voters come from every part of the United States, he has special insights into the needs and concerns of all Americans. A believer in bipartisan government, when that proved impossible, he managed to carry every Democratic vote on key budget votes in a diverse and sometimes divided party.

At a time when others complained of the necessity of constantly raising funds, LAWTON CHILES won his first race in a walk—with almost no money. He managed to win his second Senatorial election in 1976 with a ceiling on campaign contributions of \$10. He has maintained a policy from the beginning of never taking an honorarium and not taking PAC money—even through his large and populous State

has 11 different major media markets. In 1982, in the face of rapid inflation, he did consent to raise his ceiling on campaign contributions to \$100.

Mr. President, LAWTON CHILES is unique in many, many ways. Even though not all of us follow his lead on many of his examples—for instance, turning down all large campaign contributions and all PAC contributions and honorariums; even though we in this body do not all emulate that any more than we could all walk our way to the Senate in the first place—we have all come to admire LAWTON CHILES' integrity, credibility, and extremely high standards. Even when we disagree, we respect his convictions.

During the latter days of his Senate career, he cochaired a joint committee studying the tragic problem of infant mortality and that one of his last major acts in this body was to urge a national commitment to prenatal care for every mother in America, and adoption of the goal of making every baby a healthy baby.

It was typical that while the attention of most of the Nation was on partisan contests, LAWTON CHILES was quietly trying to find a process to improve the lives of all of our children—seeking to find a solution on which a consensus could be built for a better America.

Even when we disagree we respect his conscience.

LAWTON CHILES described himself as "a legislative animal," but I think the words of the poet Gilbert Holland are particularly apt in describing what kind of legislator LAWTON CHILES has been:

God give us men! A time like this demands  
Strong minds, great hearts, true faith and  
ready hands;

Men whom the lust of office does not kill;  
Men whom the spoils of office cannot buy;  
Men who possess opinions and a will;  
Men who have honor; men who will not lie;  
Strong men, who live above the fog  
In public duty and in private thinking.

Such a man is our colleague, LAWTON CHILES.

#### EXTENSION OF MORNING BUSINESS

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

Mr. BYRD. Mr. President, how much additional time does the Senator require?

Mr. GRAHAM. Five minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes and then, at the conclusion of the remarks of the Senator, that I be recognized.

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

The Senator from Florida.

#### TRIBUTE TO SENATOR LAWTON CHILES

Mr. GRAHAM. Mr. President, it is my desire to add my words of tribute to those which have been delivered by the Senator from Georgia about our colleague, LAWTON CHILES, at the time of his departure after 18 years of service in the U.S. Senate. As the 100th Congress comes to conclusion, it will be the conclusion of a distinguished public career which has spanned three decades, 18 of those in the service of the U.S. Senate.

Our friend and colleague, LAWTON CHILES, has chosen to return to private life. We will miss his experience, his wit and his assurance. We will miss his wisdom and his quiet integrity. But we are proud and grateful to have had his energy and example for so long. I am particularly proud and grateful to have had his friendship.

LAWTON CHILES is a modern man who embodies the traditional values of America and of the U.S. Senate. His whole life is testament to those values—the way in which he got to the Senate was through his record of accomplishments and success in each previous endeavor.

Every responsibility LAWTON has taken on is imbued with his own highly personalized style. I confess to having a little trouble imagining Washington next year without it.

When LAWTON was in law school at the University of Florida, I was an undergraduate. He had returned from active duty in Korea and was immediately recognized as a leader. His competence and self-confidence were never self-aggrandizing. But his thoughtfulness and clear sense of direction set him apart. They have stood him well throughout his career.

When LAWTON first ran for the Florida Legislature he and his wife, Rhea, personally visited thousands of households to meet the voters. He thought if people got to know him, to know what he was about, they would vote for him. And he was right. LAWTON defeated a strong incumbent and began a lifetime of public service.

His example is all the more remarkable today as we count the many politicians who want to hide behind the careful packaging of their TV commercials. That never was, and still is not, LAWTON's way.

When I was a freshman in the Florida House and LAWTON was a 8-year veteran, chairman of the Florida Senate Appropriations Committee, we worked on education issues together. That is a commitment we both still share. It is fitting that one of his many "retirement" activities will be teaching.

In 1970 some considered a Chiles campaign for the U.S. Senate to be a bold, even foolhardy venture. He faced a former Democratic Governor, the

powerful speaker of the State House of Representatives and the senior Republican member of the Florida congressional delegation—all experienced statewide political leaders.

And he beat them all by doing it typically his way. He went to the people.

LAWTON's famous walk from Century, FL, in the northwest panhandle all the way to the Keys at the southern tip of the peninsula has become a political legend. It was successful because it was pure LAWTON—it was real.

He has said that the walk was a kind of Walden Pond for him—that on lonely stretches of roadway between small towns and bustling cities he thought about his own life and what he wanted to use it for.

In quiet conversations with ordinary Floridians he learned about their hopes and dreams and fears and he saw how they reflected his beliefs and he theirs. He talked to people in convention halls and on street corners about what he had seen and what he had learned.

He took all that he had seen and heard and discovered with him to Washington. LAWTON has kept the voices of Florida with him and alive in his conscientious service to the people of our State. He has used the self-knowledge he gained while walking those thousands miles to guide him and to grow.

The 18 years he has spent in this Senate have been, in many ways, a continuation of that walk. LAWTON has remained open to new experiences and insights. He is still listening. He is still learning.

He did not want any tributes to mark his retirement. In fact he has stubbornly resisted all efforts to honor him. That, too, is pure LAWTON. He would rather go hunting with his grandson than sit through parties and laudatory speeches.

Family is important to him. Florida is important to him. Integrity is important to him. Time is important to him and he considers testimonials to be a waste of it.

We beg his indulgence. LAWTON has been too important to all of us to leave as an unsung hero. He has been almost an older brother to me, guiding me through my early days in the Senate and sharing with me his sense of pride in this office—and his sage advice when he felt it was appropriate.

His influence will continue through the many public policies he has helped to shape—they span the cycle of human life from prenatal care for indigent women and health care to reduce infant mortality, to the education of our children and young people, to the environmental protection which safeguards the quality of our lives, to improving life for America's elderly, to working for fiscal responsibility in our

national budget so that our future will not be mortgaged.

LAWTON is that rarest and finest of politicians—a statesman—and his towering honesty has set an impeccable standard for all office seekers to reflect on.

From the beginning he limited his campaign contributions to small sums which ordinary people could afford. He always maintained that helping out ordinary people was his job and he never wavered from that commitment.

At the end of the first leg of his first Senate campaign in 1970 he said,

I know now that no matter how much money you can spend on television, and even if you reach a million people at once that way, you can only listen to one person at a time \* \* \*

So \* \* \* I know that when I complete my walk from one end of Florida to the other I'll better understand the State and the people and be better able to serve as a U.S. Senator. I believe the people know this, too.

I believe the people knew it then when they voted for him and over the next two terms in the Senate which LAWTON CHILES won overwhelmingly. I believe his colleagues here and the people of Florida and of this Nation know it today.

LAWTON is a man of deeply held principles who has faced life and its problems with humor and courage and decency. Florida is lucky to have him home full time. I will miss him. We will all miss his presence here.

(At the request of Mr. GRAHAM, the following statement was ordered to be printed in the RECORD:)

#### PROUD TO HAVE SERVED WITH LAWTON CHILES

● Mr. BENTSEN. Mr. President, I take great personal and professional pleasure in joining my colleagues to pay tribute to LAWTON CHILES. As we all know, LAWTON has decided not to seek reelection this year and will not be returning to this historic Chamber.

LAWTON and I came to the U.S. Senate as freshman Members back in 1971. He and I have been deskmates during these last 18 years, and I have no closer friend in the Senate. From our earliest encounters, to the present day, I have known LAWTON CHILES to be a man of judgment, compassion, courage, and total integrity.

During these 18 years, we have often relied upon each other for advice and counsel. We have worked our way up the ladder together, crafted legislation together, and debated late into the night together. I am proud to have had the opportunity to have served in this institution with LAWTON, and I can say with certainty that the U.S. Senate and the State of Florida will be losing a superb public servant when my distinguished colleague retires.

As chairman of the Senate Finance Committee, I perhaps have a unique perspective when it comes to praising

LAWTON's work as chairman of the Senate Budget Committee.

Given the difficult budget deficit, and the tension between the Congress and the White House, chairmanship of the Budget Committee has undoubtedly been one of the most demanding and complex jobs in the U.S. Senate. Yet LAWTON has guided the Budget Committee with level-headed resolve, skill, and distinction. Never straying from fiscal responsibility, he has worked to ensure that the needs of the people of this great country are met. Fiscal responsibility and compassion—neither to the exclusion of the other—have been the watchwords of his tenure as both ranking member and chairman of the Budget Committee. You cannot ask for more than that in a person dedicated to balancing the competing interests that come before his committee.

LAWTON has also unselfishly given his time to serve as chairman of the Committee to Prevent Infant Mortality, and thanks in part to his efforts, we are seeing a renewed commitment to maternal and child health care in this country.

Mr. President, the health of our Nation has been benefited in more ways than one by LAWTON CHILES' tenure in the Senate. LAWTON's presence will be sorely missed by all. I know that all of us wish him well in his ventures beyond this Chamber. ●

#### TRIBUTE TO SENATOR LAWTON CHILES

Mr. FOWLER. Mr. President, I deeply regret the retirement of my colleague Senator CHILES after 18 years of service to our country in the U.S. Senate. I know that the people of my neighboring State of Florida are also saddened to lose his representation.

Senator CHILES' contributions to his State and our Nation are hard to encompass in a brief statement. But throughout his public life—starting in the Florida House of Representatives in 1959 and continuing in this body to 1989—he has gained the admiration and respect of his people from the State's largest city of Jacksonville to the small town of Jerome bordering the Everglades, from the art deco international center of Miami Beach to the towns of central Florida such as Lake City, which are smaller, with no cosmopolitan pretense, but just as enterprising.

The tributes of these people over all the years tell the real story of Senator CHILES' record. He has been honored by the citizens of his home State for his protection of the environment, his advocacy of open Government and minority interests, his stand against crime and his efforts on behalf of senior citizens.

He has reflected the values of his people in all their diversity, and in the process he has provided national leadership. I know him as my chairman on the Budget Committee, as a stern defender of the Public Treasury. No one has worked harder for a return to fiscal sanity and the reduction of these tremendous budget deficits facing our Nation today.

We will miss that tough leadership Senator CHILES has provided.

I want to take this opportunity to wish him well. I know he will return to a full life outside of politics, that his citizenship and leadership will continue to be felt in his community, among his people.

Speaking as a freshman Senator, with about one-tenth of his experience in this body that works by tradition, I know that Senator CHILES' service will continue to serve as a model for me—of the patience, perseverance, and steady application it takes to make this Republic work.

So let me thank him for his public service, and for helping to mold all of us into better representatives of our States and our Nation.

He is my friend, and I will miss him greatly.

#### SEASONED LEADERSHIP OF LAWTON CHILES

Mr. LEVIN. Mr. President, on the top of the Senate's agenda next year will be the task of reducing the Nation's huge budget deficit. That challenge will be all the more difficult to meet because the Senate will be approaching it without the seasoned leadership of the senior Senator from Florida, LAWTON CHILES. During the budget battles of the last 6 years, LAWTON CHILES, as chairman of the Senate Budget Committee, has brought a reasoned, balanced attitude and a responsible, coherent message. In the face of rosy scenarios and blue smoke and mirror budgeting, LAWTON CHILES has demonstrated the quiet dignity and intellectual honesty that have made Senate Democrats proud to call him their leader in budget policy.

LAWTON CHILES came to the Senate in 1971, after a campaign effort that involved walking the length and breadth of Florida on a 1,000-mile trek. In that campaign and in the following two in 1976 and 1982, LAWTON CHILES placed a premium on listening and on common sense. He also voluntarily limited the size of the campaign contributions that he would accept. In a very real sense, LAWTON CHILES put his mouth and his ideas where his money was not.

On a personal note, I will always remember LAWTON CHILES' work on the Gramm-Rudman-Hollings balanced budget law. Although initially skeptical on the merit of this approach to budgeting, he, nevertheless, devoted

his considerable talents to making that law more rational and workable. He was unfailing in his willingness to listen to ideas for fine-tuning the law. When negotiations on Gramm-Rudman-Hollings would bog down, I was continually impressed with his steadfast adherence to the principles of good Government and sound economics, and I continually marveled at his even-temperedness in the face of pressure and provocation.

Given his sense of balance, no one would second-guess LAWTON CHILES' decision to leave the Senate after 18 years, as much as we might regret it. It takes a strong sense of self to turn away from the accumulated years of power and prestige in the Senate and to exchange them for the reflection of private life. But it is no surprise that the quiet confidence that LAWTON CHILES has demonstrated throughout his Senate career would lead him to this decision at a time of his own choosing.

I wish him and Rhea the best as they leave the hectic pace of the Senate for a well-deserved respite.

#### A SENATOR'S SENATOR— LAWTON CHILES

Mr. PRYOR. Mr. President, the Senate's loss will be the Nation's loss when LAWTON CHILES leaves this body at the end of the current session.

From those days back in 1970, when he was known as WALKIN' LAWTON, and when he traveled the backroads of Florida to convince the voters to send him to Washington, LAWTON CHILES has been known for his impeccable reputation and for his willingness to make hard decisions. He is truly a Senator's Senator.

As chairman of the Budget Committee, LAWTON CHILES has led us through some very difficult times. He has displayed that rare ability to say "no" and to make it stick.

LAWTON has been an example to us all in campaign finances. His \$100 limit on contributions and his refusal to take contributions from outside Florida are a goal we should all be striving to achieve.

It is through LAWTON CHILES' leadership that a number of procurement scandals have been uncovered. Indeed, he has been at the front lines of the battle to weed out Government waste wherever it occurs.

LAWTON CHILES authored the Government in Sunshine Act and the Paperwork Reduction Act. He has been an innovator in elderly needs, the problem of infant mortality, drug trafficking, and education.

We all regret that LAWTON has decided to retire at the end of this session. We certainly need his expertise and drive to continue chipping away at the budget deficits that confront this Nation.

Barbara and I want to wish him and Rhea a long and distinguished retirement. The people of Florida have been most fortunate in having LAWTON CHILES as one of their voices in Congress.

#### A TRIBUTE TO SENATOR LAWTON CHILES

Mr. BINGAMAN. Mr. President, at the close of the 100th session of the U.S. Congress, a dedicated public servant, Senator LAWTON CHILES, of Florida, will retire from the Senate and return to his home State of Florida. As one friend and colleague who will miss him, I would like to pay tribute to his many achievements.

Senator CHILES will always be remembered for opening up the Federal Government and enabling the people of this great Nation to better participate in its functions. His Government in the Sunshine Act of 1976 required regulatory commissions and other Government agencies to hold their meetings in public and open to the press. He was the force behind legislation that placed similar rules and reforms on Senate committee meetings. If this achievement does not sound significant, it is only because open meetings are now so common. Open public meetings were not the norm 12 to 15 years ago.

A watchdog of Government procurement in the 1970's, Senator CHILES led his Governmental Affairs Subcommittee through a series of investigations that exposed massive fraud and abuse. He exposed the Defense Department's practice of buying poor quality, undersized, and overpriced meat for the troops. His inquiry forced the military to overhaul its meat purchasing procedures. A 3-year investigation of the General Services Administration's contracts uncovered further and widespread fraud in other Government purchases. He went on to lead Congress in the development of better procurement policies and accountability measures.

After serving as the ranking member of the Budget Committee during the 98th and 99th Congresses, he became its chairman in 1987. As chairman, he performed the thankless task of passing budgets in a period of reduced spending. During this time, he did an admirable job of drafting a budget that would not be subjected to partisan holdups. In repeated acts of statesmanship, he urged compromise at a time when large deficits in the Government's Federal and current accounts placed unprecedented pressure on the United States to tighten its belt. This Senator supported his efforts and the budget plans he crafted as the very best plans that were presented to the Congress during my tenure as a Senator. They balanced

the need to reduce Government spending in certain areas yet allowed growth in other critical areas such as export promotion, economic development and education.

This past year, I had the privilege to work with Senator CHILES on the creation of Sematech. This important research organization aims to make this Nation more competitive economically. He recognized the importance of Sematech to our country's future and he clarified the conditions under which it was funded.

Mr. President, for 18 years the Senate has profited from this great Senator's labors. He served his home State of Florida and his country with a high sense of responsibility and dedication. I wish him and his family the very best as he leaves the U.S. Senate.

#### LAWTON CHILES LEAVES AS A WINNER

Mr. SANFORD. Mr. President, I am pleased to join in paying tribute to my distinguished colleague, the senior Senator from Florida, LAWTON CHILES. I remember the excitement he created in the Democratic Party when "he walked his way into the U.S. Senate" in 1970. His honesty, and enthusiasm, and down-to-earth manner brought a zephyr of freshness to Washington. He became a leader immediately, and most recently has led as chairman of the Senate Budget Committee, the Senate Appropriations Subcommittee on Labor, Health, Human Services and Education, and the Governmental Affairs Subcommittee on Federal Spending. His counsel, his wisdom, and his steadfastness have given us what protection we have had from the damage the administration has inflicted upon the budget process.

During the past 18 years, Senator CHILES has become a leading expert in budget and appropriations matters. He became chairman of the Senate Budget Committee in the midst of a runaway deficit, with an unprecedented and unacceptably high debt. Under his able leadership, we have made progress. The fiscal year 1989 budget resolution was agreed to in a timely fashion as were every one of our appropriations measures this year.

He leaves the Senate and the Budget Committee after setting the tone for change. This year our Budget Committee hearings focused on the future, not simply this year or even next. New ideas were explored that should lead to a greater role for international cooperation. He has helped to bring us to the edge of new challenges. He has bequeathed us creative ideas for improvements in budget construction and management, as well as the development of a national science policy, and a sounder fiscal approach to the protection of Social Security funds.

The gentleman from Florida, LAWTON CHILES, has chosen not to seek reelection. He leaves as a winner, walking to a more gentle way of life. The experience he has brought to Congress, his skillful leadership, his willingness to compromise and accommodate, his ready wit, and his kindness and patience will surely be missed.

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

Mr. BYRD. Mr. President, I understand there are two Senators who have a little morning business. How much time does the Senator need?

Mr. JOHNSTON. About 5 minutes.

#### EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes to accommodate Mr. JOHNSTON, and an additional 5 minutes be extended to accommodate Mr. ROTH and I then be recognized.

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

The Senator from Louisiana is now recognized for 5 minutes.

#### FAREWELL TO LAWTON CHILES

Mr. JOHNSTON. Mr. President, when the Senate adjourns sine die and the 100th Congress ends, we will be losing the service of one of our Nation's most dedicated legislators. I will be losing the company of one of my best friends. LAWTON CHILES is going home to Florida.

LAWTON arrived in the Senate 2 years before I did and in many ways paved the way for Senators like me to participate more fully in the legislative process. His efforts in passing the Government in the Sunshine and Senate in the Sunshine Acts substantially changed the way business is done here in Washington and provided Americans with enormously improved access to their government's operation. His work on this issue is the type of accomplishment that would serve to distinguish the careers of most lawmakers. But he has done much more for the Senate and for America than that.

Charged with what is by all accounts one of the most challenging and frustrating responsibilities, that of service on the Senate Budget Committee, the Senator from Florida has also emerged as a skilled, effective legislator. Having served closely with him there I can attest to his perseverance and ability on a host of difficult budget issues. As chairman of the committee in the 100th Congress, he was responsible for the rules change which resulted in the elimination of the usage of proxies in

the markup of the budget resolution. Today, we can see the direct correlation between implementation of this policy and the enhanced level of participation by Budget Committee members in markup but when LAWTON brought it before the committee, passage did not come easily. It took every bit of his tenacious will and hard work to convince his colleagues of what the years ahead would show to be a wise and prudent policy. Always ahead of his time and pulling, sometimes dragging, his colleagues into the future with him, LAWTON CHILES has ever been the visionary.

I have served with him both in a time of peace, here in Washington, and in a time of hostility when, on a Senate mission to El Salvador in 1982, our helicopter was hit several times by gunfire. Through it all he has maintained his courage and his sense of humor.

In other areas such as his close scrutiny of Federal purchasing and procurement practices or his efforts on the matter of our Embassy in Moscow, he has moved quickly and decisively. He will never be confused with a hesitant, slow-to-act legislator nor do his actions bear the opportunistic mark of a lawmaker, looking for good press and a so-called sexy issue. The difference in his case is that LAWTON is truly inspired by the needs of the citizenry. Luckily for all of us, in his 18 years in the Senate, he has never lacked such inspiration.

With his typical humility, he would probably refuse to agree that his taking leave of the Senate will be a great loss for his colleagues. Those of us here, however, can feel already the ineffable difference his departure will make. But just as he is a man of great faith, we too must hope that Florida will send us a new Senator of his caliber. That is a tall order. What I am sure of is that the Senate will never be quite the same without LAWTON CHILES.

#### TRIBUTE TO SENATOR PROXMIRE

Mr. JOHNSTON. Mr. President, for 31 years the Senate has been enlightened and enlivened by the contributions BILL PROXMIRE has made to our deliberations. He has one of the brightest, keenest minds ever to address the legislative agenda. His grasp of complicated issues is matched by his skill in cutting through rhetorical fog and procedural pettiness to get to the core of a problem. He dislikes extravagance, pomposity, and the failure to accept responsibility which so often characterizes the operations of big government, but he has chosen as his weapon against waste the rapier of wit rather than the bludgeon of abuse. No agency which ever received a

Golden Fleece Award from Senator PROXMIRE ignored it, or forgot the message he was sending.

He did his duty as he saw it, never missing a rollcall vote, accepting no campaign contributions, composing the speeches in favor of the Genocide Convention and arms control which he gave, day after day, on the Senate floor until his vision was shared by others. This stubborn independence suited his electorate right down to the ground: they returned him to the Senate with a margin of two-thirds or better in his last two races. It suited us, his colleagues, too. We will miss his courage, his capability, and his astonishing capacity for work—Wisconsin has been overrepresented in the Congress for the last 31 years, because BILL PROXMIRE has done the work of two legislators. We will miss him and we will remember him.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Delaware is now recognized for 5 minutes.

(The remarks of Mr. ROTH pertaining to the introduction of legislation appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

#### CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, is morning business closed?

The PRESIDING OFFICER (Mr. WIRTH). The time for morning business has expired.

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I am in a position to move to take up either the House drug bill or the Senate drug bill and that would be a nondebatability motion. I have sent word to the distinguished Republican leader that I would like to not necessarily go to either bill right now because there are discussions going on on both sides. I know that the Republican leader is having some discussions with Senators on his side right now with respect to drug legislation in the hopes that we can indeed compromise our inclinations to call up various and sundry amendments, and I think that I want to accommodate that effort.

Mr. President, I have just received word back from the distinguished Republican leader that he is agreeable to this consent request which I will make.

Mr. President, it would be my intention, if I were to make that motion at this time, to call up the House bill and offer the Senate core bill as a complete substitute for the House bill. I need not do that right now.

I ask unanimous consent that the rights that are presently available to any Senator who has the floor at this

moment to make a nondebatability motion be retained by me until I have had an opportunity to consult with the Republican leader at a later point and reach the decision at that time to go forward with the motion.

Now, that may be at 1 o'clock, it may be at 1:30, or it may be at 2 o'clock this afternoon, but it gives the leader on the other side ample time to discuss with his Senators what the options are and at the same time I retain my present option of going to that House bill as of now and it would not be debatable as of now.

So if the request I make is granted, I will retain those rights status quo throughout the afternoon or until such time as I wish to exercise that right after consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection to the request made by the majority leader? The Chair hears none, and it is so ordered.

Mr. BYRD. I also ask unanimous consent that that right only vest in me because I have the right right now. Nobody else has the right because I have the floor. I ask that that right vest only in me.

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

#### EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, now I ask unanimous consent that there may be a continuation of morning business for 10 minutes; that Senators may speak therein for up to 5 minutes each.

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

#### BASE CLOSING

Mr. BYRD. Mr. President, I understand that Mr. WARNER and Mr. NUNN are prepared to go forward with the conference report on base closing. There is a time limitation on that measure of 40 minutes, and once morning business is closed it would be a good time, if those two Senators would like to proceed, to go to the base closing bill.

I have nothing else at the moment that I wish to call before the Senate.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished leader. Indeed, the chairman of the Armed Services Committee, Mr. NUNN, and myself are prepared.

I understand that the Senator from Illinois, Mr. DIXON, who wishes to speak on this measure, S. 2749, together with the Senator from Alaska, Mr. STEVENS, have been alerted, and so far as I know we are prepared to go forward at the close of morning business

if it is the desire of the majority leader and the Republican leader.

Mr. BYRD. Yes. I thank the distinguished Senator. I have no intention of doing other matters at this time, so I would suggest that our respective staffs and Cloakrooms prepare for going to the base closing conference report.

Mr. President, I yield the floor.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I thank the majority leader for his courtesy.

#### CONDITIONS FACING HOME SATELLITE DISH OWNERS

Mr. GORE. Mr. President, I take this opportunity to briefly speak to my colleagues this morning about an issue that we considered in the Senate last Friday. Indeed, I enjoyed a debate with the present occupant of the Chair on this subject, and that is the inequitable marketplace conditions facing home satellite dish owners.

The amendment which I offered last Friday embodying the provisions of S. 889, which has been on the calendar for quite some time, failed narrowly, by only seven votes, a narrower margin than was the case when it came up the first time in the Senate 2 years ago.

If only four Senators had changed their votes the outcome would have been different. Mr. President, at least four Senators informed me that they would have changed their votes except for the fact that it came as an amendment to the tax corrections bill which many felt should move forward.

Mr. President, a good example of this dilemma was the case of my good friend, Senator MAX BAUCUS. I want to make certain that the many supporters of S. 889 from his State of Montana fully understand that Senator BAUCUS was necessarily compelled to vote to table my amendment, because he was caught in an impossible situation as floor manager of the tax corrections bill which was under consideration at the time my amendment was introduced.

MAX BAUCUS has been a vigorous supporter of fair viewing rights for home satellite dish owners in Montana and throughout the country. I have valued his assistance in advancing S. 889, and he has already made known his support of this or any future measure if we are able to bring it up as a freestanding measure.

He has been one of rural America's most energetic and effective advocates, not only in the area of telecommunications, but in agriculture, rural development, transportation, health care, and other issues. I look forward to working with my good friend and colleague from Montana as we continue to fight

for fair viewing rights for home satellite dish owners.

I make this point: That had the vote occurred on a stand-alone measure, I believe very strongly the measure would have passed.

I want to give notice to my colleagues that early in the 101st Congress, as early as possible, I intend to press this matter again. I feel very strongly about it. There is a rank injustice continuing where home dish owners are concerned.

During the debate last Friday we discussed several aspects of the issue which because of the time limitations were not fully resolved. I wanted to take these few moments to go back to a couple of items so my colleagues will have the benefit of the facts as they view developments in the satellite television marketplace over the next few months, in between now and the time we next debate this issue.

One issue that was unresolved in the debate was the suggestion by opponents of the amendment that there are already plenty of noncable distributors of programming for satellite dish owners, and that competition is occurring.

Mr. President, I have gone back to again check the arrangements cited in the debate. Two years ago the programmers refused to grant competitive arrangements to distributors who were not cable television companies or controlled by cable television companies. While opponents to S. 889 claim that a number of independent distributors are selling packages of programming, careful examination of these packages shows very clearly that these arrangements, with one minor exception that I will discuss in a moment, are a little more than resale agreements between programmers and distributors acting on commission from the programmer, and they do not receive wholesale prices and have no flexibility on terms to pass on to dish owners. So they are not truly independent competitive distribution systems. They are little more than programmer controlled deals which do nothing to advance competition. So the marketplace is not working at all and the prices are not driven down as a result.

In the much cited case of the National Rural Telecommunications Cooperative, I welcome that venture but it should now be clear that the NRTC contracts are not only restrictive but they come with wholesale prices in many cases much higher than the wholesale prices paid by cable operators.

The NRTC is prohibited by the programming cable powers from selling to home dish owning families outside their own limited geographical borders. So all but 15 to 20 percent of American families are eliminated from even this small marketplace opening.

So again the claim that the marketplace is working is simply not fact. Next, I want to restate what I believe is a clear analogy between the justice we are seeking for dish owners and the competitive boost given to cable operators in 1976 by the enactment of the compulsory license legislation. As my colleagues know, that law allowed cable television companies total access to local and distant broadcast signals by paying a small fee, a tiny fee, into a copyright pool to be redistributed to holders of the programming rights. In other words, we had a dominant technology, broadcast television. We had a new technology providing a new means of distributing the product—that is, programming—and the existing dominant technology wanted to restrict its fledgling competition from gaining access to the supply of programming.

Well, obviously that was unjust, and inconvenient. So the Congress stepped in. There was confusion and distortion in the cable and broadcast marketplace. The cable's ability to grow was being threatened by programming interests who questioned cable's right to retransmit programming to their customers.

So the Congress intervened to give the new technology a break, and to prevent those programming interests from refusing to allow cable to resell its services.

Mr. President, this is very similar to the situation now controlling the satellite television marketplace. The new technology is considered threatening by cable television. And because cable television has economic power over the programmers by serving as the source of 95 percent of their revenue and in many cases owning the programmers in question, they seek to deny competitive access to that programming to the owners of satellite dishes.

This injustice must be remedied. But you know, the Congress has stepped in before on other occasions to help out the cable television industry. In an earlier episode cable petitioned for Government regulation of the rates that cable television companies pay to utilities to string their cables on the poles arguing that utilities should not be able to charge whatever they please for this service. It was the right thing to do because the Congress acted to level the playing field, and bring order to a confused marketplace.

The consequence was an almost unparalleled growth by cable and the country is better off for it. Now, a little more than a decade later, cable is not a fledgling new industry. It is a powerful economic giant. The tables have now turned. The situation is different. It is an economic giant and now it feels threatened by a new technology embodying a new way to distribute the programming that the con-

sumers are really interested in seeing on their television screens.

So now the cable television industry is attempting to control access by the new technology to the programmer. So again the Congress should step in and say, "What is involved here is the public interest. These programs are created by the programmers, not the cable television industry. They should be accessible by the public, even those in rural areas, and the rates charged should be set by the marketplace, not by monopoly power used in collusive ways by members of this industry."

The 1984 Cable Act gave cable even more protections, and I think it is ironic that the cable television industry has such a short memory because what all of these special cable protection laws add up to a blatant case of corporate interests demanding to have it both ways—to have laws passed by the Congress allowing it to maintain its monopoly control of a product becoming increasingly important to American families, to be given special protections against competition and at the same time refusing to serve millions of families, and refusing others the right to serve those families on a competitive basis.

Mr. President, our opponents suggest that Government does not require an auto manufacturer to deal through any particular distributor, so it should not tell cable programmers that they must do so. However, the analogy is not valid. The Government does not protect auto dealers from competition from other dealers, as ironically, it does for cable. Nor does it give the dealer special, Government-regulated access to local property to build its dealership, as it does for cable.

So when the 101st Congress convenes, perhaps we should consider revisions in these laws. I think we need to protect the satellite dish owners, and the provisions of S. 889 represent the best and fairest way to do it.

Last week, we narrowly lost on a vote to table S. 889. If the marketplace does not dramatically improve over the next few months, we will be back again in January, in the 101st Congress.

I look forward to working with my colleagues on the Commerce Committee and the Judiciary Committee and with all Senators who are interested in these important issues. I just want to serve notice that I believe this is extremely important, and I will not rest as long as this injustice continues.

#### NEW ZEALAND KIWIFRUIT SUBSIDIES

Mr. CRANSTON. Mr. President, I have just been informed that the New Zealand Government is seriously considering a \$90 million subsidy to its kiwifruit industry. If New Zealand im-

plements this subsidy, the California kiwifruit industry will be placed in a severely disadvantaged economic position.

Between 1982 and 1986 imports of New Zealand kiwifruit increased four-fold. This increase was largely the result of earlier Government subsidies. At the same time, United States kiwifruit producers are losing a portion of their export market in the European Economic Community as a result of EEC subsidies which have spurred plantings of kiwifruit trees. Kiwi production is rising rapidly in the EEC, with Italy currently the second largest producer in the world. With these massive subsidies by the EEC and a new \$90 million subsidy by the New Zealand Government, it will be increasingly difficult for the United States kiwifruit industry to compete.

If this New Zealand subsidy proposal is not withdrawn, I hope my colleagues will work with me to find ways to prevent severe injury to our domestic kiwi growers.

#### FORMER SENATOR JENNINGS RANDOLPH

Mr. SIMPSON. Mr. President, I would like to call the attention of the Senate to an article by our former colleague and dear good friend, Senator Jennings Randolph. The article is entitled "On the Ballot," and appears in the current edition of U.S. Air magazine.

In it, the remarkable Jennings Randolph continues his lifelong crusade to get all Americans to exercise their voting rights. As we all recall, Jennings Randolph has a long and enviable record on "getting out the vote." He is the acknowledged author of the 26th amendment to the Constitution, which lowered the voting age from 21 to 18. He has made countless speeches—both on and off the Senate floor—encouraging citizens to vote and participate in the electoral process. He has, indeed, been tireless in his efforts to combat the increasing sense of apathy among voters. He recognizes full well the importance of participation by individual citizens in a democracy such as ours. He knows that when the voting turnout increases, all citizens benefit.

This article is yet another example of his deep concern and commitment to his country. Coming in this election year, the article is both timely and relevant. I commend its contents to my colleagues, and I commend my very fine and kind friend, Jennings Randolph, for his continuing efforts to "make a difference" for our country.

Mr. President, I ask unanimous consent that a copy of the article appear in the RECORD at this point.

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

#### ON THE BALLOT

(By Jennings Randolph)

Every election is important. It is the way Americans, living in a democracy, select their leaders. But this year's presidential election is especially important. For the first time in 20 years there will not be an incumbent president on the ballot. The choice will be between two men, neither of whom has called the White House home. The winner will live and work there for the next four—or maybe eight—years.

We should take the choice seriously. But what are we likely to do? If the predictions are correct, we will stay away from the polls in droves. The turnout in November is expected to be the lowest in 40 years as Americans become increasingly apathetic to the electoral process. More than 20 million former voters no longer bother, and fewer people are taking the plunge for the first time.

Four years ago in this space, I urged that Americans form themselves into "Battalions for the Ballot." The situation was critical then; today it is a crisis.

At that time we were next to last among the world's democracies in the percentage of voter turnout. Today, according to the Congressional Research Service, we have slipped even further. The United States now has the lowest rate of voter participation among the countries where free elections are enjoyed.

Our nation is endowed with many freedoms, hard won and jealously guarded. Prominent among them is the freedom to determine who will run our government, to choose the people who will make decisions that affect our lives every day. Under our system, voting is an inalienable right, not a privilege bestowed upon us by a higher authority that could just as easily take it away.

The right to vote, however, carries with it the responsibility to vote. We seem to forget that our way of life and the freedoms we enjoy can easily vanish if we are not careful, if we are lackadaisical about who we select as their guardians.

There are no valid reasons for not voting, only excuses. It is not enough to say that we disagree with the candidates, that they are not exciting, that the parties are corrupt, that politicians are self-serving frauds, that nothing can be done to really change things, or that our vote doesn't make any difference. Even if all these reasons were true—and they are not—they would not justify our failure to participate in the process. How else can we change conditions we do not like?

One of the most enduring popular myths is the one that says a single vote is not important. Many people know differently. Elections all across the country have been decided by just one vote. Rutherford B. Hayes was elected president of the United States by a single vote in the 1876 electoral college. That was just a few years after the impeachment of President Andrew Johnson failed by one vote. And at the outbreak of World War II, the military draft was approved by a single vote in the Congress.

There have indeed been close elections, but sometimes it is important to have a large vote and a wide margin of victory. It is almost certain that Ronald Reagan would have had far fewer successes in his eight years as president without the two overwhelming election wins that demonstrated his nationwide support. Even at that, this most popular of recent presidents was elected by less than half of those eligible to vote.

This year there will be over 182 million Americans of voting age, more than ever before. It should not also be a year when even fewer of us bother to vote. Let's accept our responsibility of citizenship and prove to those who are elected mayors, governors, legislators, members of Congress, city council members, and the new occupant of the White House that we care. It will help them do a better job. (Jennings Randolph of West Virginia was elected to the U.S. House of Representatives in 1932 and served through 1946. In 1958, he was elected to the Senate, in which he served through 1984. His achievements include authorship of the 26th Amendment to the Constitution, which lowered the voting age from 21 to 18. Sen. Randolph has never missed voting in an election since he became eligible 64 years ago.)

#### RETIREMENT OF SENATOR LAWTON CHILES

Mr. STENNIS. Mr. President, I rise today to pay special tribute to the distinguished Senator from Florida, LAWTON CHILES, who will be leaving the Senate at the end of the 100th Congress.

During my 41 years in the Senate, I have had the opportunity and privilege to work with more than 400 Senators. I have seen men and women with great ability and great integrity—and LAWTON CHILES ranks high on the list as a man of both ability and integrity.

For 18 years, LAWTON CHILES has been both a leader and a worker among us. His leadership on the Senate Budget Committee has been widely recognized on both sides of the aisle. As chairman of this powerful committee, he has shown a mastery of the budgetary process as he worked tirelessly to develop a plan of spending for the Federal Government.

I have had the great privilege to serve with Senator CHILES on the Committee on Appropriations and see his work as chairman of the Labor, Health and Human Services and Education Subcommittee. His contributions are many, but none more significant than those in the important field of education. He has championed the cause of education—and has been in the forefront in assuring that the young people of our country have every opportunity to have a quality education.

On a personal note, I have seen and admired the dedication and strong leadership that Senator CHILES has exhibited as a member of the Senate Prayer Breakfast. Week after week, I, as well as many others, have been encouraged and strengthened by the faith, honesty, and integrity that Senator CHILES has exemplified.

The Senate will undoubtedly miss this outstanding public servant. However, as he returns to private life, our country will certainly continue to reap the benefits of both his past and future contributions. My warmest

wishes go with him in his future endeavors.

#### SOVIET REFUSENIK BORIS CHERNOBILSKY

Mr. BIDEN. Mr. President, I am pleased to announce that I have received word that Boris Chernobilsky, a Soviet refusenik and former prisoner-of-conscience, has been granted permission to emigrate by Soviet authorities.

For 12 years Mr. Chernobilsky, a radio electronics engineer from Moscow, has sought to emigrate to Israel with his wife and children. During this period, Mr. Chernobilsky suffered greatly at the hands of Soviet authorities: he was fired from his job, served a 1-year prison sentence in a labor camp on a trumped-up charge, and was repeatedly harassed by agents of the KGB for his activities on behalf of Soviet refuseniks.

I have been following Mr. Chernobilsky's case since the spring of 1987, when I received a letter from his cousin in Israel asking for my assistance. I subsequently wrote to the Soviet Embassy requesting information about Mr. Chernobilsky. In response, Embassy officials informed me that he had been granted permission to leave the Soviet Union. Unfortunately, in Moscow, Boris Chernobilsky received different news: No exit visa would be forthcoming.

Last December, on the eve of the Washington summit, 25 of my colleagues joined me in bringing the Chernobilsky case to the attention of General Secretary Gorbachev. However, Mr. Gorbachev chose to ignore our letter, which prompted me to write him again just 2 weeks ago to make another plea for the Chernobilsky family.

Now it appears that our efforts have succeeded. But we have been down this road before, and I will remain cautiously optimistic until I learn that Mr. Chernobilsky and his family have arrived safely in Israel.

Mr. President, the release of the Chernobilsky family is gratifying to those of us in the United States and in Israel who have been working on their behalf. But let us not forget that there are thousands of Soviet citizens like Boris Chernobilsky who wish to leave the Soviet Union. While the recent increase in emigration is encouraging, the rate of departure still pales in comparison to the peak period of the late 1970's. If Mr. Gorbachev is serious about his commitment to opening up Soviet society, he must allow free emigration. Otherwise, skepticism about his sincerity will continue to serve as a barrier to closer ties with the West.

#### YUGOSLAVIAN HUMAN RIGHTS SITUATION

Mr. PRESSLER. Mr. President, I would like to take this opportunity to engage in a colloquy with our distinguished colleagues, Senator SIMON from Illinois and Senator D'AMATO from New York, regarding the deplorable human rights situation in Yugoslavia today. I have a high regard for their outstanding leadership on human rights issues.

It is widely acknowledged and documented that citizens of Albanian ethnic origin have been abused and mistreated by official authorities in Yugoslavia.

Would the Senator from Illinois agree with me that it is important for Americans to condemn the abuses that have been occurring in Yugoslavia?

Mr. SIMON. Mr. President, I certainly agree with my distinguished colleague, the senior Senator from South Dakota. Having read the almost daily news accounts on the Yugoslavian situation, I am disturbed at what seems to be happening over there. I am pleased that Senator PRESSLER initiated this conversation on a most troublesome subject.

Mr. PRESSLER. I thank my colleague. As he knows, there are about 2 million ethnic Albanians living in that country—most of them in the autonomous Province of Kosovo, where they make up more than 80 percent of the population. I might add that Kosovo is the poorest region of Yugoslavia and its unemployment is an astronomical 90 percent.

Mr. D'AMATO. Mr. President, I want to join Senator SIMON in expressing appreciation to Senator PRESSLER for initiating this conversation. We have many Albanian Americans living in the State of New York and they are keenly interested in the shocking abuse of the rights of Albanians who are Yugoslavian citizens. This situation is simply outrageous. The facts have been confirmed by many sources. Would the Senator from South Dakota care to tell us how we know that systematic abuse of Yugoslavian Albanians has occurred?

Mr. PRESSLER. Yes. First of all, we have the excellent news reports to which Senator SIMON referred. I must say that, while there have been many news reports in recent weeks, this really is an old problem. Hearings on this issue were held in the House earlier this year and again in 1986 and 1987. I have read some of the testimony from those hearings, and it documents that human rights violations against the Albanians in Yugoslavia have occurred repeatedly over the past several decades. And this problem seems to be getting worse.

Mr. SIMON. If the Senator will permit me—I agree with him that the problem is getting worse. We know that ancient ethnic rivalries and ten-

sions are among the most difficult to resolve, but there really is no excuse for the mistreatment of any minority. I'm sure that abuses have occurred on both sides, but being vastly outnumbered, Albanians have been getting the lion's share of the unnecessary punishment. I note, for example, Amnesty International's 1988 annual report which states that the majority of Yugoslavians charged with political offenses in recent years have been Albanians from Kosovo Province.

Mr. D'AMATO. I thank the Senator from Illinois for mentioning Amnesty International's report. I have seen it, too, and it shows that literally thousands of ethnic Albanians have been charged and convicted of so-called political offenses. Many of these were jailed for "hostile propaganda" because they were accused of supporting full republic status for the Province of Kosovo.

Mr. PRESSLER. I would like to add to what my distinguished colleagues have just said that the Amnesty report also discusses beatings and torture of Albanian detainees. Mr. President, I will ask unanimous consent that the Yugoslavia section from Amnesty International's 1988 Report appear in the RECORD at the conclusion of this colloquy.

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

Mr. PRESSLER. Mr. President, now that we have discussed the general nature of this problem, I would like to ask my colleagues whether they would agree that the solution to this problem is the granting of greater autonomy to the Albanians of Kosovo to manage their own affairs? I believe that is the only solution to a problem that seems to be getting worse on practically a daily basis.

Mr. SIMON. Senator PRESSLER, I am not sure what the perfect solution would be in this case. Yugoslavia has always projected itself as a model of ethnic harmony, yet the facts speak otherwise. I would say that each minority should have the right to preserve and practice its own culture, including its own language. If that requires more political autonomy, and I think it probably does, then the Albanians of Kosovo should have it. I am disturbed by reports that the national government intends to strip Kosovo of much of its current power to govern its own affairs. It seems to me that would just add fuel to the fire.

Mr. D'AMATO. I would agree with everything that has just been said by my colleagues. The Albanians of Yugoslavia have been picked on for years. The mobs of Serbians who have been stirring up ethnic tensions are led by prominent Yugoslav politicians who should know better. They are violating the Helsinki Agreement on human rights, and it looks like they intend to

further restrict what little local political autonomy now exists in Kosovo.

Mr. PRESSLER. I thank my colleagues for those responses. One is always hesitant to tell another society how it should deal with its problems. We have plenty of problems of our own. But what has been happening in Yugoslavia to the Albanian population is simply an international outrage. The country seems to be sliding toward civil war. Trying to make Albanians the scapegoats for Yugoslavia's 200-percent inflation and general economic chaos in itself is a crime.

In closing, Mr. President, I wish to thank Senator SIMON and Senator D'AMATO for discussing Yugoslavia's problems with me. I note that they have also joined me and other Members of Congress in a letter to Secretary Shultz urging our Government to speak out strongly to try to prevent a further deterioration of the situation in Yugoslavia.

Mr. President, I ask unanimous consent that the section of the amnesty report to which I referred be printed in the RECORD.

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

#### YUGOSLAVIA

At least 200 prisoners of conscience were held in Yugoslavia, of whom over 40 were convicted during 1987 of non-violent political offences under the federal and republican criminal codes. Many more were summarily jailed for up to 60 days for minor political offences. The total number of political prisoners was variously reported in the Yugoslav press as 500 and 800; other, unofficial, estimates were higher. Many political prisoners were denied a fair trial. There were allegations that certain political detainees had been ill-treated during pre-trial proceedings. Conditions in some prisons where prisoners of conscience were held were harsh. At least three people were sentenced to death and three others were executed, all for murder.

In recent years, the majority of people charged with political offences have been ethnic Albanians from Kosovo province, where since 1981 there has been continuing nationalist unrest. During 1987 tension increased in Kosovo province between the ethnic Albanian majority and the Serbian and Montenegrin minorities, who continued to complain of harassment and intimidation. In October federal police were sent into Kosovo to maintain order.

According to official reports from Kosovo, in the first eight months of 1987 police reported 31 ethnic Albanians for political crimes and 128 for minor political offences. On the basis of official statistics, between 1981 and October 1987 at least 1,500 ethnic Albanians from Kosovo were charged in regular courts with political offences and a further 6,650 were convicted of minor political offences under summary procedures. In addition, in September Yugoslavia's Defence Minister announced that since 1981, 1,435 ethnic Albanian soldiers had been discovered plotting subversion and armed rebellion in the army (such cases came under the jurisdiction of military courts, and were rarely reported in the press). Most defendants were accused of activities in support of

the demand for Kosovo to be given republic status and to cease to be part of Republic of Serbia, or for an Albanian republic to be created within Yugoslavia, composed of Kosovo and other regions with large ethnic Albanian communities, with a view to its eventual unification with Albania.

Political detainees were generally charged under Article 133 of the federal criminal code dealing with "hostile propaganda" or under Article 136 (and connected articles) concerning "association for hostile activity". One prisoner of conscience was Muharrem Kurti, an ethnic Albanian who went to Albania in 1981 and returned to Yugoslavia in 1987. In September a court in Pec jailed him for 18 months for "hostile propaganda". He was found guilty of writing letters from Albania to his brother in which he praised the activity of Albanian nationalists in Yugoslavia, "glorified" the Albanian nation and "insulted the Yugoslav political system".

In April, 10 ethnic Albanians went on trial in Pec. Charges of belonging to an illegal nationalist organization (under Article 136) were dropped, but they were then accused under Article 133 of writing and distributing pamphlets and hostile slogans such as "Kosovo Republic". A graphologist reportedly told the court that the texts had all been written by one person and that none of the defendants, with the possible exception of Musa Beqiraj, was that person. However, in May six of the 10 defendants were convicted: Xhavit and Musa Beqiraj were each sentenced to 18 months' imprisonment and four others received one-year sentences.

In April Januz Salih was sentenced to six and a half years' imprisonment in Gnjilane. He was convicted under Article 136, in connection with Article 114 ("endangering the social order"). He had been arrested in Belgrade in December 1986 after the Swiss authorities had refused his application for political asylum and forcibly returned him to Yugoslavia. At his trial he was accused of having joined an emigre organization called "Movement for an Albanian Socialist Republic in Yugoslavia" and of having propagated its goals among Kosovo Albanians living abroad. Further, he was said to have visited Albania in 1983 for two weeks. At his trial Januz Salih retracted much of his previous testimony alleging that he had given it under torture, an allegation which the court apparently did not investigate. He admitted to having taken part in demonstrations in Kosovo in 1981, to visiting Albania and to having been, for two months, president of a club for Kosovo Albanians living in Switzerland.

Besides ethnic Albanians, other Yugoslav citizens were also convicted of "hostile propaganda". In March Miladin Nedic, a mining engineer, was sentenced to three and a half years' imprisonment in Tuzla for statements he allegedly made at two parties and in private conversations. He was said to have expressed Serbian nationalist views and criticized the government. He also allegedly stated that freedom of expression was restricted in his country.

Two other prisoners of conscience, Fadil Fadilpasic and Ibrahim Avdic, both engineers, were also convicted of "hostile propaganda" in June in Sarajevo and sentenced to four and two years' imprisonment respectively. They were alleged to have advocated in private conversations the creation of an "ethnically pure Muslim republic" in Yugoslavia to be governed by Islamic law, and to have claimed that religious freedom was restricted and that Muslims were discriminated against in Yugoslavia. A third defendant,

Munib Zahiragic, an imam, was alleged to have advocated the use of arms to achieve an Islamic state in Bosnia-Herzegovina. He was sentenced to five years' imprisonment. Amnesty International sought further details of the evidence against him.

There was renewed criticism in the press and in public discussion of Article 133 of the federal criminal code, covering "hostile propaganda". On 10 December, International Human Rights Day, participants at a meeting organized by the Belgrade Institute for Criminological and Sociological Research called for its abolition on the grounds that it punished the expression of opinion and violated the International Covenant on Civil and Political Rights, ratified by Yugoslavia in 1971.

At least 10 prisoners of conscience were serving sentences, mostly of three or three and a half years, for refusing on religious grounds to do military service. Most were Jehovah's Witnesses, and several had already served a previous sentence for the same offence. Among those sentenced in 1987 were Oto Kukli, Benjamin Majcen and Joze Rakusa. In November the Constitutional Court of Yugoslavia rejected an appeal by a group of Jehovah's Witnesses from Maribor that the legislation providing for compulsory military service be declared unconstitutional.

The available information indicated that political prisoners were frequently denied fair trials. In several cases public officials or the press described defendants at guilty before their trials had taken place. For example, before Miladin Nedic's trial he was denounced in the press as a "proven nationalist" by the local committee of the League of Communists. He was subsequently convicted, largely on the basis of statements made by witnesses during pre-trial investigation proceedings which often differed significantly from their testimony in court. Defence attempts to find out what role the police had played in the preparation of the pre-trial statements were repeatedly blocked by the court. Press reports of the trial of Fadil Fadilpasic and his codefendants suggested that it suffered from similar flaws.

In a number of cases the courts appeared reluctant or unwilling to hear, let alone take account of, defence evidence. For example, Dobroslav Paraga was convicted in April by a court in Zagreb which refused to examine any of the defence evidence. He had been charged under Article 197 of the Croatian Criminal Code, dealing with "spreading false information". Two Slovenian journals had published articles which described the harsh conditions and ill-treatment he had experienced while a prisoner of conscience from 1980 to 1984 (see *Amnesty International Report 1981*). The court refused to hear any defence evidence, including testimony from his fellow-prisoners. However, it accepted the evidence of a fellow-prisoner and officials about whom Dobroslav Paraga had complained, who would have been liable to punishment if his allegations of ill-treatment had been accepted. He was sentenced to six months' imprisonment suspended for three years and a three-year ban on any form of public expression. This sentence was confirmed on appeal.

Some political detainees, mostly ethnic Albanians, were alleged to have been ill-treated during pre-trial detention. For example, information was received during 1987 from an ethnic Albanian who was imprisoned in the Military Prison at Ljubljana in 1983. He alleged that state security police kicked and beat him and others with batons and fists

on sensitive parts of the body such as the kidneys, the soles of the feet and stomach. Similar methods were reported to be used by security police in Pec, where one prisoner of conscience died in detention in suspicious circumstances in late 1986. Xhemal Blakaj was arrested on 3 November 1986 and sentenced the following day to 60 days' imprisonment after literature and tapes "with a nationalist content" were found at his home in Vrelle, Kosovo. He was said by the authorities to have committed suicide in Pec prison on 8 November 1986. His family were reportedly denied access to him from the time of his arrest until 11 November 1986 when they were instructed to collect his body—which is alleged to have borne marks of torture—from a hospital in Pec.

In May and June the daily newspaper Borba published a series of articles about political prisoners in Yugoslavia. In the absence of any official figures, it estimated their number at about 500. Another newspaper, 8-Novosti, put the figure at 800 in February. The Borba articles, which were based on visits to several prisons, were dismissive of complaints of harsh conditions and ill-treatment made by former political prisoners, including prisoners of conscience. However, they did describe poor to bad conditions in Zenica, Lepoglava and Goli Otok prisons. (In July it was announced that Goli Otok prison would be closed at the end of 1988.) The articles criticized the use in Croatia and Serbia of the regime known as "strict observation", whereby prisoners can be summarily deprived of many of their rights.

At least three people were sentenced to death, two for multiple murder and one for rape and murder. Three people were executed, all for multiple murder.

During 1987 Amnesty International worked for the release or fair trial of more than 240 people, the majority of them prisoners of conscience, and raised with the authorities a number of allegations of ill-treatment of prisoners. It also pressed for death sentences to be commuted. Amnesty International observers attended the trials of Miladin Nedec and Dobroslav Paraga. In July the organization published a short report, Yugoslavia: Conditions of Imprisonment of Prisoners of Conscience. Amnesty International received no response from the government to it appeals and inquiries.

#### YUGOSLAVIA MUST AVOID CIVIL WAR

Mr. PRESSLER. Mr. President, Yugoslavia is sliding toward civil war. The impassioned nationalistic rhetoric of Serbian Communist Party leader Slobodan Milosevic has whipped up a frenzy of Serbian animosity toward the Albanian majority in the Province of Kosovo and the ethnic minorities in the Province of Vojvodina. What is occurring today in Yugoslavia is the making of a tragedy of epic proportions.

Under the constitution of Yugoslavia, Kosovo and Vojvodina are autonomous provinces of the Republic of Serbia. For all practical purposes, at least since 1974, this arrangement has meant that the Albanians of Kosovo controlled their own local governments, courts, and police. Now the Serbian Communist leader Milosevic has

rabble roused Serbians to demand Yugoslavian constitutional changes that would establish greater Serbian control over the local government affairs of Kosovo and its Albanian Yugoslavian population. Current projections are that the Communist Party and Government of Yugoslavia will adopt those changes late next month.

This would be a serious mistake, Mr. President. Feeding the "Greater Serbian" aspirations of ambitious Serbian politicians could tear apart the delicate Yugoslavian ethnic balance. Reliable news reports from Yugoslavia in recent weeks indicate that Milosevic and other Serbian leaders have inspired or encouraged vicious, anti-Albanian activity. Mobs numbering in the hundreds of thousands have been provoked to demonstrate against the legitimate constitutional autonomy of the Albanians of Kosovo Province.

Many Slovenians have expressed concern that stronger Serbian control in the autonomous provinces will lead to greater Serbian influence at the national level. They believe such a course of events would diminish not only the Albanian but also the Slovenian, Croatian and other voices in the governance of Yugoslavia. If their fears become a reality, Yugoslavia as we have known it for the past 43 years will cease to exist. It will become a far worse place than it is now if one group of Yugoslavians, the Serbs, who constitute 35 percent of the nation's population, attempt to violate the unique Yugoslavian constitutional balance of ethnic rights and authority.

Albanians and Slovenians each constitute about 8 percent of the population; Croats about 20 percent; Bosnians about 9 percent; Macedonians about 6 percent; Montenegrins about 3 percent; and Hungarians about 2 percent. These minorities are unlikely to stand idly watching their limited existing political freedoms evaporate in a Serbian grab for power.

Mr. President, the Balkan region has had a notoriously tragic past. It would be equally tragic if that region's traditional ethnic tensions were allowed to explode into civil war—a situation that might tempt military intervention by outsiders who have only their own interests at heart.

I urge Senators to speak out more often on the Yugoslavian problem. We, who have had over 200 years of experience with federalism, should encourage Yugoslavian leaders to restrain the impulse to deny one minority—the Albanians of Kosovo—legitimate expression of their political and economic rights. Suppressing the Albanians will not solve Yugoslavia's principal problems—an inflation rate of 200 percent and a stagnant economy.

I also urge our own Department of State to employ its diplomatic talents in counseling Yugoslavian leaders to

avoid actions which might have major international repercussions reaching far beyond the Balkan region.

Mr. President, bullying the Albanians of Kosovo by making them into scapegoats for Yugoslavian economic woes is a major error of historic proportions. Surely there must be Yugoslavian leaders who have the sense of history, good judgment, and concern for the security of their nation to stop the slide toward national disintegration that is threatened by the rampant mob mentality prevailing in Yugoslavia today.

Mr. President, our own Department of State also has expressed concern over the ethnic tensions in Yugoslavia. I ask unanimous consent that an October 12, 1988 New York Times article on this be printed in the RECORD.

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

[From the New York Times, Oct. 12, 1988]

#### U.S. AIDES EXPRESS CONCERN OVER YUGOSLAV CRISIS

(By David Binder)

WASHINGTON, Oct. 11.—There was a moment last Friday when violent demonstrations in two regional capitals in Yugoslavia made United States policy makers apprehensive that the Communist leaders of that Balkan country were losing control.

The previous day, Serbian nationalist demonstrators throwing rocks and bottles had brought about the resignation of the Communist leadership in Vojvodina Province. Demonstrations continued there on Friday. A similar pro-Serbian demonstration on Friday in Titograd, capital of the republic of Montenegro, turned violent, too, and the Montenegrin Communist leadership offered to resign. But security forces intervened and the politicians stayed on the job for the time being.

"We were pretty apprehensive Friday night," said an Administration official who specializes in Yugoslav affairs. He said that if street protests gained momentum and continued to topple political leaders there was no way to say where the unrest would end.

Yugoslavia has been gripped by a steadily worsening economic crisis for more than five years, and sharpening political rivalries over the last 12 months have compounded the situation. They started out over problems with the ethnic Albanian minority in the south of the country and have turned into a power struggle between Serbia and the republics of Croatia, Slovenia and Bosnia-Herzegovina.

#### "ALL YUGOSLAV SOLUTION" IS HOPE

United States policy since March 1941 has been to support the independence and territorial integrity of Yugoslavia. In the aftermath of World War II—especially after the Tito Government broke with Moscow in 1948—some \$2.5 billion in American aid was sent to Belgrade. Now, although it is still under Communist rule, Yugoslavia is regarded by American policy makers as an essentially Western-oriented and independent country with a society that is more open than any in the Soviet bloc.

A senior Administration official said today that Washington remained hopeful there would be "an all-Yugoslav solution" to end

the current troubles and strengthen central authority, rather than the one-sided, Serbian solution that has been pushed in recent months by Slobodan Milosevic, the head of the Serbian Communist Party.

At the same time, policy makers here appear to be torn between their appreciation of Mr. Milosevic as a catalyst forcing through sorely needed political and economic changes and their fear that the Serbian leader, by playing on national passions, might create unbridgeable antagonisms in Yugoslavia's other republics.

"We don't like what is happening with the nationalist elements," the senior official said, adding that American policy makers were looking to the opponents of Mr. Milosevic to "speak out more and show that there are limits."

#### ECONOMIC FACTORS NOTED

The Reagan Administration's assessment of the unrest in Yugoslavia is that it is driven primarily by economic factors like the 217 percent inflation rate, the one million unemployed and the 10 percent drop in personal incomes. Even the latest nationalist outbursts were "70 percent economic" in origin, the official said. On the political scene, he said, it is a "generational" change.

The Administration has twice conveyed concerns to the Belgrade Government in recent months about the Yugoslav situation, he said, most recently in a talk last month between Secretary of State George P. Shultz and Foreign Secretary Budimir Loncar at the United Nations. The message was that while Washington felt the problems were essentially an internal matter, Yugoslavia's credibility as an economic partner was being damaged.

In addition, the official said concern had been registered about tensions between Slavs and ethnic Albanians in the province of Kosovo and the republic of Macedonia. "There are some pressures," to do this, he said brought by Representative Joseph J. DioGuardia, Republican of Westchester County, and Vice President Bush. Both sent letters on behalf of Yugoslavia's ethnic Albanians to Foreign Secretary Loncar last month.

#### A TRIBUTE TO SENATOR DAN EVANS

Mr. BINGAMAN. Mr. President, today I wish to pay tribute to one of the Senate's most respected members—Senator DAN EVANS of Washington. Senator EVANS exemplifies the qualities that all of us who have served with him have come to admire. He is an intelligent and thoughtful legislator who has added luster to this body by his studious and reflective approach to the legislative process.

He has admirably carried forward the legacy of his predecessor, Senator Henry (Scoop) Jackson. The State of Washington is fortunate to have had the benefit of his Senate service.

I have served with Senator EVANS on the Energy Committee since 1984. In those years, he has consistently elevated the quality of debate in the committee as we have considered such important national policy issues as nuclear waste disposal and siting, as we have discussed components of a national energy policy—including fuel ef-

iciency standards. His leadership on these issues and his commitment to effective public lands protection will be missed in the committee.

Senator EVANS came to the Senate with a long and distinguished career of public service. He served for 8 years in the Washington State Legislature. For 12 years he was Governor of the State, and for 6 years he was President of Evergreen College. This impressive background has made him an invaluable Member of the Senate, his breadth of experience benefiting all of us. We will miss the well-reasoned analysis of any issue he has taken an interest in.

While the Senate of the United States is often criticized for failing to live up fully to its label as the "greatest deliberative body on Earth," Senator EVANS clearly has never failed to live up to his reputation as one of its finest deliberative Senators. It is a better institution because of the standards he has set.

#### TRIBUTE TO SENATOR WILLIAM PROXMIRE

Mr. BINGAMAN. Mr. President, at the close of this 100th Congress, Senator WILLIAM PROXMIRE is retiring. This Chamber will not only lose a man whose achievements are legendary, but we will lose a man whose commitment to high ideals and strong character has led this legislative body to new heights. It is for these reasons, I would like to take a moment and pay tribute to him.

Senator PROXMIRE, chairman of the Senate Committee on Banking, Housing, and Urban Affairs, has caused major banking reform legislation to be passed, financial systems to be deregulated, and major housing laws to be developed. In particular, his truth-in-lending bill ended the era of surprises for consumers in banking. His Depository Institutions Deregulation and Monetary Control Act was instrumental in making it illegal for American corporations to bribe foreign officials. His ongoing fights with the Department of Housing and Urban Development exposed the inadequate funds spent on Federal housing subsidies.

His campaigns to expose wasteful Government spending have created an astonishing record of frugality and common sense. His legendary "Golden Fleece" award has been described by the Washington Post as "the most successful public relations device in American politics today." Since 1977 he has returned more than \$1 million to the Treasury by cutting back on his personal and committee staffs.

Evidence of his uncompromising moral character was exemplified in his fight for the U.S. ratification of International Genocide Treaties. Moved by the extensive massacres in the Pacific Islands and bent on possible preventing future such tragedies, Senator

PROXMIRE pushed untiringly for the Senate's approval of this convention. He spoke every day for nearly 20 years at the beginning of every Senate session on this topic. By 1986, when the Senate finally approved the treaty, he had made more than 3,000 speeches. He continues the practice of speaking to his colleagues each day on timely issues.

Probably the most remarkable legacy he has left this legislative body is his voting record. Since 1966, he has appeared, without a miss, for some 9,500 votes. This record shows his uncompromising dedication to the citizens of Wisconsin. In 22 years he has always fulfilled the trust they placed in him and represented their interests.

At the close of this 100th Congress, the U.S. Senate will most definitely lose an honorable legislator, who has set a high standard of uncompromised ideals and uncompromising character. As he leaves the Senate, I congratulate him on his truly outstanding record of public service.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

#### DEFENSE AUTHORIZATION ACT—CONFERENCE REPORT

Mr. NUNN. Mr. President, I believe there is a unanimous-consent agreement on the conference report on S. 2749. Is there a unanimous-consent agreement on a time limitation?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Will the Chair give us the outline of the unanimous-consent agreement?

The PRESIDING OFFICER. The unanimous-consent agreement is 40 minutes, equally divided.

Mr. NUNN. Equally divided between the managers of the bill?

The PRESIDING OFFICER. That is correct.

Mr. NUNN. I thank the Chair. Mr. President, I submit a report of the committee of conference on S. 2749 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2749) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their

respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. NUNN. Mr. President, I am pleased to bring before the Senate the conference report on S. 2749, the Defense Authorization Amendments for fiscal year 1989 and Base Closure and Realignment Act.

This conference report is the last major piece of national defense legislation from the Armed Services Committee in the 100th Congress. It contains legislation that few people in the Congress or the public held out much hope for earlier this year and at several intervals during the year, even after we made progress.

I am referring, of course, to the provisions in this conference report which provide for a one-time streamlining of the provisions and procedures under which the Department of Defense can close or realign military bases within the United States. If this legislation is enacted, we will establish a process that, in my judgment, will result in the actual closure and realignment of military installations, thus providing for a more efficient and less costly base structure to support our military forces.

The key to making the military installation structure more efficient and effective is to remove the current bureaucratic and legislative roadblocks to closing or realigning bases. Chairman Goldwater discussed the issue of base closures several years ago with Secretary Weinberger, but the Defense Department never really offered any useful or credible proposals in this area.

Base closing lists have been developed from time to time over in the Pentagon. However, the problems, within DOD and the Congress in actually closing a base have resulted in no major closures for over a decade.

Earlier this year, Defense Secretary Frank Carlucci—faced with bringing the 5-year defense plan back into line with fiscal reality—recognized the need to reduce the installation structure. After consulting extensively with the leadership of the House and Senate Armed Services Committees, a concept was developed that would have an executive branch Base Closure Commission but Congress would fashion legislation to review and implement the decisions.

In May, Secretary Carlucci formed a bipartisan Base Closure and Realignment Commission, cochaired by former Senator Abe Ribicoff and former Congressman Jack Edwards. This group of "wise men" was tasked by the Secretary with analyzing the

military base infrastructure in the United States, and providing the Secretary and the Congress with independent, bipartisan recommendations of which installations could be closed or realigned.

What was still remaining was the linchpin to making the Commission's work meaningful: a means of executing the Commission's recommendations in an expedited manner while preserving the need for strong congressional oversight. Title II of the bill before us is the Congress' response to this problem.

This bill, Mr. President, does three things to assist in the closing or realignment of bases that are excess to our current defense needs:

First, it establishes a process for arriving at a decision by the Secretary of Defense and review by the Congress.

Second, it provides the selective waiver of key laws which have delayed or frustrated previous closure proposals in the past.

Finally, it provides a flexible structure to fund the upfront costs of closing and realigning military bases prior to the time that the annual savings are realized.

This is what a lot of people do not recognize and understand—that when you close a base, you spend more money to begin with than you save. It is only over a period of time that savings are realized; but when they are realized, they can be very substantial, and they are recurring.

The process of developing and approving a list of base closures and realignments will involve the independent Base Closure and Realignment Commission, the Secretary of Defense, and the Congress. The Commission that was formed by Secretary Carlucci last May has held a series of public hearings regarding the requirements of our military base infrastructure, and the considerations which should be taken into account in developing a recommendation of bases to be closed. Secretary Carlucci consulted with the leadership of the oversight committees in naming the Commissioners. I ask unanimous consent that a list of the Commissioners be printed in the RECORD at the end of my speech.

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

(See exhibit 1.)

Mr. NUNN. Mr. President, the Commission will receive a study from the Secretary of Defense, which will also be provided to the Congress, concerning the closure or realignment of U.S. military bases overseas. This study is mandated in this legislation and must be completed by October 15 of this year. The Secretary had agreed with us prior to its passage that this was important information for the Commission to consider and so the study was started last spring.

The Commission must provide its recommendation to the Secretary of Defense by December 31, 1988. The Secretary then has until January 16, 1989, still within the current administration, to accept or reject the entire package or recommendations, and transmit his decision to the Congress. The Secretary cannot change the Commission's recommendations. He cannot pick and choose among the recommendations. His decision will be to approve all or nothing, and he will have to transmit his recommendation to Congress by January 16, 1989.

Transmitting the report to Congress will trigger an expedited review process. Congress will have an opportunity to review the Secretary's decision and, assuming he submits bases to be closed, could override it by a joint resolution of disapproval considered under expedited procedures during a period of 45 session days beginning on March 1, 1989. The joint resolution of approval could be vetoed by the President and if that veto were sustained the closures would take effect.

So, Mr. President, this is the three-step process by which the base closures and realignments could take effect. If the Secretary of Defense forwards the base closure package recommended by the Commission, there will be a substantial series of hurdles for anyone who wants to block it.

What happens if the package is approved? During 1989, the affected bases will not see any withdrawal of personnel related to the closure or realignment decision. During this year, the Department of Defense will be developing detailed plans for the closures, including the design of any new facilities which might need to be constructed at the gaining bases. Just as importantly, the Department will be working with the affected communities to identify any adverse environmental impacts of these actions and measures which can be taken to minimize these impacts. At the same time, we would hope that the affected communities would be developing reuse proposals for at least some of the excess property. These proposals will play a key role in the Secretary's ultimate decision concerning the disposal of excess facilities.

In order to expedite the completion of these actions, the bill addresses previous bottlenecks in two important areas: property disposal and environmental analysis and related litigation.

The proceeds from the sale of excess property will be an important source of revenue to finance the substantial costs of installation closures and moving missions to other bases. I should note here that the Commission's charter requires that any costs in these categories must be amortized over a 6-year period. This means that the savings from closing the bases

must be realized within 6 years. Most studies estimate that the annual savings from a leaner installation structure will far exceed the up-front costs. For this reason, the bill provides for the delegation of the property disposal authority of the Administrator of General Services to the Secretary of Defense. This way, the Secretary will be able to put a priority emphasis on the disposition of excess property. The proceeds from sales of defense property will go into a base closure fund to cover some of the up-front costs.

Despite this change in procedure, the Secretary will operate within the parameters of the Federal Property and Administrative Services Act. All of the opportunities which State and local governments now have for the low or no cost acquisition of excess Federal property for specific public uses will be preserved.

In crafting this bill, Mr. President, the conferees were particularly careful to weigh the potentially conflicting priorities of the Department of Defense and local environmental considerations. One of our objectives was to avoid the time consuming litigation associated with the National Environmental Policy Act [NEPA] which has often accompanied base closure proposals. In fact, NEPA has been used very effectively to prevent base closure. The bill waives the provisions of NEPA regarding the deliberations of the Base Closure and Realignment Commission and the decision of the Secretary of Defense whether to accept or reject the Commission's recommendation.

Once a closure decision is made, however, the Defense Department will have to perform the environmental impact analysis mandated by the National Environmental Policy Act regarding the potential impacts of any closing on any losing or gaining location. The conferees were sensitive to the importance of the public's participation in this process. Any adverse environmental impacts, as well as a range of compensating actions, must be identified before the Secretary of Defense actually implements any closure decision. This would be done during the 1-year delay on any closures this bill requires. It is important to note that none of the existing laws regarding the need to clean up toxic wastes is in any way affected by this law. The Department of Defense will still have to comply with all of these requirements.

The final section of the base closure title which I want to mention is the funding provision. The conferees envision three principal sources of funds to cover the up-front costs of base closures: annual authorizations and appropriations; transfers from other Defense accounts; and proceeds from property sales.

The bill establishes a special base closure fund into which funds from these sources would be deposited. The Department would then use these assets to pay for the many expenses associated with closures, such as the movement of personnel and equipment and the construction of replacement facilities when necessary. It is our hope that the Commission will be able to identify a number of parcels of high value, underutilized property which is not needed in the future which can be sold to provide a substantial revenue for the closure account. The rest of the funds would come through the normal authorization and appropriation process, during which time the Department would budget and justify their needs on an annual basis.

During the course of the conference on this bill, members expressed concerns about the membership of the Commission and about the independence of the Commission staff.

These were the main topics of discussion in our conference.

On Thursday, October 6, Chairman ASPIN, Congressman DICKINSON, Senator WARNER and I met with Secretary Carlucci and the two cochairmen of the Commission, former Senator ABE RIBICOFF and former Congressman Jack Edwards to discuss these and other issues. We complimented the Commission's leadership on the excellent progress to date and briefed them on the results of our conference.

We pointed out that the conference report expands the size of the Commission from the 10 members already appointed by Secretary Carlucci to 12. Secretary Carlucci and the Commission leadership were very receptive to some of the suggestions we had for additional people to serve on this commission to ensure its bipartisan character and the needed mix of skills and background for their very challenging assignment.

On the subject of the Commission staff, we have worked closely with Secretary Carlucci and the Commission cochairmen to insure that the Commission was served by a competent, professional and nonpartisan staff. We have stressed the need for outstanding staff from the outset based on qualifications and based on experience, and the Commission has made progress in this area.

We were concerned about it during the beginning months of the commission. We have remained concerned about the overall capability of the staff, but it has significantly improved, and I am confident the Secretary of Defense as well as the Commission cochairman understand the need for qualified, competent professional staff so that when we do have a report from the Commission it will enjoy the kind of sustained support that is necessary here even with these expedited

procedures because even with the expedited procedures we are going to have to have appropriations from time to time to supplement the account needed for these closures so a degree of credibility must be accorded the Commission work here in the Congress on both sides of the aisle, no matter who the President is, if we are going to see this succeed over a period of the next few years.

Mr. President, there were a lot of people who never really had much doubts about this legislation. I must say that from time to time I wondered whether we were going to be able to get it passed. We have had splendid support on both sides of the aisle.

We are passing this in a most difficult year where we have seen the main defense authorization bill vetoed and we have managed to put Humpty Dumpty back together again in that respect which helped pave the way for this legislation. Had we not been able to get a Defense authorization bill, my feeling is even though on its pure merits this bill should not have been affected, we all know in the real world there would have been a spillover effect and it would have been very, very hard to get enough support to pass this legislation because from a congressional point of view, even though Senator WARNER and myself, Congressman ASPIN and Congressman DICKINSON have all worked together on this from the very beginning. We have all believed necessary. We see the squeeze on Defense funds. We know we cannot afford excess bases that we do not need. We also understand the reality and the sensitivity in the communities of America that are so dependent in some cases on these bases at least in the short run and we know that that reflects itself here in the Congress.

So this is inherently a very difficult, sensitive, controversial legislation.

I think we do really owe a great deal to the Secretary of Defense for his initiation of this process and indeed I must say if there was not a strong degree of confidence in the Secretary of Defense, Mr. Carlucci, and in Abe Ribicoff, who served in this body, and I think he enjoyed the respect of people on both sides of the aisle, and also in Jack Edwards, who served in the House, and I think enjoyed the respect and still does of people on both sides of the aisle, these three people have credibility and without that kind of credibility by all of these individuals I think it would have been hard for this legislation to pass.

I look forward to reviewing the Commission's work with some degree of apprehension, but nevertheless with a degree of confidence that this is the right step and it is being taken at a time where the timing is absolutely essential.

The window is not going to be here very long. I think we look forward to receiving this legislation in the form of recommendations in December for the Secretary and in January for the Congress.

In addition to the legislation on base closing, this conference report contains several authorization provisions for fiscal year 1989 Defense Department programs, particularly in the area of military construction and multiyear procurement. I ask unanimous consent that a brief summary of the provisions of title I be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2.)

Mr. NUNN. Mr. President, I would say that Congressman ARMEY and Senator ROTH have really helped lead the way in this respect. Both of them have pushed us from time to time, and I have gotten a lot of phone calls from Senator ROTH. He has been very involved in this legislation, very interested in seeing that it is passed, and I thank him for his leadership and I also say that Congressman ARMEY on the House side has been a leader out in front on this issue, and so I congratulate both of these legislators for their efforts.

I also again thank my colleague, the Senator from Virginia. On this matter, as on almost all matters, we have worked very, very closely and without that kind of effort, we never would have seen this legislation pass.

I would also like to thank our capable staff on both the Democratic side, Bob Bayer, and also Ken Johnson on the Republican side, for their outstanding staff work.

I also want to pay special thanks to the staff members who worked on this legislation. In addition to Bob Bayer and Ken Johnson from our committee, this includes Alma Moore, Marilyn Elrod and Pete Steffes from the House Armed Services Committee. I also appreciate the very cooperative work from the Governmental Affairs Committee and the Environmental and Public Works Committee.

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

#### EXHIBIT 1

##### SECRETARY OF DEFENSE'S COMMISSION ON BASE REALIGNMENT AND CLOSURE

Honorable Jack Edwards, Co-Chairman.  
Honorable Abraham A. Ribicoff, Co-Chairman.

Mr. Louis Cabot  
Honorable W. Graham Claytor, Jr.  
Mr. Donald F. Craib, Jr.  
Honorable Martin R. Hoffman.  
General Bryce Poe, II, USAF (Ret).  
Dr. James C. Smith.  
General Donn A. Starry, USA (Ret).  
Honorable Russell E. Train.

#### EXHIBIT 2

##### NATIONAL DEFENSE AUTHORIZATION AMENDMENTS FOR FISCAL YEAR 1989 AND BASE CLOSURE AND REALIGNMENT ACT

##### TITLE I—ADDITIONAL FISCAL YEAR 1989 AUTHORIZATION PROVISIONS

##### SEC. 101 AND 102. ADDITIONAL AUTHORIZATIONS FOR MILITARY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Authorizes funds appropriated for several military construction projects that were not authorized in the fiscal year 1989 National Defense Authorization Act.

##### SEC. 103. ARMY AIR DEFENSE SYSTEM.

Clarifies the use of fiscal year 1989 advance procurement funds for the Army's Air Defense Anti-Tank System (ADATS).

##### SEC. 104. MULTIYEAR PROCUREMENT AUTHORITY.

Clarifies the authority of the Defense Department to enter into multiyear contracts.

##### SEC. 105. FIXED-PRICE DEVELOPMENT CONTRACTS.

Deletes the additional approval and reporting requirements specified for fixed-price development contracts by the Defense Appropriations Act.

##### SEC. 106. TECHNICAL AMENDMENTS.

Technical and conforming amendments.

##### SEC. 107. TERM OF OFFICE OF VICE CHAIRMAN OF JOINT CHIEFS OF STAFF.

Authorizes the President to extend until June 1, 1989 the term of the officer serving as Vice Chairman of the JCS for the term which began on February 6, 1987.

##### SEC. 108. REPORT ON CLOSE AIR SUPPORT ALTER-NATIVES.

Requires the Department of Defense to conduct certain studies regarding close air support.

##### SEC. 109. EXTENSION OF DATE FOR REPORT ON POTENTIAL START TREATY.

Changes the deadline for report on potential START Treaty from September 15, 1988 to March 15, 1989, and requires an interim report by December 15, 1988.

##### SEC. 110. TRANSFER OF CERTAIN OBSOLETE SUBMARINES.

Waives the congressional review period under 10 U.S.C. 7308 incident to the transfer of the obsolete submarine *Blenny* to the town of Ocean City, MD. and *Croaker* to the Buffalo and Erie County Naval and Service-men's Park.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join my distinguished chairman in complimenting indeed the many who have led the way.

The distinguished Senator from Delaware laid down a charter for this legislation many years ago and steadfastly reminded the Congress periodically of the need to go forward with it.

Then President Ronald Reagan and the current Secretary of Defense seized the initiative and approached the senior members of both the House and Senate Armed Services Committees, and sitting with the Secretary of Defense, our distinguished chairman from Georgia, the chairman of the House Armed Services Committee, Mr. ASPIN, Mr. DICKINSON and myself, over a course of some 5 months now, have devised this legislation and I am privileged to coauthor it with my colleague here from Georgia and to express our appreciation to others in this Chamber.

I see the Senator from Alaska, who has been a strong critic at times but recognizes the reality that this type of legislation simply has to go forward. Shortly we will hear from the distinguished Senator from Illinois who has had likewise some misgivings about the legislation but now recognizes that in the interest of national defense we have to go forward with this legislation.

The chairman mentioned the apprehension of the Members of Congress, and indeed as we approach our responsibility to vote on this momentarily, I am fearful that some will say "We are closing bases and we may close out my career in the Congress of the United States."

But I say to them that they can go back and I think face their constituencies with pride because every Secretary of Defense since 1947 with the passage of the National Security Act of 1947, and the creation of the Department of Defense, every single Secretary has desired to remove from the rolls certain bases and installations which in their judgment have not contributed in a major way to this Nation's defense.

They recognized that many of these installations were established at the very time our Nation was formed and they have grown in importance in terms of our history more so than their contribution to national defense.

This is a very difficult decision to face. I know in my own State, one of the original 13 Colonies, that we simply embrace all of the installations that we are privileged to have in the Commonwealth of Virginia. I have no idea whether the Base Closure Commission will come up with a recommendation in my State. But if they do, Mr. President, then I will join with other Members of the Congress and face that decision squarely, determine whether or not the commission acted properly, and then I say I am willing to take the heat if it becomes a matter of necessity in my own State that one of these installations has to be closed in order to cut the waste from national defense.

There is little that concerns our citizenry more across this land than the concern that the Department of Defense has certain inefficiencies and waste built in. As hard as we work here in the Congress, as hard as the Secretary of Defense works, such a massive organization simply has inherent in it a measure of waste.

We are about to take a historic step today, one that every Secretary has desired to take and indeed every President. President Johnson, if you go back in the records, tried twice to get similar legislation through. But then, with the advent of the Vietnam conflict, he recognized that he could not go forward with it. But now we are about to pass that legislation, and I

am confident, as is the chairman, that our colleagues will support it.

I say to my colleagues here in this Chamber and in the House that the realities are that they can go back and, with a measure of courage, face their constituencies and say they did the right thing in the best interests of the Nation and in the best interests of our national defense. I am hopeful that this issue will not be a decisive one in any campaign in the future.

Mr. President, unless the chairman has further words, I would suggest we allow our colleagues to say a word or two on this matter.

Mr. NUNN. Mr. President, how much time is remaining to each side under unanimous-consent request?

The PRESIDING OFFICER. The Senator from Georgia has remaining 5 minutes, and the Senator from Virginia has remaining 14½ minutes.

Mr. NUNN. Mr. President, I have a couple of requests on my side of the aisle. If the Senator does not use all of his time on his side, I would like to share some of that time so everyone could be accommodated. We may need to ask for additional time. If we do, we will share it equally. But I prefer to see if we can utilize the joint time of both of us.

Mr. WARNER. Mr. President, I will work with my chairman. I hope my colleagues, in discussing this, will bring out the potential cost savings. Our own calculations, consistent with the chairman's statement that early on you do not get savings, are indeed, that in 3 or 4 years it is anticipated anywhere from \$2 billion to \$5 billion per year from defense budgets can be saved by this measure.

Mr. President, at this time I yield such time as the Senator from Delaware may wish to take—3 or 4 minutes, as I understand it—to be followed by the distinguished Senator from Alaska.

Mr. NUNN. Mr. President, just one amendment. The Grace Commission said \$2 billion to \$5 billion. I think that is probably the range that we should expect here. The pessimistic side says \$2 billion, and the more optimistic side says \$5 billion.

But, nevertheless, the cost will be recurring, and if you even save \$2 billion a year over a 20-year period, you are talking about an awful lot of money.

Mr. ROTH. Mr. President, this is indeed a historic occasion—a historic occasion because we are taking a step that is controversial that many people said could not be done but is in the interest of our national defense as well as our efforts at deficit reduction.

I want to congratulate first the distinguished chairman of the Armed Services Committee, SAM NUNN, and the ranking member, JOHN WARNER, for their very, very significant role in getting this legislation enacted. It

could not have been done without them.

As I have already pointed out, many people said it never could be accomplished. I have to admit that the legislation has seen some very, very serious ups and downs. Some thought it would never see the light of day. But I am delighted to see that this sacred cow is finally being put out to pasture.

It has been at least 10 years—10 years, Mr. President—since we have closed down a base. And I have to say that I can understand the concern and worry of the individual Members about the possibility of having it happen in their district or State.

But the fact is that this legislation is good for national security, it is good for deficit reduction, and, most important, it is good for the American taxpayer. If we are going to do something about balancing the budget, the way it should be done is to eliminate unnecessary spending.

As has been pointed out by the distinguished Senator from Georgia, the Grace report has indicated that the amount of savings will be anywhere from \$2 billion to \$5 billion a year. That is not peanuts. That is a major reduction in the deficit in a time when I think we all agree that the conventional defense of this country is going to need bolstering and that is going to require funds. And so it comes at a very opportune time.

Mr. President, I would also like to pay my respects to the Secretary of Defense, Frank Carlucci, because, as has been indicated, this legislation would not be here today if it had not been for his strong leadership. DICK ARMEY, the House Member who I joined hands with many, many years ago to get this legislation enacted, called upon Frank Carlucci to help us. And he was already out in the lead. He was already out in the lead by creating a Commission that does have the warm respect of Members on both sides of the aisle.

I can think of no one—no one—more respected in the U.S. Senate than Abe Ribicoff, one of the two chairmen of this Commission. I would say the same is true of Jack Edwards—one a Democrat, one a Republican; one a former Senator, one a former Congressman. But it has been their strong leadership and bipartisan approach that has enabled us to make this tremendous progress today.

Finally, I think it is worthwhile to point out that Russell Train, a strong environmentalist, who has the respect of the environmental world, is also on this Commission. So that we know that environmental matters are not going to be overlooked as we move forward.

Mr. President, the effort is to take the base closing issue out of politics and do what is right in the interest of this country. I would just like to pay

at this stage my strong respect for DICK ARMEY, who played such a key role in developing this legislation on the House side. Time and again he stood up and fought for it when people said it could not be done. And if he had not had the courage over on the House side, we would not, as I said, be here today as we are.

So in closing just let me say I want to again express my appreciation and thanks to the distinguished chairman of the Armed Services Committee and the ranking member, who have played such a forthright, strong, and courageous role in bringing this legislation here today.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I simply ask unanimous consent at this time to have printed in the RECORD a list of all Commission members, which I think would be of interest.

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

DEFENSE SECRETARY'S COMMISSION ON BASE REALIGNMENT AND CLOSURE

Co-Chairmen: Representative Jack Edwards, Honorable Abraham A. Ribicoff.

Commissioners: Mr. Louis Wellington Cabot; Mr. Donald Forsyth Craib, Jr.; Mr. Martin Richard Hoffman; General Bryce Poe, II, USAF (Retired); General Donn Albert Starry, USA (Retired); Mr. W. Graham Claytor, Jr.; and Mr. Russell Erroll Train.

Honorable Thomas Eagleton; and James C. Smith III.

Mr. NUNN. Mr. President, I would yield to the Senator such time as he may desire. I have a request of Senator LEVIN and Senator BUMPERS and my time will inevitably run out while the Senator from Illinois is speaking. But at this point I would ask after my time runs out to take it out of the time of the Senator from Virginia and we will ask unanimous consent to get enough time from both of us at the end so the Senator from Illinois will not be interrupted.

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes. The Senator from Virginia has 8½ minutes.

The Senator from Illinois.

Mr. DIXON. Mr. President, despite my profound respect and admiration for the chairman of the Senate Armed Services Committee, the distinguished senior Senator from Georgia, and the ranking minority member, the senior Senator from Virginia, I rise in opposition to the final passage of S. 2749. While I support the provisions related to the Defense Appropriations Act for fiscal year 1989 and the technical corrections to the 1989 National Defense Authorization Act, I cannot support the provisions addressing the closure of military bases.

Mr. President, my opposition to this provision is well known. I spoke

against it when it was considered in committee, and led 2 day's worth of debate when it was considered by the Senate this spring. Finally, I argued for changes when the conference met earlier this week. While, I am pleased that my colleagues did defer to me on several issues during these debates, I am still not satisfied that this bill is in the best interests of the American people.

My abiding concern has been that the process by which bases are identified for closure be totally objective and nonpartisan. I believe that all of the defense installations should be considered—those overseas as well as those in the United States. This analysis must be done on a level playing field, one that does not tilt toward the preconceived notions and biases of the military services, or the regional or political interests of one area or political party. This will be a one-time opportunity to save potentially substantial sums of money. It is imperative that this study be done right, because there will not be a second chance.

I believe that the process which this bill affirms remains fatally flawed in several respects. I do not believe that we have a level playing field, and I do not believe that the Commission appointed by Secretary Carlucci has sufficient time or resources to do a credible job. I would like to explain why I have drawn this conclusion.

First, the Base Closure and Realignment Commission is only now really getting into the analysis of the Defense Department's 3,800 major installations in the United States; 3,800 bases, Mr. President, and not one of them has been visited by the Commission.

While I respect the expertise and the bipartisanship of the Commission, I remain concerned that it fails to reflect the regional diversity of this country, or the interests of State and local government officials who have a vital stake in this matter. I was successful in amending the Senate bill to mandate the expansion of the Commission from 9 to 15 members. I appreciate the fact that Secretary Carlucci has already added one more member, and that the conferees directed the addition of two more members. This will help broaden the representation on the Commission, but I still believe it falls well short of the sort of broad perspective which I believe ought to focus on this important matter.

I have likewise had concern regarding the competence and independence of the Commission staff. As we all know, staff plays an essential, sometimes controlling role in the deliberations of Commissions and committees. From the beginning, there was concern that the staff supporting the Base Closure and Realignment Commission would simply reflect the views of the military services, rather than

providing an independent analysis. For this reason, the Senate bill directed that none of the staff be Department of Defense employees.

I was pleased that the House also expressed these concerns and mandated that no more than half of the senior staff be Defense Department employees during 1988. The acceptance by the conferees of the House provision suggests that even my colleagues who support this initiative share my concerns about the independence and nonpartisanship of the Commission staff. I am aware that Secretary Carlucci and the Commission cochairs have been working to satisfy our concerns in this area. I confess that I remain very concerned that the Commission staff be equal to the formidable task before it, and that it provide the kind of independent, professional, and nonpartisan analysis which I believe every one of my colleagues supports and expects.

There was a great deal of concern that overseas bases be included in this analysis. Frankly, I would have preferred that the Commission review both overseas and U.S. bases. If communities are going to be asked to undergo significant economic and social upheaval through installation closures and realignments, I believe they have a right to expect that our bases overseas will receive the same scrutiny as those in Illinois, Alaska, or Michigan. I was pleased that we were able to amend the Senate bill to include an in-depth analysis of the overseas base infrastructure by the Secretary of Defense in this process. This report has been ongoing and is due on October 15 to both the Commission and the Congress. I am also pleased that the conferees supported the tougher Senate language which insisted that this study perform a rigorous scrub of our overseas bases—the same kind of analysis which the Commission will perform on the U.S. bases.

Finally, Mr. President, I have a genuine concern whether we have provided the Commission sufficient time to perform this difficult task. The Commission was formed in late May and has held a few public hearings. However, its efforts have been slowed by the persistent doubt about whether enabling legislation would be enacted. The Commission's staff, with the exception of a few Department of Defense employees who were loaned to it, has been very slow in recruiting the kind of top level, independent resources essential to this task.

By mandating the completion of the Commission's work by the end of this year, I believe that we are asking for exactly the kind of product which we are all trying to avoid. The reality is that the short time left to the Commission after enactment of this legislation will almost certainly lead to a rubber stamp of the military services'

closure recommendations—rather than an unbiased, independent analysis. This is the reality of the situation, Mr. President, and I believe every Member needs to understand it when he or she votes on this measure.

I argued hard in conference that the Commission's mandate be extended until June 30, 1989, instead of December 31, 1988. I felt that this adjustment would give the process an even chance of doing what we all profess we want done—a thorough and independent review. Many of my colleagues argue against this idea, saying that it was better for the outgoing administration to make this kind of hard decision. I take the contrary view.

I want the administration which will have to implement these closures to have a role in agreeing to the list. I also want the Commission to have the benefit of the new administration's views on force structure, and force deployment. I regret that this idea was not accepted by the Commission.

I know we need to close military bases, Mr. President. Even if we were not facing huge Federal budget deficits, we would be looking at closing bases—we simply have more than we need. I do not believe this Commission, however, can give us the kind of independent, well-thought-out base closing list that the public interest and our national security interests demand. For that reason, Mr. President, I am forced to vote no on this conference report.

#### CLOSE AIR SUPPORT

Mr. President, the issue of maintaining and improving U.S. close air support capabilities has major implications for our present and future defense posture. Close air support is an issue which deserves an exhaustive, independent, and objective examination.

My amendment which was accepted by the conference committee is the same amendment which had been made a part of the fiscal year 1988 Defense appropriations bill passed by the Senate. It was not included in the Defense appropriations conference report because it was felt by the conference members that the amendment should be on the authorization bill, not a money bill.

The close air support language simply requires that the Secretary of Defense review all the close air support studies now going on by the Air Force and the Army. The amendment further requires that the Director of Defense Operational Test and Evaluation develop a plan outlining a potential "fly off" between existing aircraft that could be considered for the close air support mission. The final part of the amendment requires the Secretary of Defense to assess the feasibility of transferring the close air support mission from the Air Force to the Army.

Mr. President, I ask unanimous consent to print in the RECORD my statement of August 11, 1988, which outlined the need for this amendment.

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

Mr. DIXON. Mr. President, during the reconsideration of last year's defense authorization bill, we began to take a very careful look at our conventional forces and to stress the importance of commonality of systems within the services. At that time I raised the issue of the need to look into the commitment by our Armed Forces to the vitally important close air support programs and the possibility of using one aircraft to satisfy this mission.

At my request, Senator LEVIN, chairman of the Subcommittee on Conventional Forces and Alliance Defense, held a hearing just a few months ago to address the critical need of the U.S. Army for close air support. Close air support is a term used to describe the way the Air Force uses aircraft along the front line in support of combat land forces. The aircraft used in this mission drop bombs on the enemy and use cannons to hit enemy vehicles. Close air support provides heavy firepower to counter quantitative advantages the enemy has in armor.

The problem we have, Mr. President, is that the Air Force has never given very high priority to close air support. You do not become an ace by killing tanks in the Air Force. The Air Force has plans to spend \$12 billion over the next 7 years to develop a new fighter, but plans to spend almost nothing to modernize the fleet of aircraft which provides close air support for the Army. What the Air Force wants to do is take a great fighter plane, the F-16, and make it a close air support aircraft. Yet many experts throughout the defense community have pointed out that this great fighter plane is not a very good aircraft for close air support because it cannot maneuver very well when flying at low levels with a load of bombs. The Army off the record believes the Air Force will use them for other missions when the war starts. As I said earlier, you don't become an ace by killing tanks, Mr. President.

Mr. President, it is obvious to me that the Air Force has no intention of conducting a serious modernization of the Close Air Support Program. I am afraid the Air Force intends to just compromise on the issue by proposing to use the F-16 and call it the A-16. Gen. Roger D. Russ, Commander of the Air Force Tactical Air Command was quoted by Aerospace Daily as saying "A-16 is the best option we have seen for the close air support mission."

Well, Mr. President, this is the type of thinking that has cost this country's taxpayers millions of dollars in wasted moneys. The Air Force seems to forget that the marines are flying a plane designed for close air support—the AV-8B. Now it is just my opinion, but I think the Marine Corps knows a heck of a lot about close air support. Senator CARL LEVIN, chairman of the Conventional Forces Subcommittee on which I serve, has pointed out, in his excellent report on the results of his European trip last year to observe NATO conventional forces, the importance of reducing our dependence on fixed air bases. His recommendation on how to avoid this dependence which increases our vulnerability to Soviet attacks is to procure significant numbers of V/STOL aircraft like the AV-8B.

Mr. President, I was going to offer two amendments which I felt were required to bring this important issue to a head. At this time I ask unanimous consent to have these two amendments printed in the RECORD.

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

#### DRAFT AMENDMENT

"On page 114, below line 22, insert the following:

"SEC. 8127. The Secretary of Defense, through the Director of Operational Test and Evaluation, shall make the selection of an appropriate interim close air support aircraft and shall conduct the testing and evaluation necessary for making the selection. In connection with the evaluation, the Director shall supervise a "fly-off" competition among the AV-8B aircraft, A-10 aircraft, A-7 aircraft, and all other aircraft which can reasonably perform the close air support mission.

"On page 114, below line 22, insert the following:

"SEC. 8127. Not later than March 1, 1989, the Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for expeditiously transferring the Air Force close air support function to the Army."

Mr. DIXON. The first of the amendments I have just placed in the RECORD would not have forced the Air Force to buy any specific airplane. The amendment would have simply taken the decision authority on the close air support aircraft away from the Air Force and given it to the Secretary of Defense. The second amendment would have required the Secretary of Defense to report to Congress no later than April 1, 1989, on the feasibility of transferring the fixed wing close air support mission to the Army, beginning with the defense budget submission for fiscal year 1991.

However, Mr. President, after discussing the issue with my colleagues on the Appropriations Defense Subcommittee and having our staffs working together, we have come up with a compromise which I understand both sides have agreed to. The amendment, which is at the desk, requires the Secretary of Defense to conduct an independent assessment of the Air Force and Army analyses and studies of close air support aircraft alternatives for an interim period and after the year 2000. This assessment will include both new aircraft and modifications of existing aircraft, and as a minimum, the A-7, the F/A-16, the AV-8B, and the A-10.

The amendment further requires that the Director of Defense Operational Test and Evaluation develop and operational test plan for a competitive flyoff of close air support alternatives. This test plan will be developed no later than March 31, 1989, after consultation with the proper offices in the Army, Marine Corps, and Air Force. The amendment further requires the Secretary of Defense to assess the feasibility of transferring from the Air Force to the Army, the close air support mission, beginning not later than fiscal year 1992. The Secretary shall provide to the Committees on Appropriations and Armed Services of both Houses an interim report in March of 1989 and a final report by December 31, 1989.

Mr. President, I appreciate the help that my friends on the appropriations committee have given me on this important issue.

Whatever the final recommendation of the Secretary of Defense on the proper air-

plane for close air support, it is critical that we move forward to meet the close air support requirements. This mission must be elevated to a high priority within the Defense budget. The defense of our ground forces is critical to meeting any conventional threat.

Thank you, Mr. President.

(The remarks of Mr. DIXON as above set forth, by unanimous consent appear without interruption. However, during his remarks, the following occurred:)

The PRESIDING OFFICER. All time under the control of the Senator from Georgia has expired.

Mr. DIXON. I ask unanimous consent for an additional 6 minutes.

Mr. WARNER. Mr. President, regrettably, I am going to have to object. I understand there is a Member who will object to any further extension of the time should it be requested by the chairman or myself.

In that context, will the Chair advise the Senator from Virginia the remainder of the time that the Senator from Virginia has?

The PRESIDING OFFICER. The Senator from Virginia has remaining 8 minutes and 20 seconds.

Mr. DIXON. Mr. President, I want to express my shock at an objection to the completion of these remarks by a Senator who is accommodating in committee, on the floor, and in the conference and waived his right to speak at length against this legislation, notwithstanding his profound objections to parts of it.

I am absolutely shocked that a colleague for whom I have high regard would make an objection to my completing my remarks, which will take about 6 minutes.

The PRESIDING OFFICER. The Senator from Virginia controls the time.

Mr. GARN. Mr. President, reserving the right to object.

Mr. WARNER. Mr. President, I yield to the Senator from Utah.

Mr. GARN. I reserve the right to object. I will withdraw my objection. The Senator from Virginia is fronting for me. And I will do it to allow the Senator from Illinois to finish, but then if there are any further requests for an extension, I will object.

Mr. NUNN. Will the Senator from Utah just allow a brief observation? We have had splendid cooperation from people on both sides of the aisle in getting this legislation to this point. We need another 10 minutes on each side, which will be a total of about 20 minutes, which will allow us to vote on this on or before 12:30.

I hope he would not object because we are going to have a lot harder time getting agreements again if the time on our side is completely expired on the understanding we were going to share time after ours expired and yet on the other side of the aisle, the Sen-

ator from Virginia has several people who want to speak.

We are going to make ourselves a more difficult situation on the floor later if we do not get another 10 minutes.

Mr. GARN. If the Senator will yield, I will respond to that. I have no objection to this particular legislation, or those who are speaking.

The Senator from Utah, after 14 years in this body, gets rather tired when we stay late nights, when we cannot adjourn sine die with the same old game of colleagues who feel compelled to speak on this subject or others.

I was no party to the time agreement. If somebody had asked for 2 hours and that had been the agreement, fine. But the Senator from Georgia knows exactly what I am talking about. We love to hear ourselves talk. It makes absolutely no difference in the outcome of the votes.

Whatever the votes are, they will be the same regardless whether we have 10 minutes more or 20 minutes more or half an hour more. They will go in the record just as well. We can mail them to our constituents and say how great we are.

The Senator is objecting in general to, when we agree to time agreements, it happens almost all the time, and the Senator knows it—"I just need another 5 minutes. I have got to respond to what that Senator said. My goodness, the fate of the country lies on what I say and if it is not in the record, my goodness." The Senator from Illinois is smiling. He knows I speak the truth. Some of us would like to get through. The best thing we can do for this country is shut the Congress down and go home and make them safe until January.

For the first time in 12 years we actually did what the Constitution of the United States requires us to do. We passed all 13 regular appropriations bills before the end of the fiscal year.

Mr. NUNN. Mr. President, I ask unanimous consent that none of this time come out of the agreement.

The PRESIDING OFFICER. Is there objection? Is there objection to the unanimous consent request made by the Senator?

Mr. GARN. If I could finish my statement.

Mr. WARNER. We have an arrangement. The rules of the Senate say I am going to yield my time to you—

The PRESIDING OFFICER. The Senator from Georgia has propounded a unanimous consent request. Is there objection? The Chair hears none, and the time is controlled by the Senator from Virginia, who has remaining 8 minutes and 30 seconds.

Mr. WARNER. Mr. President, under the unanimous-consent request which

has just been voted on, I have another 10 minutes.

The PRESIDING OFFICER. The unanimous-consent request propounded by the Senator from Georgia was that the statements made by the Senator from Utah not come out of the time of the Senator from Virginia. The Senator from Virginia has now remaining 8 minutes and 30 seconds.

Mr. WARNER. Mr. President, then I will join my colleague from Georgia and, at this time, propound to the Senate a unanimous-consent request that the Senator from Virginia be given another 15 minutes during which the Senator from Texas, the Senator from Alaska, the Senator from South Carolina will have an opportunity to speak.

Mr. LEVIN. Reserving the right to object, does the Senator have any time that he can allocate?

Mr. NUNN. If the Senator would withhold that, may I propound a unanimous-consent agreement on behalf of both of us? I agree with much of what the Senator is saying, but in this case, the managers of the bill, frankly, underestimated the number of people who wanted to speak. We were not able to consult with everyone. We had splendid cooperation. There are people who strongly oppose this legislation, but are not holding it up.

I think under these conditions, we will get out sooner if we extend the time on this bill because many times frustration pours over to other bills. I think we would be much better served if we go ahead and ask for another 20 minutes to be equally divided.

Mr. President, I propound a unanimous-consent request asking for an additional 20 minutes to be equally divided between the Senator from Virginia and myself.

The PRESIDING OFFICER. Is there objection?

Mr. GARN. Reserving the right to object, and I will not object, but I will object if there are any further requests beyond this 20 minutes and will finish my statement and reservation to object.

For the first time in 12 years, the Congress did what the Constitution requires us to do: We did our appropriations bills before the end of the fiscal year without a continuing resolution; we did not scare the Social Security recipients and the Federal employees. We were not smart enough to declare victory, and shut up and go home until January.

I hope that we can end this game that has been going on for the last 2 or 3 weeks and adjourn sine die. I will not object to this 20 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

The Senator from Georgia has 10 minutes; the Senator from Virginia has 18 minutes.

Mr. NUNN. Mr. President, I yield my colleague from Illinois 3 minutes, the reason being I have the Senator from Michigan and the Senator from Arkansas and so I yield the Senator from Illinois 3 minutes knowing that he is, when pressed, able to summarize and be very concise and yet be very emphatic and make his points with a great deal of effectiveness.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DIXON. Mr. President, in the spirit of accommodation, I will place my statement in the RECORD, but I want my colleagues to know, as they do well know, that I have accommodated each and every one of them on every occasion in the committee, in the conference, on the floor in reference to this. I had indicated to each of the managers that I had a statement to make. I have no personal quarrel with my friend from Utah who I am happy was able to vent his spleen on his birthday, and I wish him a happy birthday, but I cannot conclude the brief remarks I had in 3 minutes and would not impose upon my colleagues by taking additional time.

Mr. WARNER. Mr. President, how much time does the Senator from Illinois desire? The Senator from Virginia would like to give time from this side of the aisle. He asked for 6 minutes. I will be happy to yield 3 minutes, that will make a total of 6 minutes, and the chances are we will not interrupt you if you run over for another 6 seconds.

Mr. DIXON. I thank my friend from Virginia for the accommodation.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Georgia.

Mr. NUNN. Mr. President, I want to thank the Senator from Illinois. He has fought hard for principles he believes in on this legislation. He has not always prevailed, but he has made a very constructive contribution to the legislation. The changes he has proposed have made the legislation strong. Even though he is voting against it, I thank him for his cooperation.

Mr. WARNER. Mr. President, I join with the distinguished chairman in recognizing the contributions by our member of the Senate Armed Services Committee. He knows full well he could have blocked this legislation at one or two junctures in this process. But he decided to allow this conference to work its will.

I think in the interest of national defense that decision was a better one.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time as the Senator from Alaska may require.

● Mr. COHEN. Mr. President, I would like to make known my opposition to the Defense Authorization Amendments and Base Closure and Realignment Act.

In 1976, I cosponsored an amendment that was designed to enhance the oversight capacity of the Congress in matters pertaining to major base closures and realignments. The amendment required that the Department of Defense provide the Armed Services Committees of the House and Senate with reports detailing the full fiscal, economic, budgetary, and military effects of certain, specified base closures and reductions. The reports did not constitute a legislative veto; rather they represented an attempt to seek a complete explanation and examination of a major military action.

The amendment required the Secretary of Defense to:

First, notify Congress when a military base was a candidate for closure or significant deduction, reduction of 1,000 civilian personnel or 50 percent of the level of such personnel authorized as of March 1, 1976;

Second, comply with the National Environmental Policy Act;

Third, notify Congress when a final decision was made and provide a report detailing the estimated fiscal, local economic, budgetary, environmental, and operational consequences; and

Fourth, wait 60 days following the decision. This would give the Congress time to enact remedial legislation where base realignment decisions could be shown to be clearly incorrect and unjustified. It also would allow time for those affected to make plans to accommodate the decision in an orderly manner.

The provisions of the amendment were enacted into law on August 1, 1977. I believe these provisions are fair and reasonable. They ensure that Congress plays a full and vigorous role in important decisions concerning issues of national security and the economic health of our country. It is a constitutional and rational exercise of congressional power.

Decisions on base realignments are the prerogative of the President. However, the Congress has a commensurate responsibility to review base realignment decisions just as it reviews any executive branch program that affects expenditures of funds and impacts on the environment and people's lives.

According to the Department of Defense, the base closure notifications are onerous and counterproductive. Perhaps a good case can be made for streamlining the base closing process, and Congress should address that question.

Congress is involved in decisions to open military bases, it should play an equally significant role in determining whether to close them. It would be an abdication of our duties to give up primary responsibility in this area to an unelected commission. As the Wall Street Journal recently stated, "the Army-Roth device is yet one more example of officials in Washington off-loading unto a "commission" the responsibilities they are presumably elected to exercise themselves."

Mr. President, I continue to have strong concerns about whether, in fact, this Commission created by the pending bill will conduct an independent investigation rather than simply provide a patina of legitimacy for a preordained Defense Department decision. Therefore, I intend to vote against this measure.●

Mr. STEVENS. Mr. President, first I want to say the floor procedure seems to be flawed. Those opposed to this bill should have been in control of the time in opposition. In any event, I think my friend from Illinois has spoken well. I shall not vote on this bill today because, in deference to my good friend from Maine, Senator COHEN, who has an illness in the family, he asked me to give him a pair.

I want to state my reservations about this process because as the Senator from Illinois has pointed out, the question of overseas bases has not been addressed at all. Mr. President, no member of this commission represents the coming generations of the United States. I have felt and I have expressed here on the floor many times that the coming generations of Americans will not continue to support the maintenance of troops overseas the way we have. Those of us from the World War II era have felt differently about this and we have maintained these forces overseas. But now we see the public pressure on us regarding United States commitments in Europe, in Korea, and in Japan.

As I travel throughout the United States, young people ask me why do they have to be there in such great numbers; we no longer rely solely upon ocean transportation to take our troops overseas in the event of an emergency. Air transport can reinforce overseas troops rapidly.

While I still maintain support for NATO, I am not certain we need to maintain the number of troops we have there to assure our commitment. Certainly the review of Korea, Japan, and the Philippines commitment is not complete. Yet, under this bill, the Commission must be advised of the infrastructure plans with regard to overseas bases by the Defense Secretary between now and October 15—just 3 days from now.

Mr. President, there are other defects in this bill. The cost to maintain our commitment overseas in the

NATO area alone is over \$100 billion a year—that's personnel, operations, and procurement of replacement equipment costs.

In Japan personnel and operation costs are now approaching \$3 billion, in Korea \$4 billion. This bill, if it closes every base they have on the list, and the Grace Commission estimates prove true, we will save about \$2.5 to \$3 billion a year. That is like turning off the lights in the White House. Compare these savings to the increasing costs because of our dollar devaluation abroad. We should have some study related to that cost and set some ceiling. The reason some bases may be closed at home is because the costs overseas have increased more in this year alone than this bill will save—and that's the cost to maintain existing commitments.

Now, we need to address the cost of overseas deployment, not just have some statement from the Secretary concerning how much this overseas deployment means to us and no bases overseas should be included in this report. The Senator from Illinois and I sponsored provisions in the Senate passed bill to address these overseas considerations. I am saddened that the provisions are not in this conferenced product.

Let me comment on one other aspect of the bill as a member of the Appropriations Committee. Title I pertains to "additional fiscal year 1989 authorization provisions." I was alarmed yesterday to receive a copy of a letter addressed to the chairman of the Armed Services Committee—I presume it was addressed also to the distinguished ranking member—from the Secretary of Defense asking for committee approval to proceed with the obligation of funds and execution of the programs that were supported by the fiscal year 1989 Authorization and Appropriations Acts by this Congress and signed into law.

I ask unanimous consent that this letter be placed in the RECORD.

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

THE SECRETARY OF DEFENSE,  
Washington, DC, October 7, 1988.

HON. SAM NUNN,  
Chairman, Committee on Armed Services,  
Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Committee reports that support the FY 1989 Authorization and Appropriation Acts contain like programs at variance in dollar value. The enclosed list identifies such programs.

It is requested that Committee approval be granted to proceed with the execution of these programs in an orderly manner.

Sincerely,

FRANK CARLUCCI.

FISCAL YEAR 1989 RDT&E APPROPRIATED—NOT AUTHORIZED

(In millions of dollars)

	Amount
ARMY	
0603105A: AIDS Research	18.2
0603802A: Weapons and Munitions Technology	20.0
0102814A:	
Special programs	15.0
Hypervelocity missile	30.0
0603757A: FAADS (FOG-M)	10.0
0604770A: EW Equipment	9.0
0604770A: JSTARS	3.6
0203745A:	
Weapons/Munitions Upgrade	7.0
Dragon III	5.5
Maxi-Cube Cargo Handling System	10.0
<b>Total</b>	<b>108.3</b>

	Amount
NAVY	
0602131M: USMC Landing Force Technology	4
0602233N: Mission Support Technology	2.1
0602234N: Systems Support Technology	2.4
0602314N: ASW Technology	10.0
0603222N: Skipper Enhancements	14.8
0603709N: Adv. Marine Biological Systems	.5
0603256N:	
V-22	5.0
Surface Ship Point Defense	3.0
0603708N: ASW Signal processing	2.1
0603717N: Command and Control Systems	5.0
0603725N: Facilities Improvements	3.7
0603746N: Retract Maple	10.0
0604203N: Standard Avionics	1.7
0604211N: IFF Systems	5.0
0604215N: Support Equipment	1.8
0604309N: Sea Lance	15.3
0604504N: Air Control	1.4
0604708N: Initial Trainers	4.9
0604717N: USMC Combat Services Support	.4
0204163N: Fleet Telecom (Tactical)	2.3
0205667N: F-14 Upgrade	2.6
1110011N: Force Enhancements (SOF)	9.4
0301327N: Tech. Recon. and Surv	1.5
0304111N: Special Activities	24.0
0603721N: Environmental Protection	.4
0708011N: Manufacturing Technology	.2
<b>Total</b>	<b>129.9</b>

	Amount
AIR FORCE	
0603605F: Adv. Weapons Technology	15.0
0102424F: Space Track	3.0
0102431F: Defense Support Program	17.5
0604601F: Chemical/Biological Defense	1.3
0604754F: JTIDS	9.7
0305114F: TRACALS	5.0
0207217F: Follow-on Tactical Recce	15.0
0207585F: Seek Spinner	20.0
<b>Total</b>	<b>86.5</b>

	Amount
DEFENSE AGENCIES	
0605111D: Foreign Weapons Evaluation	2.5
0603756D: Consolidated Software Initiatives	16.5
0604702D: Joint Standoff Weapons	18.0
0605107D: General Support for Policy	1.5
0602301E:	
Strategic Technology—DARPA	4.9
Research Projects—(Grants)	46.0
Adv. Submarine Tech—DARPA	30.0
Lighter-than-Air—DARPA	5.0
0603226E: EEMIT—DARPA	8.9
1104011D:	
SOF Enhancements	5.0
National Security Space Activities	100.0
<b>Total</b>	<b>238.3</b>
<b>Grand total</b>	<b>565.4</b>

FISCAL YEAR 1989 PROCUREMENT APPROPRIATED—NOT AUTHORIZED

(In millions of dollars)

	Amount
APN:	
AH-64	50.4
AHHP Adv. Proc.	12.0
MFA: MLRS	37.1
OPN:	
Supercomputers	27.4
Tri-Tac Equip.	30.5
Intell—(IHHS)	5.0
ADDS	20.0
SINCGARS	15.0
Vehicle Intercom System	10.0

	Amount
APN:	
SH-60 Mod.	4.0
Common ECOM Equip.	20.0
Aircraft Ind. Facilities	50.0
CH-53E Adv. Proc.	36.0
AH-1W	55.0
WPN:	
Tomahawk	25.0
Sparrow	17.5
Ordnance Supt. Equip.	6.5
PAA: RDX Facility	72.3
OPN:	
Sealift Support Equip.	12.0
An-SQ-89	15.0
Large Screen Display	2.0
AN/SSQ-53	22.5
AN-SQ-57	7.5
Other Av. Spt. Equip.	.3
PMC:	
M-1 Tank	6
M-1 Adv. Proc.	15.9
Dragon	20.0
Ammunition General Increase	34.8
APAF:	
VC-25A Mod.	1.0
C-135 Mod.	117.5
MH-60G	25.0
MPAF:	
Special Programs	22.3
AIM-9 Mod.	50.0
OPAF:	
Traffic Control/Landing	20.0
OTH-B Radar	16.0
Range Improvements	10.0
Milstar	8.9
Base Procured Equip.	14.9
NGRE-D:	
P-3 Mod.	55.0
SH-3H Mod.	4.6
Misc. Equip.	10.0
KC-137	5.0
TAOM	26.8
MH-60G	2.0
KC-135 Mod.	21.8
Small Unit Spt. Vehicle	8.0
FIST-V	33.0
C-130	135.0
KC-135	63.0
DPA: Defense Prod. Act	6.0
SOF:	
Army Operations	18.0
Navy Operations	35.0
Army Misc. Equip.	108.0
Navy Patrol Boats	100.0
Navy Misc. Equip.	25.0
<b>Total Procurement</b>	<b>1,566.5</b>

O&M ADDS—APPROPRIATED NOT AUTHORIZED

(In millions of dollars)

Appropriation/Item	Authorized	Appropriated	Appropriated not authorized
O&M, Army			
LTACFIRE		1.0	1.0
National Tr. Center		25.0	25.0
Medical		141.0	141.0
O&M, Navy			
Persian Gulf		60.0	60.0
Samuel B. Roberts		96.5	96.5
Aviation Depot Level			
Repairables		150.0	150.0
NTU/Fleet Mod.		240.0	240.0
Seal Facility			
Maint.		2.0	2.0
Medical Programs		87.5	87.5
O&M, Air Force			
Depot Maint.	30.0	63.8	33.8
SR-71 Support <sup>1</sup>		26.0	26.0
Readiness Items		69.0	69.0
USAF Academy Hospital		2.2	2.2
Search and Rescue		7.0	7.0
Classified Projects		.2	.2
O&M, Defense Agencies			
Classified Projects		12.8	12.8
OEA Support		.5	.5
O&M, Army Reserves			
Civilian Technicians		5.0	5.0
<b>Total</b>	<b>30.0</b>	<b>989.5</b>	<b>959.5</b>

<sup>1</sup> Contained within Classified Projects net decrease of \$14.0 million.

Mr. STEVENS. This is a request from the Secretary of Defense for the approval of one committee to expend money that has been approved by the President of the United States and by both Houses. Now the Department is withholding funds because of some perceived controversy between the two committees. It is time that we get this solved. The Defense Appropriations Act for 1989 contains some provisions amending the act that was signed by the President authorizing appropriations for 1989. Specifically, the Appropriations Act includes an amendment offered by the Armed Services Committee concerning additional authorizations that were deemed to be necessary.

But now we have the Secretary's letter—on itemization—withholding funds until approved by the Armed Services Committee for AIDS research, special programs, etc. I hope those who read this Record will look at the letter's enclosure. This is why I disagree with my friend from Utah. Some of us have serious reservations not only about what is in the bill but about the processes that this bill reflects. Certainly we should not be in the position of, for the third time now, seeking the Armed Services Committee to approve the work that was done by the Congress. That was not just an Appropriations Committee bill. It was a bill passed by the Congress of the United States and signed into law by the President. Now we have the request for further approval. There is no legal requirement for the additional step. Mind you, Mr. President, it says, "The committee reports that support the fiscal year 1989 Authorization and Appropriations Acts contain like programs at variance in dollar value."

"It is requested that committee approval be granted to proceed with the execution of these programs in an orderly manner."

The Secretary of Defense is saying, because the two committee reports are in conflict, we are not going to spend money for the Department of Defense for these items until one committee clears the work of the Congress itself.

I think the procedure we are using between these two committees is so flawed that it is harming the defense of this country and until it is straightened out I am going to start really coming to the point in terms of examining every line item in the authorization bill next year. It is time for us to face up to this question of what is authorized and what is not, what is the role of the authorization committee, what is the role of the Appropriations Committee. I have spent 20 years now on the Appropriations Committee, and I thought we were doing the work that Congress assigned to us. Now we find, after we went through that long con-

ference, we went through all of that interface with the Armed Services Committee representatives, that the Secretary of Defense believes, because there is a conflict between the two reports which accompanied our bills, he cannot proceed to expend money.

Now, Mr. President, there is enough wrong with this bill itself. One thing that is wrong with it, it did not clarify that battle. Title I of this bill deals with changes to the authorization and appropriations acts. If there is some dispute as far as the authorizers concerning the authorization for the continuance of these items that we continued in the Appropriations Act, that should have been before this Congress rather than treated by correspondence between the Pentagon and their Committee. It leaves the issues hanging over the next President, and those who administer the appropriations process for the Congress next year, this sword that says the Armed Services Committee stands ready to disapprove what the Congress has voted to approve.

But, Mr. President, the fundamental flaw in this bill itself is it does not reflect, in my judgment, the attitude of future generations in this country as I discussed earlier in my remarks on base closure procedures. I thank my friend.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. While my distinguished colleague from Alaska is still on the floor, I must challenge his statement with respect to not close any bases at home because we may bring home our soldiers, sailors, airmen, and Marines from abroad.

I agree with the fact that at all times we have to monitor the costs of our foreign deployment, but the strategy of this country today, the military strategy of America is predicated on a forward deployment, a moving of forces closest to the threat to this Nation. We cannot possibly move by air the tanks built in Michigan in sufficient numbers to confront an enemy. We simply have to maintain the forward-deployment strategy.

I hope that as this measure is implemented by the Secretary of Defense the American public is not misled by this Clarion call to bring them home rather than close up at home. It has appeal; it plays well, but it defies that basic military strategy which has maintained the peace primarily in Europe for some 40 years.

I yield 4 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, I thank our distinguished colleague for yielding.

Might I add on this debate on forward deployment, those of us from the South know what it is to have enemy armies in our back yard and have the

natural preference of fighting wars elsewhere rather than in front of, behind, or even in one's home. Tempting as it is to get into a debate about jurisdiction or a debate about keeping Ivan back from the gate rather than fighting him at the threshold of our door, I am going to stay away from all of that. Instead, I want to talk about ideas and about how they dominate the political debate.

What we are doing today is adopting a bill that is pretty extraordinary. It is extraordinary because we are addressing one of the great political sacred cows in this country and in this great deliberative body. There is something in the heart of every politician that loves a dam or harbor or bridge or military installation. Though they may oppose the purpose, though they may vote against defense, they want the money coming into their area and they defend to the death the continuation of bases that may have been designed to defend us against Canada in the War of 1812.

We are here today because of an extraordinary young man, and that is what I want to emphasize. His name is Congressman DICK ARMEY. He is from Texas, and he is a determined man who had an idea. What we are proving today is that, while vested interests day in and day out produce a pork orgie that gives the Nation trichinosis in defense and in almost every other spending program of the Federal Government, a determined person with an idea is still a very powerful force in the legislative process.

We are today taking an extraordinary step that is aimed at making tough political decisions and will save the taxpayers money because of one extraordinary young man with a very powerful idea. So those who would cynically say that the American political system, and Congress in particular, is dominated totally by special interests and who would say that ideas have no role in this modern political era, can look at this bill. This bill is the triumph of an idea over vested interests, and I rejoice in it. Our problem is, Mr. President, these triumphs are too few and far between. I congratulate the young man with the idea and with the resolve to make it a reality.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair informs Senators that the Senator from Virginia has 4 minutes remaining and the Senator from Georgia has 6½ minutes remaining.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have normally been rotating. I wonder if the distinguished Senator from Michigan will allow me to yield 2 minutes to my dis-

tinguished colleague from South Carolina, who knows more about this subject than I think most Members in our Chamber.

Mr. THURMOND. Mr. President, I thank the Senator.

Mr. President, I rise in support of the conference report for S. 2749. Passage of this bill could save the taxpayers billions of dollars. For years the Congress has kept bases open that the Department of Defense has felt should be closed to save tax dollars. The result has been a base structure that is too large for our defense needs.

Mr. President, due to the bipartisan leadership of Senators NUNN and WARNER, we have before us a bill that every Member of the Congress should support. And I want to commend both of these Senators for the outstanding leadership in this matter. The savings that can be accrued from closing bases will be needed in the future for other defense programs of higher priority.

Our present military base infrastructure is largely a result of our history, rather than our national security needs. Passage of this legislation will help bring our base structure more into conformity with our actual defense needs.

Mr. President, it is rare that the Congress passes legislation that can actually save the taxpayers money. S. 2749 is just such a measure, and I urge all of my colleagues to support final passage.

Mr. President, in closing, I want to say that this is a matter we have worked on for many, many years. I have been on the Armed Services Committee now for about 30 years or more. Ever since I have been on the Armed Services Committee this matter has been talked about but we have not gotten action. We are now about to get action. I urge my fellow Senators to support this measure.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague from South Carolina. Indeed he has a corporate memory, and he recalls well President Lyndon Johnson in his days making an effort. He came to the brink of getting it through but failed because of the problems throughout the world at that time.

I thank our distinguished colleague and indeed the staff member, Ken Johnson, who has worked on the Senate Armed Services Committee on these matters for many years.

Mr. NUNN. Mr. President, I share the remarks of my friend from Virginia about the Senator from South Carolina and about his capable staff. I would like to identify myself with those remarks.

I yield to the Senator from Michigan 2 minutes.

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

Mr. LEVIN. First, let me commend the Senator from Georgia and the Senator from Virginia for what they have done here. They have really been able to pull off an extraordinary result. We are all in their debt.

The Senator from Illinois has also made an important contribution here because what he has done has reminded us of the origin of these restrictions on executive discretion. The reason we have some limits on executive discretion in current law is because one President of the United States was thought to have abused the right that he had then to close bases in an untrammelled way. It was thought that the President 15 years ago, or so, closed bases in some States in retaliation for the way they voted in a certain election. The Congress decided to have a check on that executive discretion. It was proper at that time, but we overdid it.

As a result, we have been unable to close bases which should be closed. But because of the efforts of the Senator from Illinois and others we have some check built back into this conference report.

There is some requirement relative to the independence and objectivity of the Commission and their staff which it is our capability to enforce in the Congress. We can enforce that through hearings before we vote on any resolution of disapproval which we have a right to vote on in an expedited way in this conference report.

So there is a mechanism in this report to make sure that the result of this additional discretion is a fair result, is a balanced result, and that we do not have any regional politics that are made in this effort that is now going to be undertaken.

We want an independent, objective Commission. We do not want window dressing for a decision of the Secretary of Defense as to which base is to be closed.

We have built back some of that protection—not enough in my view. I happen to agree with much of what the Senator from Illinois has been doing, but enough so that I am able to vote for this conference report.

Again, I congratulate my friends from Georgia and Virginia for what they have done. My question of the Senator from Georgia is this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. Could I have 30 more seconds?

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Is it our intent to be certain that the spirit and the letter of the protection that is built in here relative to independence and objectivity is fully implemented?

Mr. NUNN. The answer to that is yes. It is our intent, I say to the Senator from Michigan, and we have made that very, very clear in our conversations with the Secretary of Defense, with the cochairmen, Senator Ribicoff and Congressman Edwards. We have not only made it clear as far as the Commission, but also most importantly as far as the staff, and also I made it clear to the Secretary of Defense that we want to make sure that those active duty military people who are serving as part of the staff are buffered from retaliation if they are objective, and hopefully they will be from their own services.

So it is not just a matter of partisan politics. It is also a matter of protecting the active duty members against some of the contingencies of the services. So the answer to that question is yes. I cannot guarantee it but I do tell the Senator from Michigan that we have emphasized it, and I believe both Ribicoff and Edwards fully understand it, and fully intend to do everything as cochairmen to see that spirit is carried out.

Mr. LEVIN. We do have the capability through hearings to see that in fact it is carried out.

Mr. NUNN. That is right. The appropriations in the future are going to have to be there for the implementation of this. So there will be a check and balance in a number of ways.

I thank the Senator from Michigan for his contribution.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. NUNN. Mr. President, I yield 2½ minutes to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will probably yield 30 seconds back.

Mr. President, I want to say I have serious reservations about this conference report due to the fact that we are going to give this Commission about 45 days to analyze 3,800 military facilities in this country, and come back and tell us which ones they are going to close and which ones they recommend for closing.

With the utmost respect, I suggest there will be no bases on the list in Georgia, or Virginia. And I doubt very seriously if there will be any in the home State of the chairman of the Subcommittee on Defense Appropriations.

What you are going to be doing is transferring what has been political in the past to a different bunch of politicians. The Secretary is going to dominate the Commission. The Secretary is going to tell the Commission which bases ought to be closed. I had a provision put in this bill to state that they had to consider the economic plight of the community. I am glad it is in there.

Take Eaker, formerly Blytheville Air Force Base, a SAC base in my State. If you close that base, you guarantee poverty in one of the poorest counties in America for the next 50 years.

Finally, Mr. President, I want to say I want to be sure that this bill requires the Commission to take into consideration OMB Circular A-94 and DOD instruction 7041.3, which are the circulars and the instructions that require or would require this Commission, when they are considering the economic value of closing a base, to also take into consideration the cost of money to the Government by using a 10-percent discount rate in analyzing cost savings.

For 3 years, I have tried to get a TACAMO squadron located in Little Rock, AR. The Air Force looked at about 20 bases, cut it to 7. Tinker Air Force Base was not even on the 20 list. It was not even on the seven list. Little Rock Air Force Base was picked by the Air Force and everybody at the Pentagon had agreed. All of a sudden, the call comes from the White House. This squadron is going to Tinker Air Force Base. A man who was high in the Defense Department, who was in the decisionmaking, said it was just that simple. Tinker was not even considered. He gets a call from the White House and says, "We just decided this squadron is going to Tinker Air Force Base," a most blatant political decision. They are all political.

I want to save \$2 billion or whatever we can from the Defense Department. But I have real reservations about this proposal.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. My good friend from Arkansas and I have been on this floor toe-to-toe quite a bit here in the last few days. But I would like to reply and refer to earlier remarks by the Senator from Virginia when I first spoke with respect to this pending legislation. I have no idea, nor does any other Member in this Chamber, so far as I know, whether a base or an installation of the Commonwealth of Virginia is on this list or not, or a base or an installation in any other State. I have no knowledge whatsoever of this list.

In the first place, the list has not even been formed yet. They are merely recommendations that are flowing in. The Commission has not acted because the two senior members were in the office of the chairman of the Armed Services Committee a few days ago and told us that no final action whatsoever has been taken in the process to date; but I say this Senator will stand and face his constituency in the event the misfortunate falls to Virginia to lose a base and defend, and I repeat, defend, the conclusion of

that Commission provided the work is done appropriately, and will undertake along with others to investigate it. But if it has done its work appropriately and in accordance with this law, assuming this measure becomes law, then I will take the heat, because in my judgment this is a proper piece of legislation.

On the 1st of March, Congress will have the opportunity to examine the work of the Commission, the propriety of the recommendations, and then determine whether or not we will have a joint resolution of disapproval. But I say to my colleagues, in this instance, using the words of Benjamin Franklin, this is one of those times when, "we must all hang together, or assuredly, we shall all hang separately."

Mr. MITCHELL. Mr. President, I regret that I cannot support this effort to close military installations at the recommendation of the Commission on Base Realignment and Closure.

In theory, such a Commission would serve a valuable purpose—insulating from politics the controversial process of closing an unneeded military base here in the United States.

In practice, however, I fear that this legislation would not achieve its goal.

Congress, with its constitutional mandate to provide for the common defense, has a responsibility to consider each base opening. It similarly has a responsibility to consider each base closing. This measure would, in large part, deprive Congress of this right and duty.

The Commission's recommendations would be presented to the Secretary of Defense to be accepted or rejected in full. No changes could be made to the list of closures, even if the Secretary determined that such changes were vital to U.S. national defense capabilities.

If the Secretary accepted the recommendations, Congress would similarly be presented with a list that could not be amended. Congress would not even be required to approve that list. Congress could only vote to disapprove the list—in full.

In other words, the Congress would lack any discretion to decide against closing one base from a list of perhaps two dozen.

If the Commission had made an error of judgment in even one instance when considering over 300 major military installations, Congress would be unable to correct that mistake. The result could have harmful effects upon our Nation's security.

By establishing an all-or-nothing approval process, Congress would be abrogating its responsibility to make decisions about individual bases. Congress would be transferring this authority to a 12-member Commission.

But how can this Commission thoroughly and objectively evaluate the

more than 300 major military bases and thousands of other installations across the United States and decide which among them are least important to the Nation's defense—all by December 31, 1988. That is only 2½ months away.

Decisions of such importance should not be made without careful study and consideration. The Commission, composed of tentatively appointed members, has only just begun to analyze the task before them. To the best of my knowledge, no Commission member has even visited a major base to date.

Yet this Commission would be required to draw up a list of bases slated for closure before the end of the year, a list that Congress could only reject in full.

In my view, this is simply not realistic. It borders on the irresponsible. I therefore cannot support this conference report.

I look forward to working with my colleagues in an effort to identify and close those bases that no longer contribute significantly to our national defense. I believe that we must control defense spending.

But I cannot vote to abrogate our responsibilities as Senators to consider individual base closings. I cannot vote to set in motion a flawed process.

A process that is rushed, a process that is ill-considered, a process that rigidly rejects any discretion by a majority of the U.S. Congress—such a process is unsound.

It would not serve the national security interests of the United States.

Mr. BOSCHWITZ. Mr. President, I rise to support this important legislation—not only for its specific provisions, but also for its approach to Pentagon management.

The failure to close a single military base since 1976 is a glaring example of congressional mismanagement of the Pentagon. I have spoken twice on this floor in recent months on the role of Congress in managing the Department of Defense. I was first prompted to make these speeches when the Pentagon procurement scandal was revealed in June. I said then that the recent Pentagon scandal is an opportunity to explore some of the underlying reasons for Pentagon mismanagement. I have argued that one of these underlying causes is Congress itself. While the Pentagon has its share of problems, we have exacerbated many of them and have even created some of them.

That is why this legislation is such an important step. Congress should act as a board of directors—not as hands-on managers—by setting broad policies and goals. Almost all of us agree in principle that some military bases should be closed. After all we have more bases today than when we had at the height of World War II—when we had six times as many people

in the armed services. However, this general consensus breaks down when it comes to specifics, when Members put up obstacles, such as lengthy and time-consuming environmental impact statements, to stop base closings in their home States. It is disappointing—but no great surprise—that for more than a decade Congress has kept the military from closing any unneeded bases.

This measure removes Congress from micromanaging each and every proposal to close a military base. Instead, a nonpartisan panel of experts will prepare a list of truly obsolete bases. Once this list is approved by the Secretary of Defense, Congress will have a limited time to vote up or down on the entire list. By closing up to two dozen obsolete bases, this legislation will save \$2 to \$5 billion annually in defense spending.

This approach is a responsible way for a board of directors to manage an enterprise—the board sets the overall goal of closing unneeded bases and allows impartial experts to make the judgment calls. Yet, we have not abdicated our responsibility. We still have the opportunity to reject the list that the Commission presents us.

I know that some of my colleagues are concerned about the economic impact of base closings in their States. Let me cite, therefore, a most interesting study, made by the Pentagon's economic adjustment committee made in reviewing 100 major base closings that occurred before 1976. The study reported that 94,000 Defense Department civilian jobs were eliminated, but nearly 140,000 jobs were created on those bases. That is because they were converted into private facilities such as industrial parks and airports.

Mr. President, this legislation points the way toward a more rational approach to congressional management of the Pentagon. A number of Pentagon reforms have been suggested in recent months: More multiyear procurement; closing the so-called revolving door; creating a civilian procurement agency, and so on.

For my part, I would urge that we not excuse ourselves and that we get our own house in order. Let's establish longer term budgeting. Let's cut our congressional pork in the defense budget. Let's resist the temptation to become involved in every detail of defense policy and to complicate the Pentagon's efforts to close obsolete bases. If we become an effective board of directors again, the business of the Pentagon will be better run as a result.

Mr. HEINZ. Mr. President, we stand poised to pass truly important legislation. For nearly a quarter of a century, Congress and successive administrations have been deadlocked over efforts to close obsolete military facili-

ties. That era may be coming to an end.

The conference report on S. 2749 contains—essentially intact—the provisions of Representative RICHARD ARMEY's "Defense Savings Act" (H.R. 4481). The Defense Savings Act grants official recognition to an independent commission Secretary of Defense Frank Carlucci established on May 3, 1988. The Commission—headed by former Senator Abraham Ribicoff and former Representative Jack Edwards—will determine which domestic installations ought to be closed. The Commission will report its recommendations to the Secretary and to Congress by December 31, 1988. We, in turn, will be obliged to accept all of the recommendations or none of them under a fast-track procedure.

If indeed bases are closed, DOD and other Federal agencies will provide affected locales with extensive economic adjustment and community planning assistance. The Department of Defense is confident adverse economic impacts of base closings or realignments can be mitigated.

The Department of Defense [DOD] operates about 4,000 military installations in the United States. Most were built during World War II to house some 12 million service personnel. Today, 2.1 million men and women are on active duty; 400,000 serve overseas.

The Pentagon contends that 400 installations are obsolete. The Department of Defense, the Office of Management and Budget [OMB], and the Grace Commission estimate the Federal Government could save \$2 to \$5 billion annually if obsolete or superfluous bases were closed.

Congress has been loathe to close bases for two reasons. First, bases create jobs and boost local economies. Second, Congress has perceived—rightly so—that many of DOD's base closing decisions have been made on political, not strategic, grounds.

The savings involved in the Defense Savings Act are too big to pass up. The budget deficit is too unforgiving. Since 1985, DOD's operating budget has been reduced by roughly 5 percent in real terms. As a result, DOD has canceled major weapons systems and postponed building a 600-ship Navy.

Mr. President, I will vote to approve the conference report to S. 2749. It's a good bill. In principle, I support closing obsolete or superfluous bases. But I do want to take a moment to address a concern.

The House-passed version contained a provision, section 4(a)(2)(B), requiring the Commission on Base Realignment and Closure to consider "the equitable geographic distribution throughout the United States" of its recommended actions. Similar language is retained in the conference report.

Such language is important. The Northeast and Midwest contain 43 percent of U.S. population and account for 48 percent of total Federal revenues but contain just 228 of the 862 major military bases—6.5 percent—in this country. The region receives just 21.1 percent of DOD spending on salaries and wages.

There is a superabundance of bases in the South and West. This phenomenon is due, in part, to the availability of large tracts of land and strategic concerns. But it is also a legacy of the parochial interests and power of long-term former Armed Services Committee chairmen such as Senator Richard Russell and Representatives Carl Vinson, L. Mendel Rivers, and Edward Hébert. These men served their country well. They also served their region well.

In March 1985, DOD circulated a list of 22 bases it wished to close. The Northeast and Midwest contained 12 of the bases on DOD's list. In other words, the Northeast and Midwest contain a quarter of the military bases in this country, but one-half of the bases DOD wished to close. Those 12 contain 67 percent of the personnel that would be affected if all 22 were closed.

Regional equity issues are not at odds with strategic concerns. Northern air bases have shorter flight times to the Soviet Union. Eastern seaports are closer to Europe and above potential choke-points such as the straits of Florida.

I am confident the Commission will acknowledge the validity of these arguments and prevent the further entrenchment of regional inequities stemming from the location of existing military facilities.

Mr. SPECTER. I am voting against the conference report to S. 2749, the military base closure bill. While I support closure and realignment of defense installations in the United States, I cannot support the provisions in this conference report addressing the closure of military bases.

I join Senator DIXON in his concern for the process by which bases are identified for closure. The analysis of the Nation's bases must be objective, thorough, and nonpartisan and I believe that the Commission appointed by the Secretary of Defense under this conference report do not meet these criteria.

The total number falls short of a reasonable number needed to broaden the geographic diversity and objectivity of the Commission's membership.

In May 1988, during consideration of the defense authorization bill, I supported an amendment by Senator DIXON to increase the total number of Commission members to 15. That was the minimum acceptable number, I believe it is necessary to broaden the representation on the Commission.

That amendment passed by a vote of 83 to 13.

I am also concerned about the time provided to the Commission to submit its recommendations to the Secretary of Defense. By mandating the completion of the Commission's work by December 31, 1988, There is insufficient time to do the job. Under the time-frame as proposed in the conference report the Commission cannot provide adequate and objective analysis of the 3,800 major military installations nationwide.

My home State of Pennsylvania has 22 military bases, which employ approximately 74,500 full-time employees. To assure that these bases and their personnel are not lost as a result of a rushed and unthorough analysis, I am voting against this conference report. If any of the Pennsylvania bases are to be closed. And we hate closures around the Nation. I want an objective, nonpartisan Commission to make that decision with enough time to do the job properly.

The PRESIDING OFFICER. The Senator from Georgia has 15 seconds.

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

The PRESIDING OFFICER. All of it?

Mr. NUNN. All of it. [Laughter.]

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS (when his name was called). Mr. President, on this vote I have a pair with the Senator from Maine [Mr. COHEN], who is absent because of illness in his family. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "aye." Therefore, I withhold my vote.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Oregon [Mr. BOREN], the Senator from Florida [Mr. CHILES], and the Senator from New Jersey [Mr. LAUTENBERG], are necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. KARNES], the Senator from Arizona [Mr. McCAIN], the Senator from Indiana [Mr. QUAYLE], and the Sena-

tor from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. KARNES], and the Senator from Wyoming [Mr. WALLOP], would each vote "yea."

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

The result was announced—yeas 82, nays 7, as follows:

[Rollcall Vote No. 367 Leg.]

**YEAS—82**

Adams	Gore	Murkowski
Armstrong	Graham	Nickles
Baucus	Gramm	Nunn
Biden	Grassley	Packwood
Bingaman	Harkin	Pell
Bond	Hatfield	Pressler
Boschwitz	Hecht	Proxmire
Bradley	Heflin	Reid
Breaux	Heinz	Riegle
Burdick	Helms	Rockefeller
Byrd	Hollings	Roth
Chafee	Humphrey	Rudman
Cochran	Inouye	Sanford
Conrad	Johnston	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Shelby
Danforth	Kennedy	Simpson
Daschle	Kerry	Stafford
DeConcini	Leahy	Stennis
Dodd	Levin	Symms
Dole	Lugar	Thurmond
Domenici	Matsunaga	Trible
Evans	McClure	Warner
Exon	McConnell	Weicker
Ford	Melcher	Wilson
Fowler	Metzenbaum	Wirth
Garn	Mikulski	
Glenn	Moynihan	

**NAYS—7**

Bumpers	Mitchell	Specter
Dixon	Pryor	
Hatch	Simon	

**PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1**

Stevens, for

**NOT VOTING—10**

Bentsen	Durenberger	Quayle
Boren	Karnes	Wallop
Chiles	Lautenberg	
Cohen	McCain	

So, the conference report was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

**ORDER OF PROCEDURE**

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BYRD. Mr. President, will the distinguished Senator from Louisiana yield to me for a unanimous-consent request?

Mr. JOHNSTON. I yield.

**EXTENSION OF MORNING BUSINESS**

Mr. BYRD. Mr. President, I ask unanimous consent that morning busi-

ness be continued until 2 o'clock p.m. today and that Senators may speak therein for not to exceed 5 minutes each.

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

**TRIBUTE TO SENATOR ROBERT BYRD**

Mr. JOHNSTON. Mr. President, I have known and admired ROBERT BYRD for the 16 years we have served together in the U.S. Senate, but recently I have had a particularly good vantage point for observing him in the conduct of his office. During this Congress, we have worked closely together on a host of legislative issues.

As a man who would be leader, I have observed him in his job with a keener interest and a closer scrutiny.

Senators have correctly noted many of Senator BYRD's great qualities: An astute legislative sense, a legendary knowledge of the rules, unquestioned integrity, to name just three.

But I would like to mention two other qualities, less frequently noted, which are also central to his remarkable success. First, his courage.

The majority leader has to have the courage to disagree with people he might prefer to conciliate. Every day he has to row against the current. Sometimes he has to oppose his colleagues individually, sometimes his colleagues collectively. Often he has to part company with the press or the public on an issue.

Confrontations come frequently, sometimes in important matters, sometimes over trivial, day-to-day house-keeping issues.

The majority leader has a dual responsibility, to make the Senate run smoothly and to carry out policy. When these roles conflict, he must make a decision. To follow the path of least resistance is frequently to sacrifice more important considerations. What a majority leader must be able to do, what this majority leader has done, is bring to bear his experience and judgment on the issue at hand without regard to his personal interest.

In addition, the majority leader must be attentive to the needs of 99 supplicants. At one time or another, every Senator has some small personal request, to hold a vote or change a schedule, so he must be a good friend and accommodator. At the same time, he cannot allow a multitude of requests to bog down the process. This day to day balancing of priorities, this necessity for saying "No," calls for courage, and BOB BYRD has shown that he has it.

The second quality that a leader must have is patience, and, for want of a better word, stick-to-itiveness. There is some confusion about the virtue of patience. It is not a negative quality. It

is not just sitting there while somebody else does something. It is the active encouragement of the problem-solving process.

It is said that the Senate is inefficient. Collective judgment comes very slowly in a group of able, talented, diverse, strong-minded individuals. The Senate is brilliant but undisciplined, and attempts to achieve consensus are exasperating and frustrating. I have seen BOB BYRD working with groups of Senators on the budget, on Contra aid, on a host of other issues. These were groups with views as different as night and day, with personalities as placid as Vesuvius. Frequently, the prospects of forging agreement between fire and ice seemed bleak indeed. But through sheer force of character and a bottomless reservoir of patience, he would shape agreement and arrive at consensus. Lesser men would have slapped the table, closed the subject, allowed the issue to go unresolved so that it would hang around to haunt the body politic. Not ROBERT BYRD.

Sometimes the job of majority leader is a lonely one. I have heard BOB BYRD say that he may not be loved, but he wants to be respected. Respected he certainly is, for his rectitude and his flinty determination to make the Senate run smoothly. But in case he has any doubt about it, I would like to assure him that, in addition to our respect, he has our profound admiration and our deep affection. It has been an honor to serve with him and to learn from his example.

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

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

The Senator from Nebraska.

**TRIBUTE TO LAWTON CHILES**

Mr. EXON. Mr. President, it has been a distinct pleasure and honor to serve in the U.S. Senate with LAWTON CHILES. His retirement announcement came as a surprise and disappointment to many, including this Senator.

Working with LAWTON is always an enjoyable experience. The Senate will miss his political talents and legislative skill.

As chairman of the Senate Budget Committee, LAWTON CHILES has carried a heavy responsibility. He has performed well. It is indeed no accident that the annual Federal budget deficit has declined from \$221 billion in 1986 to \$155 billion in 1988 under

his leadership of the Senate Budget Committee.

Indeed, the taxpayers owe LAWTON CHILES a large debt of gratitude.

It was Senator CHILES who took the high risk, but ultimately high return strategy as chairman to bring the President to the budget negotiating table. In those negotiations, he was a keen player and brilliant strategist.

Throughout my career in the Senate, I have always admired Senator CHILES's important talent for uniting Democrats and appealing to moderate Republicans.

Senator CHILES sought compromise and cooperation. And he got it. LAWTON has an ability to move individuals off of the battleground and onto the common ground.

Senator CHILES has built a long list of personal and political accomplishments. He was a soldier in Korea, a successful attorney and businessman, a professor, a member of the Florida House and Senate and an outstanding U.S. Senator.

His career can be summed up with the simple statement that LAWTON CHILES is a leader and a true statesman.

Political history will record LAWTON CHILES as the inventor of the often imitated political institution, the walk across the State. In 1970, "WALKIN' LAWTON CHILES" traversed the great State of Florida to meet the voters and hear their views. Walking obviously works as LAWTON consistently won over 60 percent of Florida's vote.

LAWTON can certainly take credit for boosting shoe sales to aspiring young politicians attempting to "follow in his footsteps". And many will.

Mr. President, I will miss the distinguished senior Senator from Florida. He has been a trusted friend and adviser. The U.S. Senate has been enriched by the service of Senator LAWTON CHILES.

Thank you, Mr. President.

#### U.S. SENATOR JOHN C. STENNIS

Mr. EXON. Mr. President, one of the rewards of being a Member of this distinguished body is serving alongside many truly great Americans of our times. Prominent among them is the President pro tempore of the Senate and my dear friend, the senior Senator from Mississippi, JOHN STENNIS.

From my first day in the Senate, I have looked up to the senior Senator from Mississippi as a living example of what has made our Nation great—honesty, hard work, and a belief in the basic goodness of our people. For over 40 years, Senator STENNIS has dedicated his life to the strength, prosperity, and well-being of the United States. In doing so, he has earned my lasting respect and admiration for his statesmanship.

In particular, I have had the special privilege of working closely with the Senator on matters related to national security. It was under the leadership of Chairman STENNIS of the Senate Armed Services Committee that I received my indoctrination to the complexities of national security and the role of this important committee in shaping our national priorities. While serving as the chairman of the Appropriations Committee, Senator STENNIS worked further to ensure that our defense needs were adequately funded and those funds wisely spent in these difficult budgetary times.

Yet, Mr. President, the achievements of Senator STENNIS in the area of national security represent only the tip of the iceberg regarding his innumerable accomplishments and achievements throughout his nearly 41 years of service here in the Senate. His record speaks for itself. Few have or ever will come close to matching it.

Today, I would like to honor this great man who will be leaving the Senate upon the sine die adjournment of the 100th Congress. He has always been a gentleman; and honorable man who has served this Nation well and contributed to its greatness. I will miss his leadership, his wisdom, and his kind and courteous manner.

#### TRIBUTE TO SENATOR PROXMIRE

Mr. EXON. Mr. President, at the end of this session of Congress, the distinguished Senator from Wisconsin, my very good friend WILLIAM PROXMIRE, will retire from the Senate.

BILL PROXMIRE and I have worked together over the years on many, many issues. He has always been generous, helpful, ready to assist where he thought he could. The latest example was the Exon amendment regarding foreign investment in the trade bill. BILL was with me on that one every step of the way and I am indebted to him for its passage.

And so I am extremely proud to stand here and wish my good friend well in the future and tell him how dearly he will be missed by this Senator. His fastidiousness, hard work, enthusiasm and wisdom are all things I admire in BILL PROXMIRE.

Do not let me close without attributing a great deal of thanks and salute to his outright genius as a workman in the U.S. Senate. But for a financial genius like BILL PROXMIRE, the Senate would have gone off base on many, many occasions.

Who but BILL PROXMIRE could spend less than \$150 on his last election campaign? Who could match that? BILL PROXMIRE practiced his down-to-earth, basic understanding of people, the facts of Government with action by being one who did not throw money away on election campaigns even

during this time, Mr. President, when things obviously have gotten completely out of hand. BILL PROXMIRE is one who I think would work very hard and say that one of the things we must do in the next Congress of the United States is to put some kind of a reasonable cap on the amount of money being thrown into campaigns at least every level of government today.

Above everything else, he has set a record by never having missed a roll-call vote—not a single one—since 1966. Mr. President, that represents over 10,000 votes. It has never been accomplished before, and I think it is a record that will very likely stand forever.

To know how important BILL PROXMIRE's contribution was, one has to know of his dedication and his discipline. He ran to work each morning of every day no matter what the season or what the weather for many, many years. Likewise, he was one of those who ran hard to keep the U.S. Senate on track.

There are many things that I admire about the Senator from Wisconsin, and one of my favorites is the way he guards his money and that of the taxpayers of the United States. He has set an example for all of us to follow.

While his reputation for conservatism is well known, BILL gives new meaning to that phrase. I think it is a philosophy that more people need to learn, especially in light of the current deficit.

BILL not only dislikes frivolous spending, he created the Golden Fleece Award to ridicule those best known for their wasteful spending and let the public know exactly who was wasting taxpayers' money.

While I agree with Senator PROXMIRE on almost everything, there is one area on which we have had differences, although friendly ones, for a long, long time, and that is his strong support of the Chicago Cubs National League baseball team. I do not think I will ever be on the side of the ballpark in that regard since I am a Cardinals fan, one of the adversaries of the Chicago Cubs year after year, but I will always remain a fan of BILL PROXMIRE.

In closing, Mr. President, let me say in addition to our other associations over the years, BILL PROXMIRE and I were neighbors, right across the street from each other for most of the time that I have been serving in the U.S. Senate.

BILL PROXMIRE's warmth, BILL PROXMIRE's understanding, BILL PROXMIRE going out of his way to accommodate others in the U.S. Senate is exemplified by the fact that in addition to everything else, he was a very wonderful neighbor and no one could have asked for a better neighbor regardless of where they live in this big wide wonderful world of ours.

So I salute BILL PROXMIER, my friend and my colleague, and wish him well in his future endeavors.

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

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### GLOBAL RELEAF

Mr. WIRTH. Madam President, all of us remember Mark Twain once said "everybody talks about the weather but nobody does anything about it." Today citizens across the United States and around the world are doing something about the weather. What they are doing is very damaging, indeed. We are all familiar with the phenomena of global warming and the fact that the warming of the atmosphere is the result, in large part, of the release of carbon dioxide into the atmosphere as well as the addition of a variety of other trace gases, the destruction of rain forests, the overpopulation of the world, and a variety of other elements. Global warming is probably the greatest challenge that all of us are going to face for the remainder of this century and well into the 21st century.

Citizens ask day in and day out, what can I do? What steps can I take? This morning, Madam President, I had the privilege of participating in a program that was launched by the American Forestry Association, a project called Global Releaf, R-e-l-e-a-f. Global Releaf is an effort all across the United States set up by the foresters in cooperation with a variety of other grassroots organizations to encourage Americans and people around the globe to plant trees.

What does that have to do with global warming? It is intended by the American Forestry Association that this be their response to the issue of global warming. It has two purposes now. First of all, trees are a sink for carbon dioxide. Conversely, trees are a spigot of carbon dioxide when they are burned or left to decompose. Where does it go? A great deal of it is going into the atmosphere, contributing in the area of 20 percent of the atmospheric load of CO<sub>2</sub>. The planting of trees can have precisely the opposite impact. Trees absorb that carbon dioxide, and although it is not going to solve all of the problem, certainly tree planting can be a step in the right direction.

It is the goal of the American Forestry Association, similar to Arbor Day, and a variety of efforts across this country throughout our history,

to plant 100 million trees by 1992. That is an ambitious goal, but this is an ambitious project.

So, one, the absorption of carbon dioxide will help, and that is one of the goals of Global Releaf.

A second is to cool our cities. What impact will that have? All of us know in urban areas that trees can have a very salutary impact on the environment of a city, and we all look when we go through cities, those great concrete areas, for places in which we are going to be able to find a tree or two and a little bit of shade. If we are looking for that, so are buildings and everything else. If we have trees growing, they are going to have a very beneficial impact by lowering the temperature of cities.

Why is that important to global warming? If we lower the temperature of our cities, we are going to use less air-conditioning in the summertime. We are going to burn, therefore, significantly less fossil fuels and that in turn has an impact on global warming. So Global Releaf is a step very much in the right direction. I hope all of my colleagues in the Senate and people around the country will take cognizance of this very important program started by the American Forestry Association.

I suggested at the opening of their program this morning, Madam President, that they might add one other element. What would happen if we encouraged a program whereby for every newborn child in the country they get not only a birth certificate but 300 seedlings to plant. If that were to happen and those 300 seedlings were to come to adulthood, that individual would not only arrive on this planet but also would arrive with the prospect of having trees that would absorb all of the carbon dioxide that individual would produce through his or her activities in the course of a lifetime.

Three hundred trees will absorb all of the carbon dioxide that an individual will produce. Would that not be a great Christmas present for people? Would that not be a great baby present? When people have a child, send them 300 seedlings and get them growing. The garden clubs of America are writing in and saying, "What can we do?" The garden clubs of America have a challenge right there. Join Global Releaf and maybe get into this project, saying "Let us really make an impact on the issue of global warming. People can do something. They can plant trees."

Finally, it would be my hope—and the Chair was deeply involved in the activities related to the Sahara in the last 2, 3, 4, 5 years, when this country made a very deep commitment to the issue of famine in Africa. Everyone remembers the tremendous outpouring of assistance that culminated with "Live Aid" in 1985. We may be able to

avert future "Live Aid" benefits if efforts such as Global Releaf succeed. This is a productive, grassroots response to global warming. I hope, Madam President, that all of us will support this major program by the American Foresters called Global Releaf.

#### WORLD LEADERSHIP ON GLOBAL WARMING

Mr. WIRTH. Madam President, the events of this past summer have served a warning to the people of the world about the implications of man's continued contamination of the atmosphere and more specifically about global warming. As has been widely reported in the media, the scientific community is closing in on evidence that our planet is getting warmer and that if this issue is ignored, the Earth's climate could change in unprecedented and potentially disastrous ways.

The composition of the atmosphere is not changing at the whim of Mother Nature. Rather, it is the inhabitants of this planet, the way we have grown, and the prospect of continued neglect—business as usual—that threaten to alter our atmosphere, warm the planet and change climate patterns.

The good intentions of our forefathers are not to blame for the increased concentration of carbon dioxide and the other so-called greenhouse gases. But as the industrial revolution was launched, unwittingly, so too was an environmental revolution. And this summer's events indicated rioting by the environment. Record levels of smog choked the Eastern United States; forest fires exploded in the West; drought devastated the Nation's midsection; and, in the most gruesome signal, garbage sullied our beaches.

Madam President, the environment is speaking back to us. It has reached critical load. We simply cannot continue on the current path. We must change course to protect the integrity of the global commons. To ignore the threats of urban air pollution, acid rain and stratospheric ozone depletion is to ignore human health and the future we leave to our children and all future generations. The threat of global warming is probably the greatest environmental, economic, political and human challenge we face.

How should we respond to the scientific alarm about rapid climate change? We must begin by reexamining the activities of man: the way we power our economic institutions; and the way we use the land. For it is in these arrangements with nature that we find the root causes of scientific concern—fossil fuel combustion and deforestation. We can address these issues. The creativity of man has improved our collective experience on

the planet and that creativity must be harnessed to preserve the planet.

The critical component in this challenge is leadership. At the highest levels of government, protection of the global environment must be a leading priority. It must be raised from the fringes of international concern and initiative to the forefront of cooperative efforts among all nations around the globe.

For years, many Americans have been dismayed by how slow the current administration has responded to the acid rain issue. The naysayers have won and the environment is losing. And as public concern about global warming has increased enormously this summer, the administration has begun the process all over again, claiming the existence of scientific uncertainties about the regional distribution, effects and pace of climate change. Indeed, there are uncertainties. But by the time we have exact, incontrovertible evidence of rapid climate change, our ability to respond will have alluded us. We cannot wait until the seas have risen by one foot, or until successive droughts imperil our farmers and global food supplies. Instead, the leaders of the world must work together to address the scientific evidence and establish cooperative arrangements to reconcile uncertainties and develop strategies for protection.

Despite the fact that this issue received more attention in the media than any other environmental concern this summer, I am unaware of any response from the President. Meanwhile, other leaders in the world are standing up and calling for international cooperation.

Earlier this year, at a Canadian conference on atmospheric change, the Prime Ministers of Norway and Canada endorsed the idea of a global environmental summit. And in recent weeks, other world leaders have voiced their concern. On September 27, the British Prime Minister, Margaret Thatcher voiced her concern to the British Royal Society. "We may," she said, "have begun a massive experiment with the system of this planet itself." Mrs. Thatcher went on to say that she was prepared to take decisive action.

I would not suggest that Mrs. Thatcher and that British Government is a hotbed of radical liberalism. That is a conservative government that has developed a thoughtful concern for this issue of global warming.

On the same day, the Soviet Foreign Minister, Eduard Shevardnadze delivered a similar message to the United Nations. Mr. Shevardnadze called global environmental problems "a second front" of equal importance to nuclear disarmament. That is the Soviet Foreign Minister saying the issue of global warming and global en-

vironmental problems is a second front of equal importance to nuclear disarmament. And similarly, the West German Chancellor, Helmut Kohl, recently urged the nations of the world to work more closely to protect the environment.

Madam President, the leaders of the world, reflecting the concerns of the citizens they represent, are reaching out to join hands with the world community in the fight to protect the environment. It is time for the United States to lead this effort.

Last week, the Senator from Pennsylvania, Senator HEINZ, and I sent a report to the two Presidential candidates recommending new approaches to addressing our environmental problems. The first issue addressed in that report is global warming. It is my hope that both candidates will respond to the ideas put forth in our report, and particularly that they will speak to the issue of global climate change. And no place is that opportunity greater than tomorrow night in the debate on the West Coast. It is the last time our two Presidential candidates are going to be together. Let us hope the environment will receive the attention that it deserves.

Whomever the American people select as the next President must be prepared to join all nations in protecting our environment and our atmosphere.

Finally, Madam President, I would like to take this opportunity to salute the distinguished Senator from Vermont, Senator STAFFORD, for this continued, unflinching, and untiring leadership on this issue. He has been out front on these issues for many years, and the Senate, like the environment, will lose a great friend when he retires at the end of his term. During the past several weeks, Senator STAFFORD has presented to the Senate, in 17 parts, a comprehensive report on atmospheric contamination. I hope all of my colleagues will join me in thanking Senator STAFFORD for these thoughtful and thorough presentations. The Senator can be assured that his guidance and leadership will be sorely missed by this body, but his wisdom and spirit of environmental protection will permanently reside in this institution and elsewhere.

It is my understanding that his presentations may well be made into a tape for use by high schools, not only across the State of Vermont, but available across the country, a primer for students everywhere, not only on those issues, but on how a distinguished American citizen and tireless protector of the environment, the Senator from Vermont, Senator STAFFORD, would like to see us respond.

It is certainly a wonderful, example for all of us who will stay here to fight these battles to help prevent global warming.

Madam President, I ask unanimous consent that the statement by Margaret Thatcher, and the statement by the Soviet Foreign Minister, Mr. Shevardnadze, the reports of those statements, and the report of the statement of Chancellor Kohl, appear in the RECORD.

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

[From the Times of London, Sept. 28, 1988]

THATCHER GIVES SUPPORT TO WAR ON POLLUTION

(By Nicholas Wood)

The Prime Minister last night warned that the well-being of the earth's inhabitants may be at risk from pollution.

In the most graphic words she has ever used on the issue, Mrs. Margaret Thatcher said it was possible that modern technology had unwittingly triggered "a massive experiment with the system of the planet itself."

She called for more research to identify more precisely the nature of the threat and said that the Government would have to consider the wider policy implications in areas such as energy production, fuel efficiency and reforestation.

And she made clear that once cause and effect had been properly established she was prepared to take decisive action to protect the environment.

The Prime Minister, who until now has been widely regarded as a skeptic on the issue, said that protecting the balance of nature was "one of the great challenges" of the rest of the century.

Her scenario, putting global pollution high on the political agenda, will delight environmentalists and the growing number of Tory backbenchers who want the Government to give a greenish thing to its free-enterprise policies.

Her remarks also indicate that Mrs. Thatcher recognizes that the electorate is becoming increasingly concerned about the threat to the planet's ecosystem and is determined that she will not be outflanked by her political opponents.

Earlier this week, Mr. Paddy Ashdown, the leader of the Social and Liberal Democrats, made the green vote one of his key priorities in the campaign to rebuild his party's support. Labour, too, is paying more attention to environmental matters.

Mrs. Thatcher, who was addressing an audience of 180 scientists, doctors, diplomats and senior Civil Servants at the annual dinner in London of the Royal Society, of which she is a fellow, said that engineering and science had brought great benefits. However, by releasing vast amounts of carbon dioxide into the atmosphere at the same time as great tracts of forest were being cut down, modern society was disturbing the earth's atmosphere.

Mrs. Thatcher identified the greenhouse effect, the hole in the ozone layer detected over the South Pole and acid rain as the three main dangers to the well-being of the planet.

Mrs. Thatcher said that the possible threat to human life posed by the greenhouse effect—the warming of the earth's atmosphere as a result of an accumulation of gases such as carbon dioxide leading to melting of the polar ice caps—had been brought home to her at the Commonwealth Conference in Vancouver last year.

The President of the Maldives had reminded the gathering that the highest part of this country, with a population of 177,000, was only six feet above sea level.

"We need to identify particular areas of research, which will help to establish cause and effect. We need to consider in more detail the likely effects of changes within precise timescales."

[From the Daily Telegraph, Sept. 29, 1988]

#### NATURAL IMPORTANCE

Among the many speeches she has made, Mrs. Thatcher's address to the Royal Society about the dangers of mankind's ignorant experiments with the ecosystem of this planet is more likely than most to enter the history books. There are plenty of observations the cynics can—and probably will—make about it. Her conversion may appear to have come late in the day; it may, with an eye on the growing "green" element among younger voters, be said to smack of political opportunism; and costing the implications of what the Prime Minister has said might certainly take us into the realm of the unthinkable. . . . But the cynical view ought not to diminish the importance of this speech. Mrs. Thatcher has used the grasp of a former research scientist and her high international standing to deliver, in the right company, a warning to all humankind.

Such is the extent of our ignorance about the damage being done to our planet that the first natural response to the Prime Minister's remarks is to declare a need for more research and more money to be spent on it. Yet we cannot escape the knowledge that many of the things we are doing, such as creating energy from fossil fuels, releasing noxious gases, and disposing of pollutants, are profoundly damaging. There must be more research and more spent on it, certainly, though that does not mean—as the Prime Minister was careful to stress—"a blank cheque for everyone with a bee in his bonnet". But there is also a case for quicker action. We are not well-poised to take it, least of all in the so-called Department of Environment.

Outside our immediate reach, yet an intrinsic part of the threat, is what goes on outside modern industrial countries. The Third World also carries heavy responsibilities, though it is not everywhere fashionable to say so. If we are to take the Prime Minister's words seriously, there is a need not only to make certain expensive industrial sacrifices on our own behalf, but perhaps also to finance damage limitation in parts of the Third World. Some economists will declare that the Prime Minister has, on behalf of the wealthier industrial nations, given a very large hostage to fortune. To which the proper answer is—none too soon.

#### KOHL URGES COOPERATION ON DEBT, ENVIRONMENT

Chancellor Helmut Kohl emphasized the need for international cooperation in solving the Third World's debt problems and called for stronger worldwide cooperation to protect the environment during a speech Tuesday (September 27) at the opening of the annual meeting of the International Monetary Fund and the World Bank in Berlin (West).

Addressing some 5000 conference participants from 151 countries, Kohl asserted that close international coordination and economic prudence by governments and banks had played a decisive role in averting a general world economic crisis following

the fluctuations on the financial and foreign exchange markets last year. He maintained that the Federal Republic had made a positive contribution by reducing taxes, stimulating investment and accepting a higher budget deficit. These measures, the chancellor explained, have increased economic growth and stimulated imports, reducing the trade imbalance between the Federal Republic and other countries.

The chancellor further cited Bonn's debt cancellations or offers to cancel debt amounting to more than \$4 billion up to now to benefit the least developed countries and poor African nations; its additional grants to sub-Saharan countries for the financing of interest payments; and its offer last week of more favorable credit terms under bilateral aid programs.

Kohl urged in addition that environmental protection become a "focal point" of development policy and called for efforts to link debt relief more closely to ecological requirements. Prosperity gained at the expense of destroying the environment would be a "Pyrrhic victory," the chancellor declared. He proposed that environmental protection, especially the protection of tropical rain forests, assume a greater role in cooperation with developing countries.

[From the Philadelphia Inquirer, Sept. 28, 1988]

#### SOVIET URGES ANTI-POLLUTION EFFORT (By Rick Lyman)

UNITED NATIONS.—Soviet Foreign Minister Eduard A. Shevardnadze called yesterday for a major U.N. effort against the globe's environmental problems, describing them as "a second front" equal in importance to nuclear disarmament.

Citing pollution, global warming trends, the decaying ozone layer and "quite deliberate attempts" to dump toxic wastes in "densely populated areas of the Third World," Shevardnadze proposed the consolidation of current U.N. environmental programs in a council "capable of making effective decisions to ensure ecological security." "The biosphere recognizes no divisions into blocs, alliances or systems," he said. "All share the same climatic system, and no one is in a position to build his own isolated and independent line of environmental defense."

It was one of several significant expansions in U.N. authority that Shevardnadze proposed to the General Assembly's 43d session, which heard President Reagan on its opening day, Monday.

Shevardnadze's proposals included "greater U.N. involvement in the process of nuclear disarmament," a "reinvigoration" of the Security Council and a U.N. supervised "register" of international arms sales and transfers.

"Disarmament and security, in all its aspects, are becoming an increasingly multilateral and truly international process," he said. "The institution of monitoring and verification should be equally international."

Although the Soviet foreign minister's address was peppered with mild rebukes of the United States, the tone, like Reagan's, was conciliatory.

This is "a remarkable time," he said, calling the current warmth in U.S.-Soviet relations "a product of reason of a new political intellect, which is prevailing over the dark legacy of the past."

"The division of mankind into great and small countries has run its historical course," he said. "Divisions and redivisions of the world into spheres of influence are

historically pointless. Today, we must all be one sphere of influence—our planet."

On the environment, Shevardnadze called for a "consultative meeting of experts" next year under U.N. auspices to discuss the "health of the Earth" and a "summit meeting of the leaders of 15 or 20" nations from "all continents and the Non-Aligned Movement" in 1990.

This should culminate "sometime before 1992" in a U.N. international conference on the environment "at the summit level," Shevardnadze said.

As part of that initiative, he also called upon high-technology nations, such as the United States, to share technological advances—"pooling the efforts of states in the use of advanced technologies, such as thermonuclear fusion and superconductivity, in the interests of human survival."

The Shevardnadze initiative that drew immediate comment from the United States was his suggestion that the permanent members of U.N. Security Council meet soon to examine charges of violations of the Afghanistan cease-fire, a meeting that should also include "representatives of the parties directly concerned."

Responding to Shevardnadze's remarks, Secretary of State George P. Shultz told reporters yesterday that because the United States did not recognize the Soviet-backed Afghan regime, "we would not be ready" to meet with its representatives.

Shultz also accused the Soviets of violating the accords by allowing Afghan jets to cross into Pakistani air space. Pakistan and the United States have long aided the anti-Soviet Afghan rebels.

In his speech, Shevardnadze charged that "a nonstop production line of violations was set in motion" by the Pakistanis as Soviet troops started withdrawing from Afghanistan in May.

Asked after his speech whether the alleged Pakistani violations would stall the Soviet withdrawal, Shevardnadze said, "We shall see."

Shultz and Shevardnadze said they hoped to resolve, or at least clarify, the issue in meetings this week.

Regarding the U.S.-Soviet negotiations under way in Geneva on a proposed 50 percent reduction in long-range nuclear weapons, Shevardnadze was much less optimistic than President Reagan, who told the assembly Monday that such a treaty was "more than a possibility" in the next year.

Actually, the negotiations are "slowing down," Shevardnadze said, because of snags over verification procedures.

"It looks as if the Russian proverb, 'trust, but verify,' is good only when applied to the Soviet Union, but is not valid as regards the United States," he said.

Reagan has frequently used the proverb to push the Kremlin leadership toward greater openness in its military programs.

Regarding Reagan's proposal Monday to organize a worldwide ban on chemical weapons by calling a meeting of the nations that signed the 1925 Geneva Protocol to ban the weapons, Shevardnadze said the Soviet Union regarded the proposal "positively."

But Soviet Foreign Ministry spokesman Gennadi I. Gerasimov told reporters later that the protocol only addressed "part of the problem" by banning the use of chemical weapons, not their manufacture and stockpiling. The Soviet Union would like a comprehensive ban, Gerasimov said.

The United States has been manufacturing so-called binary chemical weapons, which only become poisonous upon firing,

since 1982. The Soviets contend that they have nothing to do with chemical weapons.

Yesterday, Reagan continued a series of meetings in New York with leaders of other countries attending the General Assembly session.

He met with NATO foreign ministers, with representatives of Korea, Japan and Australia, and with the foreign ministers of South Asian rivals India and Pakistan. He returned to Washington later in the day.

—  
A PORTION OF THE SPEECH BY EDUARD SHEVARDNADZE

It is because of that division that so many pages in the 1988 calendar have not been filled. It is for the same reason that this year has had such a generous supply of summer dates.

It is perhaps for the first time that we have seen the stark reality of the threat to our environment—a second front fast approaching and gaining an urgency equal to that of the nuclear-and-space threat.

For the first time we have clearly realized that in the absence of any global control man's so-called peaceful constructive activity is turning into a global aggression against the very foundations of life on Earth.

For the first time we have understood clearly that we just guessed, that the traditional view of national and universal security eased primarily on military means of defense is now totally obsolete and must be urgently revised.

Faced with the threat of environmental catastrophe, the dividing lines of the bipolar ideological world are receding. The biosphere recognizes no division into blocs, alliances or systems. All share the same climatic system and no one is in a position to build his own isolated and independent line of environmental defense.

Man-made "second nature"—the technosphere—has turned out to be dangerously fragile. The consequences of many of its breakdowns are becoming international and global.

Environmental crisis is being exported on an increasing scale, with toxic technologies, facilities, products and wastes spreading, overtly or covertly, through the channels of economic relations.

Quite deliberate attempts are being made to turn densely populated areas of the third world into toxic waste dumps.

In a situation like this it is suicidal to try to economically reign in progressive national developments, to wear down an imaginary enemy through economic pressures.

It is unreasonable to impede the economic reconstruction of countries that seek to restructure their energy industries and introduce resource-saving and waste-free technologies thus making the world less dangerous.

It is much more sensible, as we are proposing to the United States and other countries, to abolish some planned or on-going military programmes and channel the funds thus released towards instituting an international regime of environmental security.

All the environmental disasters of the current year have placed in the forefront the task of pooling and coordinating efforts in developing a global strategy for the rational management of the environment.

All of us, and I emphasize all of us, need an international programme to manage the risks involved in economic activities and to shift to alternative technologies that spare both man and nature.

We need resources to save our planet, instead of destroying it.

I think that the world community has such resources. But they have to be supplemented by the will and headiness to act, and, secondly, by an effective mechanism for international ecological cooperation.

It is quite clear that in this area, too, nothing can be done without the tools of new political thinking.

In this area too, it must emphasize the factor of time, we have too little of it, and problems are piling up faster than they are solved.

Even the implementation of the positive decisions already adopted could take years and years. Just the physical elimination of intermediate- and shorter-range missiles will require three years of continuous daily work, and the treaty's entire "sequence of implementation" will take thirteen years.

This makes it incumbent upon us to take responsible decisions today.

What are our liabilities?

Tens of thousands of nuclear warheads and hundreds of thousands of tons of toxic agents.

Mountains of conventional armaments.

Holes burnt in the ozone layer and the eroding biosphere.

The greenhouse effect and the depletion of non-renewable sources of energy.

Acid rains and deserts devouring the green world.

Forest fires and floods.

Drying seas and dying fauna.

Terrorism against the peoples and aggression against nature.

What are our assets?

The world's growing maturity which makes it possible to pose and solve global problems on a planetary scale.

The growing world-wide "Green Peace" movement.

Shared perceptions of environmental scientists and policy-makers who are becoming increasingly active as environmentalists, as evidenced by the document of the states parties to the Warsaw treaty and by the recent appeal issued by the pugwash movement.

The report entitled "our common future", prepared by the world commission headed by Mrs. Brundtland, and UNEP's [United Nations environmental program] models of environmental renaissance to counter environmental apocalypse.

The experience of the past three years which attests to the possibility of removing corrosive growing from the body of the Earth.

The experience of pooling the efforts of states in the use of advanced technologies, such as thermonuclear fusion and superconductivity, in the interests of human survival.

This year's calendar has also included another event, the inauguration of the centre for the development of an international experimental thermonuclear reactor by scientists from many countries. They will chart the routes towards the inexhaustible sources of energy for the coming century and at the same time develop a model of joining efforts in the interests of all.

Among our assets is the realization that a monopoly of a small number of countries over advanced technologies and attempts at all costs to keep others on the sidelines of the emerging science-and-information world may boomerang against the monopolists.

Among our assets is the United Nations, whose high efficiency has been so graphically demonstrated by the events of 1988. They have also highlighted a simple but very meaningful truth: when nations, particular-

ly the great powers, start to cooperate, the United Nations gains in influence and strength, once again capturing the spirit of its initial objectives.

It is true that the fable about two elephants stamping out grass is still popular. President Reagan's speech yesterday would seem to indicate that "the grass" is not being threatened.

We do not want to fight, and love is still a remote possibility.

Speaking seriously, the world community has gained much from the improvement in Soviet-American relations.

In this regard I am pleased to quote a remark by Mr. Perez De Cuellar.

The meeting between Gorbachev and Reagan, he said, has shown the world community an example of voluntary dialogue. Governments have suddenly realized that the United Nations is quite an appropriate place for negotiations and for solving problems.

Exactly. I would just add: the most appropriate place, and if in the past it has not always been that, the organization itself is the least to blame.

Let us say frankly that many of us, including particularly the permanent members of the Security Council, are to blame for the fact that at some point certain fundamental values of our organization, embodied in this charter, were diminished. Now that they are reverting to their initial level, we are duty bound to learn from the bitter lessons of the past for the sake of the future.

Today, for instance, the Soviet Union is reconsidering its previous attitude to the organization's economic institutions.

In particular, we attach great importance to the activities of the United Nations Economic and Social Council and would like to contribute to enhancing its effectiveness.

No country stands to gain by keeping aloof from the international forums of our organization. Having drawn this more than evident conclusion, we are asking: should not some of our partners take a fresh look at their attitude towards UNESCO?

The permanent members of the Security Council should set an example in strengthening the authority of the United Nations, enhancing its role, and expanding and enriching its peace-making functions.

All of us here are witnesses to our organization's renaissance. At the same time, we are its architects.

We shall enhance the role of the United Nations even more by concerted efforts to combat the threats to our environment.

It is, we believe, within the framework of the United Nations that an international mechanism should be established to formulate urgent decisions on pressing global problems, above all economic and environmental problems.

The Soviet Union proposes a discussion on how to turn the United Nations environment program into an environmental council capable of taking effective decisions to ensure ecological security. It proposes that a three-event series of emergency meetings should be held—of course, under the auspices of the United Nations—to coordinate efforts in the field of ecological security.

A consultative meeting of experts in 1989 to discuss the health of the earth.

A summit meeting of the leaders of 15 or 20 states representing all continents and the non-aligned movement, an influential force of our times, in 1990;

The second United Nations International Conference on the Environment to be held,

as planned, in 1992 or even earlier but, in any event, at the summit level.

Distinguished colleagues, we have been speaking of a calendar of real accomplishments, a calendar of ideas not yet realized, and a calendar of hopes and plans for the future.

The review of this year that we have undertaken is not an end in itself. What can be an end in itself is the inner moral principles of seeking progress and the political need to identify the moment of truth which from time immemorial has tended towards motion, towards overcoming inaction.

This year has been full of both movement and slow-downs. It has shown that Mikhail Gorbachev was right when he said: "A complex and in many respects unusual situation is developing in the world. We are in the beginning of a new, long road that promises both new prospects and new problems".

Which tendency will prevail? What will gain the upper hand—the tendency towards further movement ahead or the inertia of stagnation?

The answer is to be found in abandoning certain dogmas, even though cast in the form of "eternal" truisms. We have to write a new catechism of international existence, in which in the beginning will be thought and reason, followed by deeds for the sake of our common salvation and development.

It is necessary to stop sermonizing from high international rostrums and to recognize the principle of equality in international dialogue.

As for the dogma of "peace through strength", let us leave it to those who worship the faded commandments of the past.

History's keynote is peace through reason, and this, too is a commandment for the future.

The past has great power over us. But the future has an even greater gravitational force. The poetic metaphor—"to win the affection of space, to heed the call of the future"—takes on a lofty political meaning.

Let us not be deaf to that call, let us respond to it by really uniting to save life on Earth.

Mr. WIRTH. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### CALIFORNIA INDIAN LANDS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3621.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved.* That the House disagree to the amendment of the Senate to the bill (H.R. 3621) entitled "An Act to declare that certain lands located in California and held by the Secretary of the Interior are lands held in trust for the benefit of certain bands of Indians and to declare such lands to be part

of the reservation with which they are contiguous" and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered.* That Mr. Udall, Mr. Richardson, and Mr. Young of Alaska be the managers of the conference on the part of the House.

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

The motion was agreed to, and the Presiding Officer (Mr. SANFORD) appointed Mr. INOUE, Mr. MELCHER, Mr. DECONCINI, Mr. BURDICK, Mr. DASCHLE, Mr. EVANS, Mr. MURKOWSKI, and Mr. MCCAIN conferees on the part of the Senate.

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

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

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, conferences will be continuing in respect to the drug bill.

I suggest that we might stand in recess for a while to facilitate those discussions.

#### RECESS UNTIL 3 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate, at 1:59 p.m., recessed until 3:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MELCHER).

The PRESIDING OFFICER. The majority leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The majority leader.

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, to review for the record the order that was entered protecting the rights of the majority leader to go to the drug bill by nondebatable motion, that right under that order pertained only to the drug bill, as far as the nondebatable motion is concerned. And I can exercise that right, as I understand the order, until

such time as I have consulted with the distinguished Republican leader, at which time I am free to make that motion and it will not be debatable.

Am I correct, No. 1, that it pertains only to the drug bill, which would be the House bill in this instance; and, second, that I retain that right to proceed following consultation with the Republican leader?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. Is that according to the recollection of the Republican leader?

Mr. DOLE. Yes, that is in accordance with the previous understanding, that it applies to the drug bill. And the reason for it is we want to try to get a drug bill passed and the majority leader had a perfect right this morning, during the morning hour, to get the drug bill before us. But we are negotiating and have been for the last couple of hours and this will facilitate speeding up the work. Maybe we can work it out. Maybe we cannot. But the majority leader is absolutely correct.

Mr. BYRD. I thank the Republican leader.

May I say, incidentally, on that point, that we have two groups working now, two bipartisan groups at work trying to resolve some of the matters and we hope that, as the afternoon wears on, that those two groups will be able to come to conclusions that will enable the Senate to move forward on the drug legislation.

Mr. DOMENICI. Would the distinguished majority leader yield for an observation by the Senator from New Mexico?

Mr. BYRD. Yes.

Mr. DOMENICI. I understand that it might be the intention of the leader to call up the so-called postal—well, I will call it "take the Postal Service off the unified budget" bill. And I understand that the leader might seek unanimous consent to proceed to that bill so that we will not have a motion that is debatable.

I want to say to the majority leader in advance, clearly I am in no position to agree on any time agreement on the bill, and the leader is not asking for that. But neither am I in a position to agree to proceed to the bill without the motion and without that motion being debatable because I have no idea, nor does anyone, how many amendments are contemplated.

We are now aware of something like six or seven amendments that might take 8 or 9 hours. So I am going to object whenever the leader requests that we proceed to the bill. But I want the leader to know, and Senators to know, that that objection will be removed by the Senator from New Mexico once we know the list of amendments and have a chance to review them. Because, clearly, this

puts the Budget Act and the whole unified budget before the U.S. Senate.

The majority leader knows better than anyone, having helped draft that bill and grant it the sustenance that has kept it alive for almost 11, 12 years, that clearly we should not be having it wide open for all and any kinds of amendments.

That is going to be my position. I hope Senators who are interested in it know I am not going to remain an objector to proceeding with the bill. I clearly have some amendments myself. But I think we ought to know the full extent in detail of amendments that are contemplated on something as important as this.

Mr. BYRD. Mr. President, I thank the able Senator from New Mexico. He had clearly laid out his position and I understand it and respect it.

Mr. President, I will shortly ask unanimous consent to proceed to the Postal Service off budget measure. If there is an objection, I will move—that will be a debatable motion. And that will give the Senators the opportunity to discuss the motion and, hopefully, to develop some understanding of what amendments are going to be called up and we will see where we go from there.

I should say that once the core group, the distinguished Republican leader and I are ready to go with the drug bill, of course that, under the previous order, will take precedence.

#### BUDGETARY TREATMENT OF THE POSTAL SERVICE

Mr. BYRD. Now, Mr. President, with the record clear as to what our intentions are, what our rights are, I ask unanimous consent that the Senate proceed to consideration of Calendar 919, S. 2449.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. And I will object. I do want to repeat for the record my reason for objecting.

It is not the substance of the matter but rather that at this late date, since we have the whole Budget Act before us in a sense, the Senator from New Mexico would like to see the extent of the amendments contemplated. I am aware of five or six with some 6 to 8 hours requested, but I think we ought to know all of the amendments that are contemplated before we proceed.

Second, I would say to the distinguished majority leader—and I have talked privately with him about this—some of those who are most interested in this bill are off working diligently as part of task force to produce a drug bill. I am aware of at least two who are extremely interested in this measure.

They cannot be both places, and then the distinguished chairman of the Budget Committee, and I do not really know his position on the amendments or the bill, is not able to be present at least for a while. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, the motion which I make, as has already been indicated, will be a debatable motion.

I move that the Senate proceed to the consideration of Calendar Order No. 919, S. 2449.

The PRESIDING OFFICER. The question is on the motion.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### A "FURLOUGH" FOR IRAQ

Mr. PELL. Mr. President, on occasion a regime will commit a crime so heinous that the world community speaks vehemently in protest. Iraq's use of poison gas against its Kurdish population is such a crime.

Translating our sense of moral outrage into action becomes more difficult. On September 9, the Senate voted to impose on Iraq the most sweeping sanctions put forward for any country in decades. Yesterday the Senate voted for the third time for sanctions. This time, however, the package had been watered down after intense pressure from the House of Representatives and a variety of American business interests. I regret the weakening of the sanctions bill but I do believe yesterday's legislation has teeth and will cause Iraq and other countries to think twice about using chemical weapons.

Now we hear that the State Department opposes even this watered down sanctions bill. Apparently they would take the word of Iraq's foreign minister, Tariq Aziz, who promised Secretary Shultz that Iraq would not use chemical weapons. Unfortunately, this promise of future good conduct was accompanied by an assertion that Iraq had not used chemical weapons against the Kurds—an assertion that is demonstrably false. Can we really be expected to overlook the gassing of thousands of people on the basis of an assurance that is itself predicated on a lie?

As a former Foreign Service officer, I am sympathetic to the State Department's desire to maintain good relations with Iraq. Iraq is a rich and strategically important country and much

work has gone into rebuilding the United States-Iraq relationship.

Some conduct, however, is beyond the pale for civilized nations. If we are not prepared to respond to Iraq's use of poison gas, will we ever be prepared to act?

Jim Hoagland has written a splendid column on these issues which appears in today's Washington Post. He concludes by saying that President "Reagan should not veto sanctions against Iraq and become a party to the refusal to confront evil." I endorse these sentiments wholeheartedly and would like to call the Senate's attention to the Hoagland article.

Mr. President, I ask unanimous consent that the Hoagland article be printed in the RECORD.

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

[From the Washington Post, Oct. 12, 1988]

#### A "FURLOUGH" FOR IRAQ

(By Jim Hoagland)

PARIS.—While George Bush tries to convince the American electorate that he is actually running against Willie Horton for president, his State Department is asking the White House to issue a gold-plated full-time furlough for Iraq's chemical-weapons corps on the strength of Iraq's promise never to play with the naughty stuff again.

After publicly convicting Iraq of using poison gas, the State Department is now saying the Iraqis should pay no price for their crime. The Arabists at Foggy Bottom, backed up by George Shultz, are urging President Reagan to veto the economic sanctions Congress intends to levy against Iraq this week. The Arabists have the chutzpah, if they will pardon the expression, to do this even as Bush hammers on about what a tough guy he is on punishing law-breakers—and while Reagan, in reaching for one last diplomatic accomplishment, calls for a new international conference to outlaw once again, you guessed it, the use of chemical weapons.

Where does chutzpah pass over the line into overt hypocrisy? That can be a difficult call in the worlds of diplomacy and politics. But the U.S. and French governments, American business that has interests in Iraq and some senior Capitol Hill legislators go crashing through that line when it comes to Iraq and poison gas. They say how awful it is, then try to make sure it goes unpunished.

The Iraqi government supervises tours to take journalists to areas where poison gas was not used. But there can be no doubt that Iraq has persistently used chemical weapons against Iran in their eight-year war and more recently against Kurdish guerrillas and civilians. United Nations investigators have reported the use of poison gas on at least eight occasions when only Iraq could have been guilty of it. The super-cautious Shultz was so persuaded by U.S. intelligence data that he attacked Iraq publicly in September and demanded a halt to the attacks on the Kurds.

His words, and the quick action of the U.S. Senate in demanding tough economic sanctions against Iraq, seem to have had some effect. There have been no new chemical-weapon attacks reported since then. The Kurds, I suppose, should be thankful for small favors.

But is the world really prepared to look the other way and do nothing in the most ghastly case of the use of poison gas since the Nazi death camps of World War II? Are we really ready to say in effect that those who will be tempted to follow the Iraqi example in the future have nothing to fear?

The successful efforts on Capitol Hill to water down the Senate-passed sanctions suggest the answers to these questions are not as clear-cut as many might think. After U.S. agribusiness weighed in, House committee leaders helped block a provision in the Senate-passed sanctions bill that would have mandated an end to \$800 million in agricultural credits for Iraq. A ban on oil imports from Iraq was also axed in House committee sessions.

The compromise House-Senate sanctions bill, worked out last weekend, has a few of its original teeth left. That bothers State Department officials, who claim that mandatory sanctions could "jeopardize" U.S.-Iraqi relations and "complicate" stalled peace talks between Iran and Iraq. Thus they urge a Reagan veto.

But final consideration of the sanctions bill comes as the White House is pressing France to host a new international conference on chemical weapons in December. Washington would welcome a formal announcement of the conference before Nov. 8 as a possible boost for Bush, who has emphasized that an effective chemical-weapons ban would be a high priority for his presidency.

France is involved because it holds the official documents of the 1925 treaty "outlawing" poison gas. Despite skepticism here that a meeting of 110 nations can be organized as quickly as the Americans would like, President Francois Mitterrand went along with Reagan's suggestion that he issue a call for a new conference in his speech to the United Nations Sept. 29.

Getting into the spirit of things, Mitterrand even added a call for international embargoes on weapons sales to any country that used poison gas. It was an intriguing idea, since France is one of Iraq's main arms suppliers. But Defense Ministry officials have beat a steady retreat since then, and after claiming the United States had not shared its "incontrovertible" evidence that the Iraqis gassed the Kurds.

Throughout World War II, reports of massive gassing of Jews by the Nazis were regularly dismissed because they lacked "evidence." Recently uncovered documents soon to be published in Geneva show that the International Committee of the Red Cross was convinced as early as 1942 that the Nazis were carrying out a policy of extermination. But it said nothing publicly and sought no condemnation of this horrible crime.

Who says history does not repeat itself? Or, that we learn from our mistakes? Those who did not want to know, or act, in World War II were always able to find the lack of proof at the right moment. Reagan should not veto sanctions against Iraq and become a party to the refusal to confront evil.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### BUDGETARY TREATMENT OF THE POSTAL SERVICE

Mr. PRYOR. Mr. President, usually at this time in the last or waning hours of a congressional session a lot of things happen, a lot of things we did not think would happen. An awful lot of things that we hoped would happen, as the distinguished occupant of the chair really realizes, do not happen. This is one of those occasions when we have seized a very small window of opportunity to correct a very old problem and to settle an old issue in the Senate and in the House of Representatives.

Mr. President, I should like for just a few moments to talk about S. 2449, the Postal Services Budgetary Treatment Act of 1988. As I speak, we are attempting to locate in the Capitol Senator TED STEVENS, of Alaska, who has been not only a partner but an advocate of taking the Postal Service off budget and clarifying once and for all this extremely ambiguous issue that has once again visited Congress.

S. 2449 is not a complicated piece of legislation. It simply says that the receipts and disbursements of the Postal Service fund—a businesslike revolving fund; it is not a tax-based trust fund—shall not be included in the President's budget for the purposes of calculating the Federal deficit, and that the fund shall not be taken into account in making calculations under the 1985 Gramm-Rudman-Hollings Deficit Control Act.

Mr. President, as recently as April 1988, when Senator STEVENS proposed a sense-of-the-Senate resolution supporting the proposition that the Postal Service ought to be taken off budget, 74 of our 100 colleagues joined him.

What is at issue very simply is whether we want to continue to allow postal policy, financing, and operations to be driven by political considerations—and let us face it, that is how they are driven—associated with attempts to reduce the Federal deficit or whether we are going to make this a separate fund. The issue is whether we want to continue to allow the budget deficit picture to be distorted by inclusion of the unique, businesslike postal revolving fund in our calculations or whether we want to continue the fiction—and it is fiction—that the Postal Service is subject to sequestration, when even the Office of Management and Budget admits that there are no enforcement mechanisms available.

There is a similar bill, Mr. President, that I also wish to discuss. Many of our colleagues in debate which may take place later in the day may be told that the bill we are considering is H.R. 4150. That is not the bill we are con-

sidering. We are considering the Senate bill, which is very different from the House-passed bill. The House passed a bill earlier this year by a landslide vote of 390 to 16, and this has been carefully considered by the Senate Subcommittee on Federal Services, Post Office, and Civil Service, which I chair. It was reported out of the Senate Governmental Affairs Committee in July with only one dissenting vote in the committee. I should note that Senator SASSER, of Tennessee, has an amendment prepared, of which I am a cosponsor, to address this lone concern, that concern expressed in the hearing by our friend Senator RUDMAN, of New Hampshire.

Briefly, the bill would take effect in fiscal year 1990 so as not to be violative of the 2-year deficit reduction agreement reached last winter.

Also, it differs from the House-passed bill in a very major way. The Senate version of the bill does not increase postal borrowing or long-term debt authority. Finally, S. 2449 makes very clear that by placing the Postal Service in an off budget status, Congress does not relinquish any of its authority to oversee the budget and operations of the Postal Service.

Taking the Postal Service off budget is not a panacea. However, it will lessen the likelihood of future meat ax-type cuts aimed at an entity that is essentially self-supporting. Also important is that we will send a signal to OMB that we are very unhappy with its almost constant streams of attack on the U.S. Postal Service.

Senator STEVENS of Alaska, has mentioned in the past that he thinks OMB has a separate, not so hidden agenda as relating to the Postal Service. I think the Senator is right on target. While we all recognize that the Postal Service has problems, and it has many problems, the solution to those problems is clearly not to be achieved by every year, at the end of the year, assaulting this very important entity at every opportunity. Nevertheless, OMB has appeared to take the latter approach.

Mr. President, I am urging my colleagues this afternoon to join with us, while we have this window of opportunity, to pass this bill and once and for all set to rest the tremendous amount of confusion that has associated itself with the Postal Service operation. Aside from Senators SASSER and STEVENS and the Pryor amendment on the indirect subsidy issue, I ask Senators who are cosponsors of this bill to oppose all other amendments. Although some of those amendments may have merit in their own regard, it is not the vehicle in the last days, or maybe the last hours, of the 100th Congress for us to find solutions to every problem.

Mr. President, it is my understanding—and maybe the Chair could advise the Senator from Arkansas—that the distinguished majority leader has now placed the motion before the Senate to proceed to S. 2449. Is that a correct analysis?

The PRESIDING OFFICER. The Senator is correct.

Mr. PRYOR. Mr. President, at this time I see no other speakers and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GLENN. Mr. President, I rise in support of S. 2449, the Postal Service Budgetary Treatment Act of 1988, which was favorably reported by the Governmental Affairs Committee this past July. Similar legislation has already passed the House.

I have supported the idea of taking the Postal Service off budget so that it will be less vulnerable to political efforts to mask or otherwise influence our national budget priorities. I am also convinced that subjecting the Postal Service to the yearly constraints of the Federal budget process, over the long run, threatens its ability to maintain vital functions.

We established an independent Postal Service in the 1970 Reorganization Act to reflect the act's requirements that the Postal Service operate in a self-supporting, businesslike fashion. After many years of off-budget status, in 1985, the administration included the Postal Service fund in its budget for fiscal year 1986, in effect bringing it back on budget by administrative action. The fiscal year 1986 budget estimated that Postal Service net income to be \$692 million in that fiscal year. And, we all know what has taken place since—in a time of deep budget deficits we have sought budget savings from the Postal Service.

This legislation would move the Postal Service off budget in 1990. Therefore, it would not violate the terms of the 2-year budget deficit reduction agreement that has taken fiscal year 1988 and 1989 savings from the Postal Service.

I commend my distinguished colleagues—Senator PRYOR, chairman of the Subcommittee on Federal Services, Post Office, and Civil Service, and Senator STEVENS, ranking minority member—for their diligent work on this legislation. It is my expectation that Governmental Affairs will continue to examine a wide range of budget reform issues in the next Congress, including separating the Social Security trust fund moneys from Federal budget deficit calculations. However, it

is my hope that the Senate will act on S. 2449 this session and it will be enacted into law.

Mr. STEVENS. Mr. President, as one of the original cosponsors of S. 2449, legislation to take the U.S. Postal Service "off-budget," let me state in the strongest terms I know the reasons why this legislation should be passed and, I hope, signed into law. On December 10 and December 21 of last year I objected strongly to legislation that, for the first time, required the Postal Service, which is not part of the deficit problem, to reduce their operation and construction budget by \$1.2 billion to try to solve the budget problems.

I have argued numerous times since then that the Postal Service should not be part of this budget reduction effort because it is not a significant part of the problem. I was pleased that on April 13, by an 85 to 8 vote, the Senate passed my sense of the Senate resolution that the Postal Service should be removed from the Federal budget. Mr. President, this legislation, S. 2449, is the most logical step to implement that Senate resolution. There are some who are concerned that if we removed the U.S. Postal Service from the unified Federal budget, other agencies, and/or programs, will argue that they, too, should be taken off budget.

Mr. President, let me respond to those arguments right now. The Postal Reorganization Act of 1971 was a unique reform which was driven by the special character and history of the Postal Service.

That postal reform legislation reorganized the postal system as an independent, self-supporting entity which is not similar to any other Federal organization. This sweeping, and in a sense radical change, was brought about by a remarkable national consensus that the previous postal organizations was failing, and strong medicine was essential.

Mr. President, I am the only person on the Government Affairs Committee who was serving on the old Post Office and Civil Service Committee when that legislation was passed.

The reorganization legislation made the Postal Service a financially self-contained and self-funded organization. This would enable the public to provide the funds needed for its operations and for capital improvements by paying the full cost of its services. Both congressional responsibility for appropriating annual budgets and apportionment controls normally exercised by the Office of Management and Budget to regulate executive branch expenditures were made inapplicable. When the legislation took effect, it was quickly recognized that the budgetary accounts of this financially independent new entity belonged as a self-contained annex to

the Federal budget, not as a part of the budget totals.

Despite the tremendous visibility of this major reform reshaping an organization that touches most Americans closely on a daily basis, the new postal organization did not become a precedent or model followed by other Federal activities. Over more than a decade, during which the Postal Service remained off-budget, not a single other organization was able to demonstrate that it should be treated in the same way based on the precedent of the postal example. No other organization has had the same history of such a broad-based national outcry to remove it from partisan politics, and none approaches the Postal Service in either scale or in the type of service that it performs.

The Postal Service literally offers service to virtually everyone in the United States six times a week. While the service it performs is, at times, a mundane everyday matter, it is also a vitally important service which the American people care about very much.

Accordingly, the Postal Service cannot escape the bright light of public scrutiny of the service it performs, of the costs it incurs, and of the charges for its service. It is definitely not, like virtually every other federal activity that could claim to be self-supporting, a specialized or local function performed invisibly to the average citizen by officials in Washington or some other headquarters.

By making postal finances independent of the congressional budget and appropriations process, Congress does not avoid the necessity for oversight of postal performance. Our constituents in all corners of the country use the Postal Service. Every Senator and Representative must be attentive to complaints about any problems or mistakes made by the Service.

The congressional departure from Federal regulatory controls in the reorganized Postal Service was based on a perception of a special opportunity unavailable for most Federal programs. The work which the postal system performs, providing a service to everyone in the country at cost, makes it possible to rely on businesslike incentives for efficiency and management of expenses.

To include its funding in the Federal budget provokes a disservice to the Postal Service, its employees, as well as its customers. Inclusions of the Postal Service account in as the Federal budget significantly distorts the Federal deficit figures because of the way the large postal capital investment program is presented. Capital improvements are included as budget authority when commitments are made, and as outlays when cash payments are disbursed. This presentation

adds to the deficit because it suggests that postage should have been collected to cover all of the cash payments as the buildings are built or equipment is purchased. This accounting treatment ignores the fact that valuable assets are acquired, and that the postal laws already make provision for the expense to be recognized through depreciation charges, and for postage to be collected to pay for that expense over the useful life of the asset. Thus, the Federal budget treats as deficit spending what is, in fact, standard businesslike financing of postal capital projects in accordance with generally accepted principles.

While the Government has other large capital programs which are included in the budget, these are financed largely through appropriations and are not major parts of the budget of most other businesslike or independent Federal entities.

As a part of the Gramm-Rudman-Hollings Act, Congress provided for return to the Federal budget of six entities which had previously been reported off-budget by law. These six were:

Federal Financing Bank.  
Rural Electrification and Telephone Revolving Fund.  
Rural Telephone Bank.  
Strategic Petroleum Reserve Account.

U.S. Railway Association.  
Synthetic Fuels Corporation.

The congressional decision to return these entities to the budget cannot be regarded as a basis for maintaining the Postal Service account in the budget, because not one of their budgets involves large investments in plants and equipment. Also, the U.S. Railway Association and the Synthetic Fuels Corporation, have since been abolished. All but one of the rest are Federal credit institutions which were established to provide funding to certain public or private activities. The sixth, the strategic petroleum reserve Account, funds its petroleum acquisitions largely through appropriations.

Other independent Federal entities which have been financed through some form of user charges include such activities as the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Tennessee Valley Authority. From this group, only TVA is at all comparable in purpose to the Postal Service, and it is a much smaller, regional operation which was not placed off-budget during the time when the Postal Service was.

The sheer size of this nearly \$2 billion annual investment in the future of the postal system, when recorded as simply an addition to the Federal deficit, offers a ripe target during a general budget crunch.

That is what happened last year, Mr. President. People were just looking for some place to cut, but they did not want to cut in their own backyard, so they said, "Cut the Postal Service."

The harmful short-term expediency which is invited by this accounting treatment has been demonstrated by last year's reconciliation legislation, which virtually eliminated the postal capital program for the rest of this year and slashed capital investments in the postal system in half over 2 years. On-budget treatment of trust funds and the smaller self-supporting or other independent Federal entities has not resulted in similar devastation of the capital accounts of the entities involved.

The history of the U.S. Postal Service, the facts surrounding this issue, and the well being of this Nation's second oldest department all argue for passage of S. 2449, and for the removal of the Postal Service, once and for all, from the unified Federal budget.

Mr. President, I want to reiterate: In the beginning of the Postal Service, was off budget. It was intended to be off budget. We specifically exempted it from the coverage of specific laws when we made this radical, sweeping change and abolished the old Post Office Department and created the U.S. Postal Service.

If it were on the big board, the Postal Service would be the eighth largest corporation in the United States. It is the eighth largest operation in the United States, and it is managed on a businesslike basis, according to law.

By trying to put the Postal Service budget on budget in order take advantage of the cash-flow of the Postal Service, to try to deal with deficit problems and to try to reduce some Postal Service expenditures in order to create a reduction in Federal spending, the illusion was created last year that, somehow or other, we are dealing with a budget deficit.

We did not deal with the budget deficit. We prompted Post Office window service to close all over the country. Windows were closed early in some places so that when individuals came home from work they could not pick up their packages and other mail; and, worst of all, we delayed needed capital investment for Postal facilities for which money was available and had been collected from the Postal ratepayers.

The ratepayers pay for the operation of the Postal Service, not the taxpayers. That is why the Postal Service should not be operated in a way to deal with the problems of the taxpayers caused by the Congress creating deficits. The Postal Service should be operated on a businesslike basis, and we should maintain our oversight to assure that it is operated that way.

Having served so long now on the committee that oversee the Postal Service, I have taken occasion whenever I have traveled throughout the world to examine the postal system in the various countries that we visit.

I can tell the Senate that there is not a better postal system in the world today. None of them can say what we can say.

There is very, very little left of the Federal support for the Postal Service. Much of the support that remains relates back, as we know, to retirement payments that are being made for people who retired from or worked for the old Post Office Department during the time when the retirement fund was not properly funded.

That was an obligation of the Federal Government then, and the Postal Service had been asked to pick it up now. We are willing to try to move toward picking up some of that, but it would be unfair to put us in the position that requires the ratepayers today and tomorrow to pay for the failure of the Federal Government to properly fund the retirement system for the old Post Office Department when it was in fact a purely Federal entity. Today it is an independent Federal entity. I still believe very much that the Postal Service should go back off budget and we should deal with the deficit problems through corrections in the expenditures of funds that are appropriated, funds that we receive from the taxpayers. We should not, on the other hand, try to impose upon the Postal Service additional burdens, costs which were not created by the Postal Service, such as the costs that they have incurred in the past year due to the passage of the Reconciliation Act for the 1987 fiscal year.

I am hopeful that those who oppose this bill will let it pass. I believe that it would be one of the best things that the President could do, for the new President, is to sign this bill. I support one and the occupant of the Chair supports another, but no matter who the President is in the coming years this issue should not be one that has to be confronted by a new President. We should deal with the problem that was created when we put the Postal Service on budget by mistake. It was done by mistake. It should not have been there. It was not part of the deficit problem, and it should not be looked to to try and solve the deficit problem.

Mr. President, I am prepared to yield the floor, and I do yield the floor.

The PRESIDING OFFICER (Mr. GORE). The Senator from Kentucky.

Mr. FORD. Mr. President, let me join with my distinguished colleague from Alaska in his endeavor here to right what I see is wrong. He has been

approaching this problem a long time with my good friend, the distinguished Senator from Arkansas [Mr. PRYOR].

This is symbolic, however, of the problems we are faced within Government. This is not a single item where those who use the service pay for it and then we in the Congress begin to meddle a little bit to try to reach a balanced budget or to meet the Gramm-Rudman-Hollings trend line and we begin to do certain things that create problems upon entities of the Federal Government that have been doing a good job and want to continue to do a good job, but we hamper them.

So I am very much in favor of this particular legislation. I believe S. 2449 is the number.

Mr. PRYOR. Yes.

Mr. FORD. And I support that.

But let me just visit a couple other areas that probably are not relevant to this one, but it indicates some of the problems, we face today and that we ought to address.

A few years ago we had 100 percent of the uranium enrichment in this world. Today it is probably less than 40 percent, and at contract time in 1989 our domestic users notified the Government that they would be no longer continuing their contract. That was a 30-percent reduction which puts us down somewhere in the area of about 28 percent.

We have been trying and attempting for some time—I see my distinguished friend from New Mexico here, who has done a yeoman's job—to try to improve uranium enrichment and uranium mining in this country. But what we find is when we want to go off budget to have a little innovative idea of Government corporations to try to get us back into business, we find that there are those who want to continue to saddle Government and the taxpayers with the problem that has an opportunity to be solved.

My distinguished friend from Alaska [Mr. STEVENS] serves on the Commerce Committee. We have been trying diligently to figure out some way to return to those who fly in airplanes who pay an 8-percent tax on their ticket that goes into a trust fund to improve our airways and our airports. We wind up with a balance there of somewhere between \$6 and \$7 billion. Because it is in a trust fund on budget, we do not spend that for what it is collected for. We use that so we can help balance the budget so we can spend money someplace else.

I think it is about time that we have a shakedown cruise and put everything on an even keel and find out exactly where we are.

I think the reorganization of the Postal Service and this particular bill as it relates to off budget is the right direction, and I am very much for it. But I think as we begin to talk about this one particular item we begin to

look at other ways that we might improve our ability to help our constituents because they are paying for it and we might be able to help the deficit. We might be able to do lots of things if we would go ahead and use some innovative ideas.

There is not anything wrong with taking FAA out of the Department of Transportation and making it an independent organization. There will be a sense-of-the-Senate resolution here today asking FAA to do something as it relates to our controllers at O'Hare. And we are just not doing anything.

The Department of Transportation asked the Appropriations Committee to forgive them for not being able to hire 950 full-time qualified controllers.

We begin to look at these problems. Each in themselves is not significant, some would say, but when you begin to put them together, it becomes a real problem.

As I rise to support this piece of legislation and to help my friends from Alaska and Arkansas, I point out that in this day and age when we are having money problems, we are having deficits, we are going to have to start using innovative ideas, new ways to help our communities based on the amount of money we are collecting from our constituents and the amount of money we are not using, in my opinion, properly.

So, Mr. President, as we begin to look at this particular operation of the Federal Government to make it off budget, those who use its service pay for it. We begin to look at those who fly our airlines. They are paying for something that they are not getting. They absolutely have paid in \$7 billion that has not been returned to them in the services and the ability of FAA and the Department of Transportation that they should be doing.

I think we are beginning to see the wisdom of some new ideas and some new directions.

We are not living in the past. The best is yet to come, I have heard.

But if we do not help it along, if we do not respond to the request of our constituents, then we are a major part of the problem—a major part of the problem.

So, as we begin down this road, I hope that my colleagues would look at other aspects of the Federal system and look at other agencies of the Federal Government.

I talk to my people at home and they talk about the inability to fund certain things. Well, I think it is time that Government becomes an honest partner. When I say an "honest partner," I mean it should not be looking to the Federal Government to be all things to all people. It should not be. But there should be leadership, there should be help, and there should be new ways of solving problems that have faced us for a long, long time.

I keep hearing: "We have never done it this way before. Why should we change?"

Well, business looks for new ways. Business looks for new opportunities. Those constituents of ours down there struggling to get ahead and stay in competition are looking for new ways. They are coming up with innovative ideas.

And so, Mr. President, I am hopeful that this piece of legislation will be approved and that we can do some things that are very helpful and that we also look at other areas where we can be of some assistance. Because the problem we are facing today in the airline industry is the inability to communicate. And we have the money to pay for it. We have the inability of airports for landing and for space. We have the money and ability to pay for it. We charge the passengers for those services and we are not seeing that it is done.

To give you an idea about an innovative idea, the distinguished occupant of the chair, his State, was one that wanted to invest in new airport facilities. They wanted to have some help, but they did not want to spend their money and not be able to have a chance to get some of it back.

So with his help and that of his colleague, Senator SASSER, we are able to put in the aviation legislation that, if it complied with the rules and they wanted to go ahead and spend their money in advance, they could take a chance on applying to the FAA and the trust fund for funding. And now you see a hub in Tennessee. They have progressed very well and they have accomplished a purpose that they would not have accomplished under the old way.

So new ways, new innovative ideas, Mr. President, are what we are going to have to begin to think about.

Old ways are fine, old values are fine, but we are living in a very progressive world—how fast our computers are changing; how fast our communications are changing. They all said, "I want the state of the art." Well, in computers and communications you will never have the state of the art. By the time you buy it and get it installed, somebody has something better. So your base has to be something that will adjust to the state of the art.

So that is what I am asking here, that we begin to adjust to the present and be able to cope with the future. So this is one of those steps in the right direction. I hope, Mr. President, that we will be able to accommodate our distinguished friends and that we will see some innovative ideas that will not increase the cost to the taxpayer, but to give them more than we have in the past.

Mr. President, I thank the distinguished Senator from Arkansas for allowing me this opportunity to say a few words. I know it is not right down the line as it relates to his legislation, but I think it does indicate the problem that we are seeing and I wanted to kind of hitch onto the wagon as it was beginning to move out of here. I thank my distinguished friend.

Mr. PRYOR. Mr. President, I thank the very distinguished Senator from Kentucky for his contribution and also for his support of taking the Postal Service off budget. Senator Ford is not only a very splendid businessman and was before he came to the Senate, but he was also Governor of one of the great States and he knew how to balance a budget. He knows that the postal system has to keep a balanced budget.

From time to time, that budget gets a little bit out of whack. Every once in a while that budget of the postal system will have a deficit. Sometimes that budget will have a surplus. Well, whether it is in deficit or surplus, Mr. President, the point is that for too long there has been great uncertainty about this particular budget.

There is no uncertainty about, let us say, the transportation trust system or the airport trust fund. Those seem to be fairly certain. We seem to know what the rules are. But the Postal Service is laboring today under a tremendous burden, not knowing whether they are on budget or off budget.

We saw—the distinguished Senator from Alaska and I especially did and also the distinguished Senator from New Mexico, many of us who worked around the clock with the budget summitters last December right before Christmas—we saw what happened in a situation, Mr. President, when the Postal Service, which had been viewed by OMB as on budget, what they did to the Postal Service during those critical and last hours of last year's session of the Congress in late December. We saw that OMB, through the budget summitters, with no relaxation, no guidelines which could be flexibly, only rigidly, enforced by the budget summit, said to the Postal Service, that you are going to not spend \$1.2 billion over the next 2 years. The Postal Service had no alternative. They had no choice except to save \$1.2 billion over the next 2 years.

What did they do first? They closed down the windows and they closed down the operating hours of our post offices. All around the United States, we heard the pressure from our constituencies. They maintained that they saved some money. Now they have reopened those windows. But the case is that we must build certainty into the post office trust fund situation once and for all.

Since the post office and the Postal Service was created—and I hope I am

right about this; I see my friend from Alaska and he may want to correct me on this—it is my opinion, my belief, that the Postal Service has been off budget except that it began within the budget cycle, so to speak, or was put on budget in the early 1980's, about 1984. In the early 1980's, under David Stockman of OMB and later Jim Miller of OMB, it was decided that the Postal Service should go on budget. Since that time, there has been massive uncertainty about whether or not the Postal Service was subject to Gramm-Rudman-Hollings. Is the Postal Service subject to sequestration? These are major issues and major questions that we have a very, very difficult time answering.

Mr. President, the Postal Service has really kind of become the whipping boy around here. And the first thing that happens as we saw from the Grace Commission? What was one of the first recommendations of the Grace Commission to save money? It was to go out and close thousands of small post offices throughout America. I do not think we want to see that done.

We also know that, in looking at the postal situation and the postal system, unlike many of the other trust funds which are paid for by special taxes, we find that earned revenues of the Postal Service are those revenues that go into this trust fund. When the Congress or OMB or Gramm-Rudman-Hollings or whatever mechanism dictates to the Postal Service how those revenues are going to be spent, what we are doing is taking the postal patrons and the consumers that do business with the Postal Service and using their dollars to pay for the other services of our Federal system.

It is wrong. We have a chance to right that wrong, as the Senator from Kentucky so eloquently stated a few moments ago.

That time is now. The window of opportunity is here. I am very hopeful, Mr. President, that our colleagues will support this legislation putting the Postal Service into an off-budget situation.

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

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I ask my friend, was the Senator finished? I just wanted to use a few moments to explain what I thought ought to happen and then I believe another Senator on our side will be here.

If the Senator has more to say—

Mr. PRYOR. I am reserving the balance of my time, I might say. I think on my side we have the Senator from Illinois, Senator SIMON, who would like to make a statement.

The PRESIDING OFFICER. The Chair will advise there are no time

limitations. If the Senator from Arkansas has yielded the floor, the Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me say to those who are interested in the U.S. Postal Service, to the thousands upon thousands of employees that work there, and to those who are interested in postal facilities across this country, that nothing would have pleased the Senator from New Mexico more than had we left the U.S. Postal Service alone in last year's deficit reduction package.

But I would like all those people—many of whom are my friends—to know that if this bill passes, taking the U.S. Postal Service off the unified budget, we will have done nothing to protect the Postal Service. In my humble opinion, regrettably, we will have done nothing to protect the employees of the Postal Service or its capital accounts from Congress.

And why not? Because the U.S. Congress can, by a simply majority do what it wants legislatively with the accounts of the U.S. Postal Service, be they capital improvement on operating accounts. Because we have no requirement for a supermajority vote, like we have for Social Security under the Budget Act. Because the Postal Service still is owned by the U.S. Government. It is not a trust fund. Even if it was, we could take a trust fund on and say we think you are spending too much. We could cut you and we apply the savings to the deficit.

So if anyone has told the wonderful people in the employ of the U.S. Postal Service that this bill will protect the Postal Service—that it will retain the Agency in an inviolate manner, safe from any overreaching attempt by the U.S. Congress to take receipts from them and apply it to the deficit—if they have been told that, I regret to tell them they have been told wrong.

Frankly, I wish we could do something like that. I was part of last year's economic summit, but I was not for us taking the \$1.2 billion over 2 years from the Postal Service. As a matter of fact, when the summitters finished, they did not think that is what we would do.

So that the occupant of the chair and those Senators who want to listen will know, a number was assigned to the committee that handled the Postal Service to achieve savings from all of the payroll of the U.S. Government, all of its employees. We assumed that those savings would come from in-grade advances and upgrading that occurs each year within the Federal employee system. We assumed that they would come from the Federal pension plan, by allowing pensioners to cash out and take lump-sum settlements. We did not assume that they

would come from the U.S. Postal Service.

What happened was that nobody could agree, when it came to drawing the law—not a number on a piece of paper. Nobody could agree to find the money anywhere but here and it was found by way of reductions in the capital improvement program and operating expenses of the Postal Service.

Now, Mr. President, I will repeat. It is my opinion that if this bill passes and you take the Postal Service off budget and you had a situation similar to the one that caused this problem; if budgeteers meet and they say, "Let us go to the Governmental Affairs Committee and let us get them to contribute some of the savings;" Mr. President, I believe that by a simple majority the Congress can say the same thing they said last year. They can say it will indeed reduce the deficit of the United States.

I mean, if it is off the unified budget by a simple vote, it is back on the unified budget by a simple vote of the U.S. House and U.S. Senate, who would declare it as such.

I believe this bill would be amended before we pass it. I think we ought to put the same protection in here that we have for Social Security. Under the Budget Act, Social Security has a so-called supermajority requirement before you can mandate savings against the deficit under a reconciliation bill. That was our way of saying we will count it for purposes of calculating the deficit under Gramm-Rudman-Hollings, but we will not let you touch it for savings unless you have a supermajority.

I am not one for adding a bunch of amendments to this bill. I do not know how it is going to pass in the waning minutes, when we already know of seven or eight or nine amendments that will take 5 or 6 hours. In fact, I think there are amendments here that will take as much as 7 hours. So I do not know that I want to offer any amendments. But I submit it would be better for those who want to help our postal workers if we would require a supermajority vote before Postal Service cuts could be counted by way of savings. I have such an amendment drafted.

Those who are familiar with this legislation know that the Senator from New Mexico has said this approach to protecting the Postal Service will not work. This is saying you are off budget but there is no way that you can, by any kind of legislation, say to the U.S. Congress you cannot touch this if you see fit. And if you do not have a supermajority required by the budget process, then obviously it will take only a simple majority.

So you do over again what you did last year. I do not want it ever to happen. I think it was a mistake. I think it did not permit good planning.

It took planning for long-term capital improvements and just cut the heart out of it. Now we have all kinds of aberrations in our respective States on what the Postal Service is going to get built when. And I do not think we ought to be very proud of that.

Having said that, I think everyone ought to know that there are still some very firm ties between the Postal Service and the Federal budget. Cost of living increases for pensions are not fully paid for by the Postal Service. They have retirees entitled to cost of living increases and they do not generate enough money to pay for that. So we do spend money out of the Treasury to pay for that. It is a rather substantial amount of money.

I believe we also pay part of the health protection plan for the retirees out of the general budget of the U.S. Government, through the appropriations process. I am not here complaining about that. I am merely stating that it is a truism that there are some firm lines between the Postal Service and the Treasury.

I make this point about indirect subsidies aside and apart from the concept of a unified budget. The purpose of a unified budget is to have everything in it so that you understand the economics, the obligations, the agencies and entities that are within the control of the Federal Government. We need that for economic reasons, to understand who is being taxed for what and how much revenue is being generated. That is the purpose of a unified budget.

But, clearly that is not the reason that you use their receipts and their operational money against the deficit. It is because Congress voted to do it. I submit if they voted to do it when they should not have, they could vote to do it again, even if the Senate goes through this regime of saying it is not on the unified budget anymore.

What the Senate wills, it can unwill; what the Senate wills it can will back, and it can be done by a simple majority.

So people will know, there are amendments pending that say: If you are taking the Postal Service off budget and your intention is to get rid of the Federal Government's close ties, we want you to operate on your own. There are amendments saying take all your debts with you.

The ordinary taxpayer is paying for these costs now. If you do not want to be on the budget, get off the budget. But take those debts with you because that is one of the reasons to have the Postal Service on the budget, so you know the whole picture.

I understand that there are at least two such amendments. One assumes that a very small amount of money is owed. Another takes another approach. It is even hard to figure how much they owe. I think they ought to

solve that by saying whatever it is, the Postal Service pays for it, if that is your frame of mind.

Mr. President, I am still hoping that Senators who have other amendments—be they germane, be they relevant, be they on completely different budgetary matters than this—will get all of them in. Then we can sit down and talk about whether we have time in the remaining few hours of this session to consider and vote on the various issues raised.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in support of this legislation. My friend from New Mexico, the distinguished senior Senator from New Mexico, is absolutely correct when he says we can move with the same ease that we moved to take this off budget as we moved to put it on budget. I favor doing it because I favor an honest budget.

There are two big items in the budget that distort what we do. Both have been referred to by my friend, Senator DOMENICI. One is Social Security. We ought to take that off budget, too. We put Social Security on the budget for a very practical political reason. It was not because there was any great reason in terms of good government to do so. We got into the Korean war. Harry Truman, to his credit, said, "Let us increase taxes to pay for it," and we went through the Korean war, believe it or not, without increasing inflation or increasing the deficit or a very, very slight increase, but almost no increase.

We got into the Vietnam war, and President Johnson received some bad advice. The deficit started to grow. President Johnson did not believe that we could get a tax increase to pay for the Vietnam war. Someone on the staff said, "Let us put Social Security over, make it part of the budget, and the bottom line will not look so bad because Social Security is generating surpluses." So that was done. It was called the unified budget. It is a glorious sounding name for a little maneuvering to fool ourselves, and we ought to stop fooling ourselves.

Incidentally, if I may talk about fooling ourselves, one of the little switches that is taking place is we now talk about net interest rather than gross interest expenditure by the Federal Government. Social Security is involved in that because the Social Security trust funds generate interest. So we subtract that interest from the interest expenditure. The real interest expenditure this last fiscal year was not about \$156 billion, it was \$203 billion. We have seen interest expenditures grow in the last 8 years from \$83 billion a year to \$203 billion a year.

So Social Security is one of these things that distorts the budget. We ought to get an honest budget. We ought to take Social Security off the budget.

But the second thing that distorts it is because it is a big item and really should not be part of the budget in the traditional way because it generates revenue, it is self-supporting also to a great extent, is the Postal Service. Let us have an honest budget, let us put it off to the side and then when we have subsidies, let us be honest about it, we are going to have subsidies on retirement for obligations we have. I am willing to pay those. The Senator from Nebraska is willing to pay those. I think the Members of the Senate and the House are willing to do that.

I am willing to subsidize smalltown post offices. I recognize I live at Route 1, Makanda, IL, population 402. Makanda, IL, does not pay for itself, but Makanda, IL, gets very little in the way of any Federal Government subsidies. We do not have public housing, we do not have a lot of other things. So I am willing to pay a few dollars for smalltown services. I am willing to pay a few dollars so we subsidize, if you will—some of the journals do not recognize it as that—newspapers, magazines, and books that spread ideas. It is important for this Nation to have that.

One of the things that has happened is we have increased postage rates substantially for newspapers and magazines, books to a lesser extent, and the result is, particularly newspapers have to charge more for the newspapers they mail and rural subscriptions go down and people are more and more reliant on television for their news. It is a disservice to the Nation.

That is what we ought to do. Where we have subsidies, let us put them out on the table, let us be honest. Whatever subsidy may be necessary, let us put that in the budget, but not the whole Postal Service so it can run independently and, insofar as practically possible, without doing harm to the Nation on its own so that we do not have to have more subsidy than we should. I think that makes sense.

My hope is that we can pass this legislation in these waning hours of this Congress. If we cannot, we will at least discuss the idea, and we will be more prepared to do it in the next session.

Whether we should have a supermajority for the Postal Service, as has been suggested by my friend from New Mexico, I do not know. I am willing to listen to the arguments. I am not opposed to the idea. I am a little reluctant to move in that direction on my changes in the law, but maybe that is where we ought to go. The basic idea of moving toward a more honest budget makes sense, and I think that is what we ought to be doing.

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

The PRESIDING OFFICER (Mr. EXON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. SIMON assumed the chair.)

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

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

Mr. EXON. Mr. President, I want to echo and endorse the words of my friend and colleague from Illinois, Senator SIMON, who has graciously relieved me from my duties in the chair so I can make the remarks that I think are important. I hope that the Senate will listen and I hope that we can move ahead on the bill before us to take the Postal Department out of the unified budget.

The Senator from Illinois has adequately stated why we should do that with regard to the Postal Service and he has also talked about other matters.

Honesty in budgeting is the main push behind this bill. I think that several years ago when the idea of the unified budget came up, it sounded good to everyone. Why should not the budget be unified so we can see it all in one place?

Well, that sounds good, but as a member of the Budget Committee, as is my distinguished friend from Illinois, we know full well that there are so many games being played today on the budget that that unified budget is now being used in a manner that it was not designed for: To mask what the true deficit of the United States is.

If we are going to have honesty in budgeting, we have to return to a unified budget rather than a budget that is controlled by specific trust funds. The fact is that there is a huge surplus in the highway trust fund that is derived from taxes that the citizens pay, when they buy parts and gasoline, to improve the roads. There is a huge surplus in the airport trust fund which has been accumulated over the years from a tax paid every time anyone buys an airplane ticket. The last accounting indicated there were \$6 billion or more in surplus in that fund. And there are other funds where we have paid taxes for a specific purpose and they cannot be transferred anywhere else.

The problem, as the Senator from Illinois understands full well, is not just this administration, although this administration has been a champion in this regard, but other administrations have masked yearly the total deficit of the Federal Government by the use of the unified budget. They have said, "Well, since there is \$6 or \$7 billion in the airport trust fund that has not been spent, we can subtract \$6 to \$7 billion from the deficit." That is not

right, because it is agreed that that money should not be spent for any other purpose. Therefore, this and other funds should be removed from the unified budget if for no other reason than it gives us honesty in budgeting.

There is nothing wrong, if a budget comes out with a \$300-billion deficit, if for explanation purposes you wanted to say, "Well, it is \$6 to \$7 billion less if you take into consideration the amount of money that we will spend on airports but have not spent it yet."

What this unified budget has done is to make several administrations, including this one, refuse to spend money dedicated and collected for a specific purpose because if they spent the money their deficit would look that much worse. So I hope the Senate will move aggressively on this measure, and if we can and if we do then that will probably set the precedent to remove all trust funds from the budget. This is not going to make the deficit any worse or any better than it actually is, but it will eliminate that cloth that is held up from time to time that the deficit is actually lower than it is and the same time it would allow us to use with discretion and care the funds we have set up for the operation of these various important functions of Government, expending them to improve airports, to hire more controllers, and to give us more safety in the air, and on down through the other functions of Government. It would bring about better accounting both from the standpoint of good government and honest budgeting.

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. EXON assumed the Chair.)

Mr. PRYOR. Mr. President, I ask unanimous consent that proceedings under the quorum call be dispensed with.

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

Mr. PRYOR. Mr. President, it is my understanding that the very distinguished Senator from Mississippi, Senator STENNIS, has a statement. Am I correct? If I may address my question to the Senator from Mississippi, does the Senator have a statement? We are not in a time situation so I would suggest the Senator seek recognition of the Chair.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I have just been advised in my office that we have before the Senate a motion to proceed to the budgetary treatment of the Postal Service.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. It is something I am not familiar with. I am not fighting the bill necessarily, but I do want it looked into by someone from the committee who knows the facts. I ask for deferment of this matter until I get someone here and I will make a report back to the Senator from Arkansas just as soon as I possibly can. I ask him to take the parliamentary procedure that would give me that opportunity.

Mr. PRYOR. Mr. President, if I may respond to my distinguished friend from Mississippi, even though I am technically at this moment, I think I am anyway, the manager of the bill, I will not call the shot. We will allow that to be a leadership call a little later in the afternoon, as to whether we move forward with the motion to proceed. I think that is the pending business before the Senate, the motion to proceed to this particular piece of legislation.

The PRESIDING OFFICER. The Senator from Arkansas is correct, that is the question before the Senate.

Mr. PRYOR. We will shortly, I assume, Mr. President, be hearing from our distinguished majority leader as to whether he will press it at this point.

Mr. STENNIS. All right. I thank the Senator very much. As I understand, we are going to wait now until the majority leader appears and find out more about his position. Is that correct?

Mr. PRYOR. Mr. President, unless I have instructions otherwise, the Senator from Arkansas will not press the motion to proceed at this time. I understand, too, that there are speakers on the other side of the aisle who might want to speak in opposition to the bill or opposing the motion to proceed. I hope that if they do oppose it, they will come to the Senate Chamber. Sometimes we have to many Senators wanting to speak at once and sometimes we have no Senators. We are in a situation now where we are looking for some eloquence on the floor of the Senate.

I yield the floor.

Mr. STENNIS. I appreciate the Senator's attitude. As I understand, the motion to proceed will be deferred until the leader can get here.

Mr. PRYOR. That is my understanding, Mr. President. I respond to my friend from Mississippi.

Mr. STENNIS. I thank the Senator and I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

#### TRIBUTE TO SENATOR LAWTON CHILES

Mr. CONRAD. Mr. President, I rise to day to extend my heartfelt thanks to Senator CHILES for his leadership, his compassion and his friendship.

LAWTON CHILES retires from the U.S. Senate at the end of the 100th Congress, but his many contributions to the Senate will be remembered for years to come. As a newcomer to the Senate, I have had only 2 years to observe LAWTON at work. But as a member of the Budget Committee, I have had the privilege to work closely with him.

No one understands the intricacies of the Federal budget process better than LAWTON does. That understanding, and his complete mastery of budget details, have allowed him to guide budget measures through the Senate with great skill.

As chairman, LAWTON consistently encouraged members on his committee to actively participate in the budget process. He selflessly included the concerns of others at every point in the process, and through his diplomacy and courtesy has managed to craft consensus budget resolutions. Those of us who know the push and pull of day-to-day negotiating in the Senate—like the distinguished occupant of the chair—know what a truly remarkable achievement that is. More remarkable still, LAWTON has always kept his eye on the bottom line, and conscientiously informed the Senate of the budget implications of measures that came before us in this body.

On a personal note, I was impressed from my first days in the Senate by the chairman's open and friendly style. At Budget Committee hearings, members were recognized for questioning not in order of seniority, but in the order they arrived at the hearing room. Thus, the day after I was sworn in as Senator in 1987, when I ranked 100th in Senate seniority, I had the first opportunity to question the OMB Director at the committee's opening hearing on the Reagan budget. I will never forget that hearing, or the chairman's graciousness and courtesy.

From the beginning, LAWTON has tried to make the Senate a better place, more responsive to the people it serves. Shortly after his election to the Senate in 1970, he set about reforming the appropriations process, a path that eventually led to the Con-

gressional Budget and Impoundment Control Act of 1974. He has continued this endeavor throughout his Senate career, closing loopholes in the act, and making improvements in the working of the process.

Even in the busy closing days of this session, in his last hearing as Budget Committee chairman, LAWTON took on a new challenge. His hearing began to shed light on the looming problems at the Federal Savings and Loan Insurance Corporation, and define the scope of a crisis that will affect our budget decisions for years to come.

LAWTON's budget expertise goes beyond his mastery of the process. He has the unusual ability to translate bare budget numbers into human terms, to know and understand what policy changes will mean to the people they affect. That is the hallmark of a fine legislator and a dedicated public servant.

LAWTON CHILES will be remembered here for his leadership, his hard work, his skill, and his compassion, and his friendship. I am proud to have served with him, and I will miss him. I hope he can find the time to take a long vacation in the sunshine of his native State; I know he will enjoy great success at whatever he turns to next.

I yield the floor.

Mr. PRYOR. Mr. President, I see no one here on the floor seeking recognition at this point. If I might just for a few moments, I would like to seek unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas that he be allowed to speak as if in morning business? Hearing no objection, it is so ordered.

#### SENATOR LAWTON CHILES

Mr. PRYOR. Mr. President, I am very proud I was on the floor of the Senate at the moment that the distinguished Senator from North Dakota took the floor to praise our colleague, Senator LAWTON CHILES of Florida, who will be leaving the Senate at the end of this term.

Senator CHILES, as we all know, has served with great commitment and dedication. He has served as not only chairman of the Budget Committee but as a very, very strong subcommittee chairman of the Governmental Affairs Committee, the Appropriations Committee, and he has been, in my opinion, Mr. President, a Senator's Senator.

We all remember the stories about "WALKIN' LAWTON," 1970. This one man sort of electrified the State of Florida, and inspired all of us in politics—probably better put "challenged" all of us in politics—as someone who could carry off this feat with dignity

as he did in his own State. Not only did he win the hearts and souls but certainly the votes of his fellow Floridians in that election of 1970.

Mr. President, I do not think LAWTON CHILES would mind me telling a personal story on the floor about him. I have not told this in public. But some months ago when Senator CHILES announced that he was not seeking another term in the U.S. Senate, most of his colleagues, like myself, were taken aback. We were wondering. We always asked the first question, well, gosh, is he sick? What is wrong with him? Here in the U.S. Senate is certainly one of the most coveted positions that the public can bestow upon any American. LAWTON CHILES has held that position now for almost two decades. He has held it with distinction.

That afternoon when Senator CHILES made his announcement that he was not seeking another term, I walked out of my office, walked around the corner, and walked into Senator CHILES' office. He was sitting in an office all alone, and he was looking out the window. I will never forget the expression on his face. I sat down, Mr. President, with our friend LAWTON CHILES, and I said:

Lawton, tell me, why did you do it? Why are you leaving it?

He says:

Well, you know, in 1970 I walked through the State of Florida, and I was just beginning once again to start that walk again, and to recreate that walk in 1988 that I had made in 1970.

He said:

The driver put me out of the car and I started walking from little town to little town and greeting people on the side of the road.

But he said the one thing that struck him was that in 1970, on that same road, the little trees on the road were just about waist high. Most of them were pines and oaks and tulips and poplars and whatever.

He said that as he started his 1988 walk, the thing that struck him was that those trees were no longer waist high but now were 20 or 25 feet tall. The trees had grown during those 18 years, and he had not had the opportunity to watch them grow.

He said to me, very simply, in answer:

I think it's time to watch the trees grow and take time to smell the flowers.

I do not know that LAWTON CHILES is going to take a lot of time to watch the trees grow or to smell the flowers. I am not sure he will. I kind of doubt that he will. I think he is an impatient individual. After a few days of that, I believe he will be ready to do something else, because Senator CHILES is a man who has been called upon not only in his professional political career but also his private career as an attorney in Florida.

He is one person for whom I believe we all have tremendous respect, whether that individual be Democrat or Republican. The accolades and the statements and the speeches about LAWTON CHILES have come from both sides of the aisle.

Every once in a while, I guess that we, politicians, are subject to having rotten eggs and tomatoes thrown at us, and probably some of us deserve it. I know that I have deserved a little in the past, and I have had a few thrown at me.

Truly, one of the great opportunities we have as Members of the U.S. Senate is to look back and say that we have had the privilege and the honor of serving with men and women of the caliber, and the love for their country, of LAWTON CHILES. It has been my pleasure to know LAWTON CHILES and to serve with him, and I do not think the Senate will be quite the same without him.

(Mr. CONRAD assumed the chair.)

#### SENATOR LAWTON CHILES

Mr. DOMENICI. Mr. President, I was absent from the floor for a few moments, so I did not hear the remarks made about Senator CHILES by the present occupant of the chair, in their totality. Nor did I hear the remarks of the Senator from Arkansas in totality.

I compliment both Senators and any other Senators who are going to talk about LAWTON CHILES. He and I worked together on most difficult issues. In fact, many people are aware that we are very good friends, and they wonder how that can be here on the floor, each with different versions of what we ought to be doing. I can say that we have done that a few times. We have been on the same side more often. I think that is probably what makes this country so great, that we can disagree, but that does not mean we do not care deeply about each other.

I have a great deal more I want to say about him before the Senate adjourns. Perhaps tomorrow I will find time, or Friday morning.

In any event, it has been said that when we come to the Senate, we think we are going to make our mark—perhaps on our Nation or perhaps on our State or perhaps on the Senate. But most people who have been here for any length of time end up saying that it is more certain, as has been said by the distinguished majority leader, Senator ROBERT BYRD, that the Senate leaves a mark on us. I think that is true.

Each will have to analyze, as he or she has been here for a while, if it is true—what it is that leaves that mark. It probably is a number of things. I believe that is true. In my case, I believe the Senate has left a mark on me. I

feel the U.S. Senate. It is a great place. It is rather fantastic from the standpoint of a parliamentary body, both for its longevity and its freedom. Its rules make each of us free, with few limitations on when we can offer amendments and what they have to be. They do not have to be germane, and there is no way you can limit somebody's speaking. Take just those few, and you understand what an enormous opportunity a Senator has to speak his piece.

I firmly believe that the mark is left on us because of the people here, also. Despite the cynicism that grows in America, and it goes through its peaks and valleys, cynicism about Government and those in Government—Governors, Senators, mayors—despite that, I believe it is fair to say that in my 16 years here, I have been privileged to rub shoulders with fellow Senators. As I look at them in the parade of my mind's eye, I can say that I would be very hard pressed to think of any other institution in the United States where I could be with 70, 80, or 100 men and women of such high caliber, of such enormous capability, collectively, and of such great repute.

I believe in my heart and soul that is true, and that is because of people like LAWTON CHILES, of Florida. In every respect he is a decent, wonderful human being, concerned, considerate, not puffed up or urging his own grandeur on us, just doing his work day to day, struggling with a very difficult and complex process, and in spite of his not being very well the last couple of years. He suffered a rather serious health problem not too long ago but carries his weight, and carries it well.

He is a friend and an advocate, and I consider it one of the rare privileges of my 56 years to have been able to work with him, struggled with him and, as he leaves, to be able to say that he is my friend and hope that I am his.

Mr. PRYOR. Mr. President, I understand that my distinguished colleague from Arkansas, Senator BUMPERS, is going to seek the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I may be permitted to proceed as in morning business.

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

#### ON HUMANITIES EDUCATION

Mr. BUMPERS. Mr. President, the close of the 100th Congress provides an excellent opportunity to review legislative accomplishments and set goals for the 101st Congress. I have been trying for several years to get enacted a bill that would establish a comprehensive program of summer seminars for elementary and secondary school teachers of the humanities. I remain

committed to providing continuing education opportunities for humanities teachers who are already in the work force, and I inform my fellow Senators that I intend to make such legislation a priority in 1989.

In the summer of 1983 I read a short article in *Time* magazine about a summer seminar program for secondary school teachers of the humanities. Teachers who were chosen for the program were given stipends, actually paid, to go to college campuses, where they enrolled in rigorous academic courses taught by college professors. The most impressive thing about the story was the enthusiasm expressed by the teachers who were fortunate enough to participate in the seminars. The teachers lauded the program for its intellectual rigor and for the recognition it gave them and their profession. One teacher said, "It's easy to build a wall around yourself and teach students a certain way year after year. I think we'll all go home much better teachers because our excitement about the material will be communicated to the kids."

Another teacher said, "In this program, high school teachers are recognized as having scholarly interests."

No stronger endorsement could have been given the summer seminars than the endorsement given by those teachers.

This program, funded and administered by the National Endowment for the Humanities, allowed a select few teachers to go to college campuses for 6-week summer seminars. The seminar topics in that first summer of the program included Homer's *Iliad* and *Odyssey*. You might think there are not too many people interested in those Greek classics, but this seminar was oversubscribed. They studied Shakespeare; Alexis de Tocqueville's *Democracy in America* and Tolstoy's *War and Peace*. Almost 2,300 teachers applied for 225 places in the program in the first year.

This program was appealing to me because I saw it as a chance to improve the quality of teaching of the humanities. The teachers in those first NEH-sponsored seminars made clear that, given the opportunity to attend high-quality continuing education programs, they would attend. When I read about the seminars in 1983, I was already concerned about what I observed of the students I visited—their lack of knowledge of American history, their limited knowledge of or curiosity about other cultures, and their limited interest in reading.

Mr. President, when I go to high schools and students tell me that they hate history, I always respond by saying, "You just have not had the opportunity to study history as the fascinating story it really is. You haven't sensed the excitement of studying the

history of your own country or of other cultures."

I realized at the time that the problems I observed in students' lack of interest in the humanities were complicated and complex problems that reflect many problems and changes in our society—changes in the family and changes in the goals and lifestyles of Americans, for example. The problems were not simply a matter of students failing school or of schools failing their students. However, I believed then, as I do now, that improving American education is essential to improving the lives of our young people. And improving classroom instruction is a first step to improving American education. That means keeping good teachers in the classroom and helping all teachers improve their skills. A person has to be very dedicated to decide to enter the classroom and remain there to face the challenges of present-day teaching, and continuing education can help dedicated teachers hone their skills and develop new areas of expertise.

Last Thursday evening I saw Barbara Walters in a 1-hour documentary called "Why Are Our Children Flunking?" They gave a multiple choice test in the course of the evening which I would hope was very simple for most adults. I was absolutely appalled to find, however, that given an option of four choices only 42 percent of the students in the three high schools studied could identify the Monroe Doctrine.

Of all the questions, the one about the reasons for the United States' entry into World War II was answered by the highest proportion of students. But when only 82 percent of the people answered that correctly, you have to ask yourself why the other 18 percent did not.

The general evaluation I made of American education in 1983 has been confirmed over the last 5 years. In that period, Congress and the rest of the Nation have been presented at least 11 major national reports on education, a series of report cards on American students issued by the National Assessment of Educational Progress, reports from the National Endowment for the Humanities on the humanities in the public schools and among the public, and very recently a report by the Bradley Commission on History in the Schools on the abysmal state of history teaching. The 11 major education reform reports have advocated a whole host of approaches for improving education in the United States and a number of the reports have focused especially on ways to improve the education of teachers for the Nation's public elementary and secondary schools. The report cards have provided an alarming profile of American school children's knowledge of literature and U.S. history; mathe-

matics; and grammar, punctuation, and spelling and their writing and reading skills.

I have people come in my office with master's degrees, some with Ph.D. degrees, who cannot write a complete sentence.

I have read all the reports and I have been as alarmed as the next person by what they suggest about our educational system. I was shocked to learn that 75 percent of the 11th graders surveyed did not know that Abraham Lincoln was President between 1860 and 1880; that four-fifths of the students did not know what the Reconstruction period was; and that 70 percent of the students did not know what the Reformation was. And I was alarmed to learn that analytic writing skills are poor for students in all grades. Only 25 percent of 11th graders, 18 percent of 8th graders, and 2 percent of 4th graders can write an adequate or better analysis when asked to complete a simple exercise comparing and contrasting two things. And only about 5 percent of 17-year-olds have advanced reading skills and strategies.

Mr. President, the people of this country are refusing to vote in increasing numbers every election year. In 1986 when I last ran for reelection, only about 19 percent of the voters between 18 and 20 in this country bothered to vote. Who on earth is going to run this country?

And schoolchildren are unlikely to speak other languages or to be well informed about other countries.

I am impressed that Governor Dukakis has served as such a strong role model by demonstrating his command of at least three languages.

I frankly thought it was a really class act at the Democratic Convention when he delivered a good portion of his acceptance speech in Spanish.

All my children are bilingual. I have always said when I come back in the next world I want to come back as one of my children. They have had the best education I could afford for them, and I am jealous of them because they are all linguists.

Governor Dukakis has demonstrated that he has a command of several foreign languages, a skill that will be increasingly important in an ever-shrinking world.

Schoolchildren are unlikely to speak other languages or even be well informed about other countries.

In 1978, only 21 percent of high school students were enrolled in either a classical or modern foreign language. And most students are not even required to take a world history course to graduate from high school.

It is hard to imagine that a nation whose students have such limited skills and limited knowledge of basic subjects can be competitive with

schoolchildren from nations that expect and require much greater academic achievement.

I will tell you about a family value that we used to have and lost, but which Japan still has. From the moment a child is born in Japan, he is taught that he must excel. Japan, with no natural resources, which must import all of its raw materials, refine them, turn them into finished products, send them out into the world market, and still be competitive and must depend on the skills of its people. Its skilled workers are its competitive edge. That is the reason only 2 percent of Japanese children drop out of school, as opposed to 28 percent in this country.

Think about the cost of \$50 million for the bill I am going to reintroduce in January. Have you ever considered the economic costs of 28 percent of the children in this country not finishing high school? Have you considered the cost of the prisons it is going to take to house those dropouts who turn to crime, the cost of unemployment insurance for those who are unemployed, the cost of welfare to keep them alive? Compared to those costs \$50 million is peanuts.

The statistics on academic achievement are frightening. But there are other trends which are also disturbing.

In the 1984 Presidential election—and this is what I mentioned a moment ago—I believe only 47 percent of all the people in this country eligible to vote bothered to do so. That means that one out of every two people you meet on the street do not bother to vote.

Do you know what the interesting thing about that is? Most of those people you meet, who don't bother to vote, can talk a good line about patriotism and love of country.

I do not want to get started on GEORGE BUSH's Pledge of Allegiance ploy, but I will say that if everyone in this country were well educated, that would not sell. I fear that young people in this country are cavalier about the privilege of voting because of their ignorance of our history. Young people generally lack any insight into the struggles leading up to the Revolutionary War; the history of the Civil War; the sacrifices of their grandparents during the Second World War, or the struggles—domestic and international—caused by the war in Vietnam. The executive director of the American Historical Association, Samuel Gammon, recently said in commenting on the sorry state of history teaching in this country, "Our citizens are in danger of becoming amnesiacs if you maintain that history is collective memory." I fear that young Americans are already amnesiac about the responsibilities of citizenship—the importance of each man and woman

voting whenever he or she has that opportunity.

Mortimer Adler, a scholar of some note, said that no child ought to be allowed to graduate from high school, and certainly not from college, until he or she has read the Preamble to the Constitution, the Constitution, Lincoln's Gettysburg Address, and de Tocqueville's *Democracy in America*.

The point he was making is that we are preparing children in software and hardware and the genetics of apples and oranges, but we are not preparing them for citizenship. All of the rest of it means nothing if our children do not understand their obligations and duties.

I used to be a trial lawyer. I remember one time I was representing a woman in a divorce case. Her husband was representing himself, which he had a perfect right to do. That is another nice thing about our Constitution. So he went first. He got right up in the judge's face and started telling the judge about all his rights: he had a right to this and a right to that and so on. When he finished, the judge said, "Now, I have listened to you telling me about your rights, I am going to tell you about your duties. Your duties are to support those two children, and that is what this court is going to insist that you do."

And the duty of us, as adults and teachers in America, is to prepare our children for citizenship. Nothing else matters if we lose this democracy. I wonder if citizens with a greater understanding of our system of government, the Constitution and the Bill of Rights, would have been so susceptible to the demagoguery on the issue of the Pledge of Allegiance that has been so evident in the current Presidential campaign. I believe that children ought to be allowed to say the Pledge of Allegiance. They ought to be taught the words of the Star Spangled Banner and allowed to sing it when they want. It is tough to sing, incidentally. There are a lot of high notes in it.

Well, I believe a student with a keen knowledge of American history would not believe that the measure of a loyal citizen and his love of country is in how often he says the Pledge of Allegiance. Next thing you know, GEORGE BUSH will want to know how many goosebumps you got when you said the Pledge of Allegiance. And if it is less than a half a million, you do not qualify as a patriot.

Thomas Jefferson, in justifying the inclusion of the study of history in his plan for education, said:

History, by apprising them of the past, will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views.

I am not afraid of the people. I am not afraid to trust their judgment as long as the facts are fairly presented to them.

When I was the only southern Senator to vote against the constitutional amendment on prayer in school, I knew what was at stake. I knew that my political career was at stake. But I knew that the American people, given a choice of whether they want the legislature and the school board telling their children what to pray, they would answer "No" 98 percent of the time.

Mr. President, in 1983, when I first read this article, about the NEH seminar program, I was convinced it should be dramatically expanded so that more American teachers would have the opportunity to participate in it. I have tried two separate avenues for expanding this program: I offered a bill authorizing a major teacher training effort in the humanities and I pursued increased funding for the National Endowment for the Humanities so it could expand its seminar program. The NEH touts its current seminar program but has not indicated a keen interest in administering a dramatically expanded program. As recently as 1986 the summer seminars served only about 750 students. At that rate, it would take decades before most classroom teachers would have an opportunity to participate.

I am convinced the greatest chance for success in improving this program is enacting a separate authorization, so 5 frustrating years after I first became interested in this subject, I am renewing my efforts to provide a comprehensive program of summer seminars for elementary and secondary teachers of the humanities. I know science and electronics are important and I know math and science education have been stressed lately. But I am just telling you that if our children graduate from high school and college and they do not understand the Constitution and they do not understand their obligations as citizens, none of us will amount to anything.

Mr. President, do you know that our students in the past 5 years have finished dead last—dead last—in competition with other developed nations of the world in a subject called global studies? You saw recently that, few 17-year-old students can identify Nicaragua.

As I already pointed out, they did not know what the Monroe Doctrine meant. The other night, on the Barbara Walters show, they were asking these kids: "When did the Civil War start?" Nobody knew that. "Who won?" Listen to this "Who won, North or South?" "I don't know and I don't care."

Under my bill, the Secretary of Education would be authorized to make

grants to colleges, universities, community colleges, and junior colleges to conduct summer humanities institutes for elementary and secondary school teachers. The grants to institutions would include funds for tuition, fees, administration, living expenses, and stipends for participants. The institutes would be restricted to topics in the humanities, including both modern and classical languages, literature, history and philosophy, and language arts and social sciences. The bill would guarantee that each State would have at least one institute. The sponsors of the seminars would be required to involve classroom teachers in the planning and development of the seminars. Teachers can be invaluable in the planning of such seminars and can especially provide guidance on such issues as how heavily the seminars should emphasize pedagogy or how pedagogical methods should complement or focus on subject matter.

While the summer seminars would be the anchor of the program I propose, seminar sponsors would be encouraged—and would receive appropriate funding—to continue the summer seminar program throughout the school year. As participants of the seminars attest, the summer program is a boost in morale and in knowledge. I am convinced that a followup on the summer program throughout the school year will give teachers the opportunity to consolidate what they learned in the summer seminar and further refine their pedagogical skills.

The bill would also provide funding for cooperative teacher resource centers—again centered on humanities education—that will be operated by school districts and institutions of higher education. There are a number of examples of successful centers of this kind. I am particularly familiar with the Yale-New Haven Teachers' Institute, but there are other centers around the country. Some operate solely with local support, others have been successful in obtaining foundation support and occasional support from the National Endowment for the Humanities. I believe a modest infusion of Federal funds would generate a number of additional centers to support innovation in instruction in the humanities.

I have been repeatedly challenged by those who feel the teacher program I propose is not an appropriate role for the Federal Government. I feel it is not only appropriate, but that it is absolutely crucial for the Federal Government to provide leadership in this educational area. I am not proposing to solve all the problems in the area of humanities education or in the training of teachers, but I believe my program is a crucial first step to improving humanities instruction.

There are still many important questions and problems and areas of

reform that can only be addressed by the States, local school districts, colleges, and universities. The major education reform reports suggest that changes should be made in teacher preparation, including changes in admissions, performance, and exit standards for candidates in teacher education programs; content of teacher training programs; the length of training programs; and in recruitment of qualified teacher candidates. The reports also recommend reforms in teacher certification requirements and teacher licensing standards; increases in teacher salaries; and changes in the working environment provided teachers.

Studies have also noted that students should be required to take more history, English, and foreign language courses to graduate from high school. And others have delineated the weaknesses of many elementary and high school text books and recommended major changes in them.

On many of these issues, Federal action is not appropriate. The States, local districts, and colleges of teacher education are already launching reform efforts on several of these issues. Progress is not even, and some States are much more aggressive on these issues than others. I am pleased to note that Arkansas has already reformed its curriculum standards and increased graduation requirements. The State is also struggling to increase teacher salaries.

And across the Nation there have been changes in these areas: In 1981-82, the average number of credits required for graduation was 2.6 for social studies and 3.6 for English/language arts; in 1984-85, the figures were 2.8 and 3.8 respectively. And students are beginning to enroll in foreign languages more readily. Nationwide, 29 percent of high school students were enrolled in foreign language classes in 1985-86. This represents a 38-percent increase since 1978.

These improvements are laudable, but they are not enough. States and schools of education can do much to attract outstanding candidates to teaching and to give them exemplary training. But more has to be done to provide those teachers who are already in the classroom more opportunities for continuing education. My proposal builds on the theory that instruction in the humanities can be improved by improving the skills of teachers. Improvements in humanities teaching obviously hinges on the efforts of teachers.

What is the proper Federal role in teacher training? The Federal Government has tended to respond to crises or challenges, like the launching of sputnik, and Federal support for programs to improve the elementary and secondary school teaching force has generally been limited and of relative-

ly short duration. And the Federal role in teacher training has been particularly limited during the Reagan administration.

The first major Federal support to improve the skills of current teachers was through the National Defense Education Act, enacted in 1958. The NDEA authorized training institutes for guidance and counseling personnel, teachers of mathematics, science, foreign language, history, geography, reading, English, and disadvantaged youth. Three other comprehensive efforts to address teacher education and staff development problems were the Teacher Corps, Teacher Centers, and the programs of the Education Professions Development Act. More recently Congress has enacted a math and science education bill that provides some funds for teacher education and retraining, and there are training components in such legislation as the Vocational Education Act and the Handicapped Education Act.

A look at the National Defense Education Act provides insights into what role the Federal Government might take in teacher education, and evaluations of it demonstrate that the Federal role can be a positive one. The National Defense Education Act authorized a program of summer seminars for teachers. Typically, the institutes enrolled 40 to 50 elementary or secondary school teachers in 6 to 8 weeks of daily instruction.

According to evaluations of the teacher institutes operated under the authority of NDEA, 67 to 90 percent of the participants rated their institute experience as having been very positive. Teachers of the humanities viewed the NDEA efforts as a hopeful sign that the significance of their areas—compared to math and science—was finally being acknowledged. The teacher institutes were successful in attracting career teachers as participants, increasing their subject matter competency, and encouraging participants to continue in educational careers. Professional educators indicated that the greatest single justification for NDEA was in training teachers who in turn would raise the general level of education. These educators contended that more and better teachers were needed and that the betterment of teachers was related to their training in substantive areas. The evaluations of NDEA are not considered exhaustive and comprehensive, but I still believe they can be a strong force in improving the teacher work force.

It is time to reverse the trend toward Federal inaction in teaching training. Excellent humanities teaching requires solid, stimulating textbooks, a coherent curriculum, and well trained, well paid, and dedicated teachers. The program I propose will address the most important part of the equation

for excellent humanities teaching; the teacher.

I will be making this proposal a top priority next year and will be asking for the support of my colleagues in this important effort.

Mr. President, a lot of people in this campaign talk about education. And polls show that Americans are willing to spend more money educating our children. I believe the people realize education is an investment in the future.

You know, we have over 2 million elementary and secondary teachers in this country. These seminars have probably touched fewer than 10,000 teachers. They amount to nothing in the scheme of things.

But those teachers who have had the benefit of these programs, who have been able to go back and really inspire students, those teachers are a precious resource. The money we have spent on those seminars has been some of the best money we ever spent.

The other night on the Barbara Walters Show they asked these youngsters, "Do you like history? Do you like philosophy?"

"What do you mean, man, there ain't no money in that." That is true, there is no money in that in the sense that he was thinking about.

But I am just of the firm belief, Mr. President, that I am on the right track with this bill. I am not at all sure we ought not to be spending a billion or \$2 billion a year. If we have 2 million teachers in this country who want summer seminars, who thirst and are curious for new kinds of knowledge that they can pass on to their youngsters, spending Federal dollars on their training will be the best money we ever spent.

I would like to hear the Presidential candidates, both of whom say they want to be remembered as the education President, I would like to hear both of them address something like this.

You know, talk is cheap around here. If we are really as far behind in education as we think, and if we want to be number one, I would like to hear a concrete plan for how are we going to become leaders again. You are not going to do it with a political speech. You are going to do it with hard work and it will not happen overnight.

We are a nation that is accustomed to fast food, minute oats, minute cream of wheat. Everything overnight. The problems we face in the educational system of this country, are monumental, and reform is not going to happen overnight. But you would be amazed what a difference we can make in the education level of our students in 4 years if we really are determined to do it.

Mr. President, I want to thank the distinguished manager of the bill and my very good friend and colleague

from Arkansas, Senator PRYOR, for allowing me to proceed with this as in morning business.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### THE RETIREMENT OF SENATOR ROBERT T. STAFFORD

Mr. PELL. Mr. President, these are remarks I wish I did not have to make. Since January of 1977 the business of the Subcommittee on Education, Arts, and Humanities has been conducted by what has come to be called the firm of PELL and STAFFORD, or STAFFORD and PELL, depending on the whims of the American electorate and the party control of the U.S. Senate. It is, therefore, with the deepest personal and professional regret that I will experience the dissolution of that firm at the end of this, the 100th Congress.

In the almost 12 years that we have worked together, there has developed a partnership that I believe has served the education of our people extremely well. For my part, it is a partnership founded on a deep personal respect for a gentleman of integrity and principle. To the two of us, it has not mattered who was chairman, for partisanship has not entered our partnership and has not disrupted our business.

We have tried in these 12 years to measure everything by asking the same question over and over again. Is what we are doing in the national interest? If we could say yes, then we moved ahead, together. If we said no, then we stopped, together.

In private meetings, in subcommittee deliberations, on the Senate floor, and in conference, I have frequently been asked how I stood on this issue or that issue. Time and again, I would respond with my own personal position, and with the additional reservation that I wanted to check it out with BOB STAFFORD. I wanted to get his slant on the issue, and to know his position. But that process was not a one-way street, for I know that it worked in the opposite direction as well. Each of us has always had the highest respect for each other's counsel.

I must say in all candor, however, that there was a period in which it did matter who was chairman of the subcommittee, and that was in the early days of this administration. It took a man of BOB STAFFORD's fortitude, stature, and quiet determination to stand up and say no to the education cutbacks proposed by an administration of his own party. It was because of his leadership in that critical period that

we were able to spare education and get on with our good work. I fear that without BOB STAFFORD at the helm, education would not have weathered the storm as well as it did.

I cannot express in words how much I will miss BOB STAFFORD next year. He has been my colleague and my partner. But most of all, he is my friend. And, as I look back on our service together, it is that friendship that is most important, for it is truly as the poet Yeats said,

"Think where man's glory most begins and ends,  
And say my glory was I had such friends."

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### SENATE REPORT CARD—THE 100TH CONGRESS

Mr. PRYOR. Mr. President, I am standing alone on the Senate floor at this time and I see no request for speakers. Therefore, I do not think I will impede any business of the U.S. Senate if I were to make a few remarks about the second session of the 100th Congress which is about to draw to a close.

So, Mr. President, having said that, I would like to say, and all of my colleagues know this—this is no secret—in the last 3 or 4 years, I have become an absolute public nuisance when it regards the procedures of the Senate and some of the activities of the Senate in times past and our inability to get things done and to find ourselves in a gridlock in the last few days of the legislative session.

I have occasionally commented, Mr. President, on the way the Senate conducts its business or fails to conduct its business. I hope to offer suggestions and improvements in the future.

Today I would like to present in the last few days of this session for my colleagues' benefit what I call an improved report card on the functioning of this great institution during the year 1988. The leadership of the Senate, particularly from the majority leader, Senator ROBERT C. BYRD of West Virginia, I think is responsible for a great deal of this improvement. However, just as each Member of this democratic body bears responsibility for the gridlock that we often experience in the body, so does each Member deserve praise, I think, for our recent improvements.

Last January, Senator BYRD acted on a request made by a number of us

that the Senate be firmly held to the 15-minute voting rule. The need for this change was unmistakable. Over the last 6 years, there had been a growing number of marathon votes of 30 minutes or more, 40 minutes, 50 minutes, an hour, while we are waiting for someone's plane to come, or waiting for some Senator to casually come from his office to the floor.

The total time wasted in 1987, by comparison, Mr. President, on these extended votes, amounted to 60 hours and 50 minutes over the 15-minute rule. In effect, we frittered away over an entire work week.

It took all of us a little time to get used to it, but we broke an old and a bad habit. We are now almost completing votes within the 15-minute rule, and I would suggest that our quality of work has been enhanced as a result.

The second major change in the operation of the Senate in 1988 was the establishment of a 3-week in, 1-week out schedule. Many Senators have noted that this change for the first time has allowed us to schedule, with some degree of certainty, meetings, and events with our constituents back home in our States and it also, I believe, has forced us to make more efficient use of our time while we are in the Nation's Capital.

I am also happy to note that we have cut back those weekend sessions that ruin plans to return to our home States or to be with our families. In fact, Mr. President, if we can make it through this week without a Saturday session, this year 1988 will be the first in over 10 years that the Senate of the United States has not been forced to hold any Saturday sessions.

Overall, Mr. President, we have spent less time in actual legislative session in 1988. But my analysis suggests that we have actually performed more work. During this Congress, we have been in session for 2,227 hours. We have voted 768 times. During the last Congress, we were in session 2,531 hours, held 740 votes. Thus, the ratio of votes taken versus the time spent in session has improved in 1988 by 17 percent.

As further evidence of increased productivity, the Senate has passed 1,152 bills during this Congress compared to 940 bills during the 99th Congress.

Perhaps the greatest accomplishment of the 100th Congress was the passage for the first time in 40 years of all of the 13 appropriations bills before the end of the fiscal year. Last year and the year before, we passed exactly zero independent appropriations bills and that improvement of 1988 is remarkable. This compares with five in 1985, four in 1984, one in 1983, zero in 1982, and only one spending bill in the year 1981.

Passing all 13 spending bills this year, Mr. President, is truly amazing. Somehow in 1988, we avoided the con-

tinuing resolution monster that has stalked Congress since the 1974 Budget Act. A great number of these accomplishments, Mr. President, are because of the driving force of the majority leader, ROBERT C. BYRD, to clamp down on the Senate and say that we are going to get down to business. We did in 1988 and I think we should be rather proud of our accomplishments.

The Senate also in 1988 has overcome White House roadblocks and vetoes in order to pass vital legislation, such as the omnibus trade bill and the defense authorization bill. Unfortunately, we have seen continued use of the filibuster or actions just as disruptive, such as threats of filibusters, so-called holds on bills, and dilatory debates on motions to proceed.

Mr. President, we were forced to file 20 cloture motions in 1988. Our report card has several A's, a few B's and C's, maybe an F for filibusters and the tangled and inefficient budgetary process. Overall, I think Senate operations for 1988 deserve an I for great improvement.

We should acknowledge the work of the members of the Senate Committee on Rules and the members of the Ad Hoc Committee to Improve Senate Operations established by the majority leader and the Republican leader.

The ad hoc committee was composed of Senators DANFORTH, BREAUX, FORD, BENTSEN, MURKOWSKI, EVANS, and myself. The Rules Committee, Mr. President, held numerous hearings in the 1988 period, on changing of Senate procedures, heard from many Senators, and issued, I think, a very excellent report with recommendations in September as a response to our concerns. That report and the various Senate reform measures not acted on this year clearly outline the challenge before us in the 101st Congress.

Mr. President, I again salute the majority leader for his years of stewardship of our proud Senate traditions and particularly for his leadership this year in moving the Senate toward a new era of smoother operations and better service to our general constituencies throughout the 50 States.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair. The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

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

#### SENATOR JOHN C. STENNIS RETIREES

Mr. COCHRAN. Mr. President, when this second session of the 100th Congress comes to an end, my colleague and friend, JOHN C. STENNIS,

will retire from the Senate. Except for Carl Hayden, he will have served longer in the Senate than anyone ever has.

It has been a special privilege to serve with him in this body for the past 10 years.

I salute and congratulate JOHN STENNIS today on his remarkable career in the U.S. Senate. He has represented our State of Mississippi in a splendid way, with dedication, and a strong and sincere sense of duty and responsibility. He has brought honor and credit to our State and to the U.S. Senate.

His personal qualities have endeared him to every Senator with whom he has served. And during his time here, he has served with 402 other Senators.

He has been at all times courteous, friendly, respectful of others, diligent, dependable, honest, thoughtful, conscientious, and cheerful even when he had reason not to be.

Forty-one years ago, when JOHN STENNIS won his seat in the Senate in a special election, one editorial writer said:

Mississippi has made a wise choice. It has elected a thoughtful, purposeful, and high-minded man to the United States Senate. He is not afraid of hard work and his ability to form lasting friendships will stand him in good stead in Washington. In his election, the State has well earned the plaudits of the Nation.

JOHN STENNIS soon became a respected Member of this body. He didn't try to shine his light too brightly at first. He did his work, and he did it well. He accepted the assignments he was given without complaint or protest. He made a point of getting along with others and he showed by his actions and his demeanor his respect for the Senate as an institution.

Better assignments came with time, and he became chairman of important subcommittees and then full committees with important jurisdiction: Standards and Conduct, Armed Services, Appropriations.

He now serves with distinction as President pro tempore of the Senate.

Mr. President, very few of those who have served here will have matched the record or enjoyed the reputation of JOHN C. STENNIS. He has been a Senator's Senator, a person admired and appreciated by all who have had the privilege to serve with him.

I thank him for his many courtesies to me and for his genuine friendship.

But I also thank him for his example. No one could have a finer role model than the senior Senator from Mississippi, JOHN C. STENNIS.

THANKS TO FLOOR STAFFS

Mr. METZENBAUM. Mr. President, I would like to say a few words in behalf of our floor staffs, whose constant labor, day in and day out, enables the Senate to complete its work

with at least a modicum of efficiency and organization.

With an institution as unwieldy and complex as the Senate is today, we simply would be incapable of functioning without their able help and assistance.

On our Democratic side, Abbey Saf-fold, who is now secretary for the majority, Charles Kinney, Marty Paone, and Bill Norton are, without a doubt, four of the most essential people serving the Senate. We could not do our work without them.

They have always gone out of their way to be helpful to me, and I believe other Senators would agree that their work to keep Senators apprised and abreast of the daily action on the floor has exceeded the call of duty. Their help is superb.

Their cooperation and their gracious efforts have helped this Senator to do his job better.

I believe our Democratic leader deserves a good deal of credit for hiring and keeping them. In addition to his many other sterling qualities, ROBERT C. BYRD is a good judge of character and temperament.

I hope that they will not be moving on. I have not discussed with any of them what their future plans might be, but I can say this: If they are planning to leave the Senate, they certainly will be missed.

And if they are planning to stay on with Senator BYRD or with the new leader, so much the better.

I do not want to overlook the Republican floor staff, because they too have been friendly and courteous to me.

While being completely loyal to their side, Howard Greene and Liz Greene have always been most gracious and willing to help. They are a credit to their side, and I have always been appreciative of their efforts.

I look forward to working with them again helping the minority next year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NATIONAL FORESTS AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 941.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 59) entitled the "National Forests and Public Lands of Nevada Enhancement Act of 1987."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest and Public Lands of Nevada Enhancement Act of 1988".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—  
(1) the public lands transferred by this Act contain valuable natural resources (such as watershed, range, outdoor recreation and wildlife habitat) which will be enhanced by the professional, multiple-use management of the Forest Service; and that certain national forest lands would be enhanced by the professional multiple-use management of the Bureau of Land Management;

(2) the public which uses these natural resources will be benefited by such adjustments in management;

(3) the public lands transferred by this Act to the jurisdiction of the Forest Service are adjacent to existing national forests and, in many cases, are part of the same watersheds and mountain ranges, and placing the management of these lands under the administration of one agency, the Forest Service, will improve efficiency and be cost effective; that similar efficiency and cost effectiveness will result from transferring jurisdiction of certain National Forest lands to the Bureau of Land Management; and

(4) there is a consensus in Nevada that certain lands should be added to the National Forest System and that certain National Forest System lands should be transferred to the Bureau of Land Management for management.

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer to the jurisdiction of the Forest Service, United States Department of Agriculture, certain public lands in Nevada currently administered by the Bureau of Land Management, United States Department of the Interior. These public lands are contiguous to the Toiyabe and Inyo National Forests and will become National Forest System lands; and

(2) to transfer to the jurisdiction of the Bureau of Land Management, United States Department of the Interior, certain lands in Nevada currently administered by the Forest Service, United States Department of Agriculture. These lands are contiguous to other public lands and will be managed as such.

#### SEC. 3. DEFINITIONS.

As used in this Act—

(a) the term "public lands" means the lands administered by the Bureau of Land Management, United States Department of the Interior, as defined in section 103(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(e)); and

(b) the term "National Forest lands" or "National Forest System lands" means the lands administered by the Forest Service, United States Department of Agriculture, as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

#### SEC. 4. TRANSFER OF LANDS.

(a) TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE.—Effective one hundred and eighty days after the enactment of this Act, the approximately six hundred sixty-two thousand acres of public lands designated for inclusion in the National Forest System on three maps entitled "Nevada Interchange-A", dated January 1987, "Nevada Interchange-B", dated February 1988, and "Nevada Interchange-C", dated August 1988, are hereby withdrawn from the public domain, transferred to the jurisdiction of the Secretary of Agriculture, and shall become part of the Toiyabe National Forest or the Inyo National Forest, as appropriate.

(b) BOUNDARIES OF TOIYABE AND INYO NATIONAL FORESTS.—(1) The boundaries of the Toiyabe National Forest and the Inyo National Forest are hereby modified to reflect the transfer of lands under subsection (a).

(2) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Toiyabe National Forest and the Inyo National Forest, as modified by this subsection, shall be treated as if they were the boundaries of those National Forests as of January 1, 1965.

(c) TRANSFER OF FOREST SERVICE LANDS TO THE BUREAU OF LAND MANAGEMENT.—Effective one hundred and eighty days after the enactment of this Act, the approximately twenty-three thousand acres of National Forest lands identified for management by the Bureau of Land Management on a map entitled "Nevada Interchange-A" and dated January 1987, are hereby transferred to the Secretary of the Interior.

(d) MAPS.—The maps referred to in subsection (a) and subsection (c) shall be on file and available for public inspection in the offices of the Governor of Nevada, the Supervisors of the Toiyabe and Inyo National Forests, the Nevada State Director of the Bureau of Land Management, the Chief of the Forest Service, and the Director of the Bureau of Land Management. The Secretaries of Agriculture and the Interior may make minor changes to the maps to correct technical errors.

(e) Effective one hundred and eighty days after enactment of this Act, lands transferred by subsection (a) of this section to the jurisdiction of the Secretary of Agriculture shall be subject to the planning requirements of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, and lands transferred by subsection (c) of this section to the jurisdiction of the Secretary of the Interior shall be subject to the planning requirements of the Federal Land Policy and Management Act of 1976. All transferred lands shall continue to be managed in accordance with plans in effect on the date of enactment of this Act until considered in plans developed under applicable provisions of law. If no plans are in effect on the date of enactment of this Act, the respective transferred lands shall be managed in a manner consistent with other National Forest or public lands, as the case may be, in the vicinity until a plan is developed under applicable provisions of law. Nothing in this Act shall of itself require the amendment or revision of the existing plans governing public lands or National Forest lands affected by the addition of or deletion of lands transferred by this Act.

#### SEC. 5. WILDERNESS SUITABILITY.

(a) BLM WILDERNESS STUDY AREAS.—Any area or portion thereof designated as a Bureau of Land Management Wilderness

Study Area, which is made a part of the National Forest System by this Act, shall be managed by the Secretary of Agriculture in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), to protect its wilderness character until Congress designates it as wilderness or releases it from further wilderness consideration. At the same time that the Secretary of the Interior submits wilderness recommendations to the Congress with regard to public lands in the State of Nevada, he shall also recommend to the Congress whether any wilderness study area or portion thereof transferred to the jurisdiction of the Forest Service by this Act should be included in the National Wilderness Preservation System.

(b) **ROADLESS AREAS NOT RECOMMENDED AS WILDERNESS.**—Any roadless area or portion thereof which is made a part of the National Forest System by this Act and which has been considered but not recommended for designation as wilderness pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) shall be deemed to have been adequately considered for wilderness for the purposes of the initial land management plans hereafter required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). The Secretary of Agriculture shall not be required to review the wilderness option for such area prior to the next regular revision of such plans for the National Forest in question, but the Secretary of Agriculture shall review the wilderness option for such area when such plans are revised.

(c) If the Secretary of the Interior does not recommend for wilderness designation all or any portion of the one hundred and sixty acres of land described in this subsection, the Secretary of Agriculture is authorized to offer for sale all or any portion of such land not recommended for wilderness at fair market value to Sky Mountain Resort, its successors or assigns. If the Secretary of Agriculture decides to sell such land, he shall notify Sky Mountain Resort, its successors or assigns in a timely manner, and proceed with the sale, provided that the prospective purchaser indicates an interest in such purchase within six months of the date of the Secretary of Agriculture's offer to sell such land. The land is described as follows:

**MOUNT DIABLO MERIDIAN**

Township 20 South, Range 57 East,

Section 28

Southeast quarter of southeast quarter

Northwest quarter of southeast quarter

Northeast quarter of northeast quarter

Section 34, southwest quarter of northwest quarter

(d) **NO ADDITION TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.**—Nothing in the Act shall be construed to add lands to the National Wilderness Preservation System.

**SEC. 6. MANAGEMENT OF MINERAL RESOURCES.**

Nothing in this Act shall be construed to change the laws governing the management of mineral resources.

**SEC. 7. ADMINISTRATION OF RECEIPTS.**

The acreage added to the Toiyabe and Inyo National Forests in the State of Nevada by this Act shall not be counted in determining the distribution of the Twenty-Five Percent Fund between the States of California and Nevada under the Act of May 23, 1908, as amended: Provided, however, That the acreage added to these forests shall be counted in the distribution of the Twenty-Five Percent Fund among the affected counties in Nevada.

**SEC. 8. WATER RIGHTS.**

(a) Congress hereby expressly reserves the minimum quantity of water necessary to achieve the primary purposes for which the lands transferred pursuant to section 4(a) are withdrawn. Those purposes are hereby declared to be solely and exclusively the primary purposes for which the National Forests within which the lands are to be included were established. The priority date for such reserved rights shall be the date of transfer pursuant to this Act and such rights shall be perfected pursuant to the procedural requirements of the laws of the State of Nevada.

(b) Congress hereby expressly relinquishes all Federal reserved water rights created by the initial withdrawal from the public domain in the lands transferred pursuant to section 4(c) effective on the date of such transfer.

(c) Nothing in this Act shall create an implied reservation of water.

(d) Nothing in this Act shall affect the right of the United States or of any person to acquire or dispose of water or water rights pursuant to the substantive and procedural requirements of the laws of the State of Nevada.

**SEC. 9. VALID EXISTING RIGHTS.**

(a) Nothing in this Act shall affect valid existing rights of any person under any authority of law.

(b) Authorizations to use lands transferred by this Act which were issued prior to the date of transfer shall remain subject to the laws and regulations under which they were issued. Such authorization shall be administered by the Secretary to whom jurisdiction over affected lands has been transferred by this Act: Any renewal or extension of such authorization shall be subject to the laws and regulations pertaining to the agency which has jurisdiction over the land at the time the renewal or extension is requested. The change of administrative jurisdiction resulting from the enactment of this Act shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

**SEC. 10. ADMINISTRATIVE APPEALS.**

With respect to the lands transferred by section 4, any formal administrative appeal, adjudication, or review pending on the date of transfer of jurisdiction under this Act shall be completed by the Secretary, or his designee, of the Department in which it was initiated.

**SEC. 11. TRANSFER OF BUREAU OF RECLAMATION'S WILBUR SQUARE RESPONSIBILITIES TO THE CITY OF BOULDER CITY.**

(a) Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enter into an agreement with the City of Boulder City, Nevada (hereinafter referred to as the "City"), which will provide that, upon acceptance by the City of title to and financial responsibility for continued maintenance of the parcel of land described in this subsection, all remaining repayment obligations owing to the United States, pursuant to contract numbered 14-06-300-978, dated January 4, 1960, between the United States and the City, as of the date of enactment of this Act, shall be discharged. The land shall be maintained as a public park by the City at its own cost and expense, and shall be conveyed to the City, without consideration, by quit claim deed subject to the conditions, restrictions, and protective covenants as established in the Guidelines of the Advisory Council on Historic Preservation (36 Code of Federal Regulations, part 800). Title shall revert to the

United States if the land ceases to be used for park purposes. The agreement shall also stipulate that the City shall provide, without cost to the United States, the water supply required to water the Federal grounds surrounding the Bureau of Reclamation's administration building in the City, for as long as Federal ownership is retained, or through the year 2010, which ever occurs first. The land to be conveyed to the City is described as follows: approximately 3.25 acres, comprising all of block six, according to sheet 1 of 20, block plats of Boulder City, Nevada, drawing numbered X-300-460, dated July 15, 1959, and known as Wilber Square or Government Park.

(b) The Secretary of the Interior is authorized to enter into an agreement for the City to provide gardening services on Bureau of Reclamation land within the City; and in partial payment for this gardening service to transfer to the city any or all lawn and garden equipment owned and used by the Bureau of Reclamation as of the date of enactment of this Act, which is used to maintain the Bureau's grounds within the City.

(c) The Secretary of the Interior is authorized to transfer title to the City to all or any portion of the City water supply system which remains in Federal ownership and located outside of the Hoover Dam security area, and to provide the City with a permanent easement across all Federal lands necessary to properly operate and maintain any facility so transferred. The agreement referred to in this section shall also provide that all obligations to make payments to the United States for operation, maintenance, and replacement for works transferred to the City shall be discharged as of the date or dates of said transfer of title or operations and maintenance responsibility to the City.

**AMENDMENTS NOS. 3671 AND 3672**

Mr. GARN. Mr. President, I submit two amendments, en bloc, on behalf of Senators HECHT and REID.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. GARN], for Messrs. HECHT and REID, proposes amendments en bloc numbered 3671, and 3672.

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

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

The amendments are as follows:

**AMENDMENT No. 3671**

Amendment to the Committee Amendment to S. 59 Intended to be offered by Mr. Hecht (for himself and Mr. Reid) Strike Subsection 8(a) of the bill, as amended by the Committee amendment, and insert, in lieu thereof, the following:

"(a) Congress hereby expressly reserves the minimum quantity of water necessary to achieve the primary purposes for which the lands transferred pursuant to section 4(a) are withdrawn. Those purposes are hereby declared to be solely and exclusively the primary purpose for which the National Forests within which the lands are to be included were established. The priority date for such reserved rights shall be the date of transfer pursuant to this Act."

## AMENDMENT NO. 3672

Strike Subsection 5(c) of the bill, as amended by the Committee amendment, and insert, in lieu thereof, the following:

"(c) If at any time after the date of enactment of this Act, Congress releases all or any portion of the 160 acres of land described in this subsection from the requirements of Sec. 603(c) of the Federal Land Policy and Management Act, the Secretary of Agriculture is authorized to offer for sale all or any portion of the released lands at fair market value. If the Secretary of Agriculture decides to sell such land, he shall give public notice of such sale and shall establish a date within six months of such notice for the receipt of bids on such land. The Secretary of Agriculture shall sell such land to the party submitting the highest bid (at least equal to fair market value) on or before such date. The land is described as follows:

Mount Diablo Meridian Township 20 South, Range 57 East,

Section 28, Southeast  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$ ; Northwest  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$ ; Northeast  $\frac{1}{4}$  of Northeast  $\frac{1}{4}$ .

Section 34, Southwest  $\frac{1}{4}$  of Northwest  $\frac{1}{4}$ "

Mr. REID. Mr. President, I am a co-sponsor of S. 59, the National Forests and Public Lands of Nevada Enhancement Act of 1987 and I wish to express my support of this bill as amended on the Senate floor.

As you may remember, several years ago the Reagan administration proposed a massive land interchange proposal involving tens of millions of acres nationwide. The public fought back and demanded that the impacts on local communities and private citizens be considered.

In Nevada, the proposed land swap caused an uproar. Under the original plan, Forest Service lands in Nevada would shrink to less than 1 million acres, while the BLM would manage 4.5 million acres. The Departments of Interior and Agriculture also held public hearings in Nevada two summers ago to gauge the public's sentiments about the land swap. The public hearings brought out near-unanimous opposition to reducing Forest Service lands in the State. Too many serious questions remained; ranging from concerns about agency funding, quality of management, the status of revenues to State and county governments, and possible environmental degradation.

Following public input and further deliberation, the U.S. Forest Service and BLM developed a new interchange proposal affecting 12 Western States and 2 Eastern cities, allowing Nevada to retain all of its existing national forests and converting BLM lands to the Forest Service.

At the urging of the National Forest Task Force of Nevada, the Nevada delegation introduced this legislation to enlarge and enhance our valuable Forest Service lands. Specifically, S. 59 transfers BLM lands to the U.S. Forest Service in the Spring Mountains adjacent to Mount Charleston, lands in the eastern Sierras, lands on the east side of the Ruby Mountains and lands ad-

acent to the Utah border and Mount Moriah.

The Enhancement Act is also supported by the Governor of Nevada, the Board of Commissioners of Clark County, and the Mt. Charleston Town Advisory Board. The transfer does not affect existing water rights. Any wilderness review that is underway by the BLM is properly protected in the transfer and the bill will not alter the existing division of responsibility for mining activity on Forest Service land.

Mr. President, this bill represents almost 3 years of work and refinement. I believe that it is time to pass this legislation and I urge its swift adoption.

Mr. HECHT. Mr. President, I am very pleased that we have finally reached an agreement with the leadership of the House of Representatives that will allow the National Forests and Public Lands of Nevada Enhancement Act to pass both Houses of Congress.

This bill will enlarge the Mount Charleston Unit of the Toiyabe National Forest, so that a larger portion of this year-round recreation area, which is so important to southern Nevada, can enjoy some of the advantages of national forest status. The bill will also make more comprehensible the confusing patchwork of Federal land ownership along Nevada's Sierra Front. Finally, the bill will include some of the Hot Creek Range in central Nevada as part of the Toiyabe National Forest.

Until very recently, this worthwhile bill had been tightly linked to Nevada wilderness legislation, both being repeatedly sent to the Senate by the House on the same vehicle. Recently the House requested a conference on a vehicle whereby both these matters would be on the table.

I have consistently objected to the idea of linking the Enhancement Act to Nevada wilderness in any fashion because they are two separate issues with very different degrees of support from the Nevada congressional delegation. The entire delegation supports the Enhancement Act, and has from the very beginning. Unfortunately, the delegation is widely split on the wilderness issue. It seems reasonable that the measure which enjoys broad support should proceed, while the delegation works out its differences on the other matter.

I object to a conference as requested by the House because of my longstanding belief that these issues ought to be dealt with separately. With this in mind, and with all due respect to the wisdom and experience which non-Nevadans could bring to bear on discussions of the issue of wilderness in Nevada, I think it just makes a lot more sense for Nevadans to work out this wilderness issue among ourselves. I am confident that sooner or later we

will work it out among ourselves, and then our friends from other States can assist us in getting that compromise legislation through the Congress intact.

With regard to the Enhancement Act, I want to thank Senators McCURE, JOHNSTON, WALLOP, and BUMPERS for their assistance with the Senate bill. I also want to thank Congressman VENTO and his staff for their forbearance on the matter of wilderness, and their assistance to Nevada's congressional delegation in its efforts to create more national forest land in Nevada. Specifically, I would like to thank Gary Ellsworth, Jim Beirne, and Tom Williams of the Senate Energy Committee staff, as well as Jim Bradley and Dale Crane of the House Interior Committee staff.

There are two matters with regard to the substance of the Enhancement Act which I would like to briefly address at this point. It is the policy of the Forest Service to limit individual grazing permittees to a certain number of animals that may use the national forests. This bill will result in the transfer, to the Forest Service, of all or part of several grazing allotments. As a result of these transfers, several grazing permittees will, through no action of their own, likely find themselves in the predicament of exceeding the limit. I do not want any of these permittees to be required to reduce a herd merely because the Congress has chosen to transfer all or part of their allotment to the jurisdiction of the Forest Service. The Forest Service can make exceptions to the limit, and I expect the Forest Service to do so for permittees affected by this bill.

Having said this I want to make it very clear that I also expect the Forest Service to use its authority to properly manage the range resource, including adjusting the number of animals that may graze on the national forest lands created by this bill, when such adjustment is required for sound range management reasons, rather than mechanical compliance with an arbitrary administratively defined upper limit.

The Experimental Stewardship Program for managing range resources is very popular in Nevada, and I strongly encourage the Secretary of Agriculture and the Secretary of the Interior to continue any Experimental Stewardship Programs involving Federal lands transferred to the jurisdiction of their respective agencies by this bill.

After extensive consultation with Senator WIRTH, and at his urging, Senator REID and I have agreed to offer two floor amendments to S. 59. The first amendment makes it clear that some land that is being transferred to the Forest Service may only be sold if that acreage is released from wilderness consideration by Congress.

The second amendment modifies the water rights language in the committee substitute by removing the statutory requirement that Federal reserved water rights associated with the new national forest created by this bill be perfected pursuant to State law. I want to make it very, very clear that although there will not be a statutory requirement that these water rights be perfected pursuant to State law, it is my understanding that this is the current practice of Federal agencies, and it is my expectation that Federal agencies would assert water rights resulting from enactment of this bill in a manner that complies with the statutory and procedural requirements of the laws of the State of Nevada. Similarly, I would expect the Interior Department to promptly notify the State of Nevada of the relinquishment of Federal reserved water rights extinguished by this bill.

Mr. President, this bill means a lot to Nevadans, and I am very pleased to see it rapidly approaching the status of public law.

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

The amendments (Nos. 3671 and 3672) were agreed to.

The substitute amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 59

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest and Public Lands of Nevada Enhancement Act of 1988."

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the public lands transferred by this Act contain valuable natural resources (such as watershed, range, outdoor recreation and wildlife habitat) which will be enhanced by the professional, multiple-use management of the Forest Service; and that certain national forest lands would be enhanced by the professional multiple-use management of the Bureau of Land Management;

(2) the public which uses these natural resources will be benefited by such adjustments in management;

(3) the public lands transferred by this Act to the jurisdiction of the Forest Service are adjacent to existing national forests and, in many cases, are part of the same watersheds and mountain ranges, and placing the management of these lands under the administration of one agency, the Forest Service, will improve efficiency and be cost effective; that similar efficiency and cost effectiveness will result from transferring jurisdiction of certain National Forest lands to the Bureau of Land Management and;

(4) there is a consensus in Nevada that these lands should be added to the National Forest System and that certain National Forest lands should be transferred to the Bureau of Land Management for manage-

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer to the jurisdiction of the Forest Service, United States Department of Agriculture, certain public lands in Nevada currently administered by the Bureau of Land Management, United States Department of the Interior. These public lands are contiguous to the Toiyabe and Inyo National Forests and will become National Forest System lands; and

(2) to transfer to the jurisdiction of the Bureau of Land Management, United States Department of the Interior, certain lands in Nevada currently administered by the Forest Service, United States Department of Agriculture. These lands are contiguous to other public lands and will be managed as such.

#### SEC. 3. DEFINITIONS.

As used in this Act—

(a) the term "public lands" means the lands administered by the Bureau of Land Management, United States Department of the Interior, as defined in section 103(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(e)); and

(b) the term "National Forest lands" or "National Forest System lands" means the lands administered by the Forest Service, United States Department of Agriculture, as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

#### SEC. 4. TRANSFER OF LANDS.

(a) TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE.—Effective one hundred and eighty days after the enactment of this Act, the approximately six hundred sixty-two thousand acres of public lands designated for inclusion in the National Forest System on three maps entitled "Nevada Interchange-A", dated January 1987, "Nevada Interchange-B", dated February 1988, and "Nevada Interchange-C", dated August 1988, are hereby withdrawn from the public domain, transferred to the jurisdiction of the Secretary of Agriculture, and shall become part of the Toiyabe National Forest or the Inyo National Forest, as appropriate.

(b) BOUNDARIES OF TOIYABE AND INYO NATIONAL FORESTS.—(1) The boundaries of the Toiyabe National Forest and the Inyo National Forest are hereby modified to reflect the transfer of lands under subsection (a).

(2) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Toiyabe National Forest and the Inyo National Forest, as modified by this subsection, shall be treated as if they were the boundaries of those National Forests as of January 1, 1965.

(c) TRANSFER OF FOREST SERVICE LANDS TO THE BUREAU OF LAND MANAGEMENT.—Effective one hundred and eighty days after the enactment of this Act, the approximately twenty-three thousand acres of National Forest lands identified for management by the Bureau of Land Management on a map entitled "Nevada Interchange-A" and dated January 1987, are hereby transferred to the Secretary of the Interior.

(d) MAPS.—The maps referred to in subsection (a) and subsection (c) shall be on file and available for public inspection, in the offices of the Governor of Nevada, the Supervisors of the Toiyabe and Inyo National Forests, the Nevada State Director of the Bureau of Land Management, the Chief of the Forest Service, and the Director of the Bureau of Land Management. The Secretaries of Agriculture and the Interior may

make changes to the maps to correct technical errors.

(e) Effective one hundred and eighty days after enactment of this Act, lands transferred by subsection (a) of this section to the jurisdiction of the Secretary of Agriculture shall be subject to the planning requirements of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, and lands transferred by subsection (c) of this section to the jurisdiction of the Secretary of the Interior shall be subject to the planning requirements of the Federal Land Policy and Management Act of 1976. All transferred lands shall continue to be managed in accordance with plans in effect on the date of enactment of this Act until considered in plans developed under applicable provisions of law. If no plans are in effect on the date of enactment of this Act, the respective transferred lands shall be managed in a manner consistent with other National Forest or public lands, as the case may be, in the vicinity until a plan is developed under applicable provisions of law. Nothing in this Act shall of itself require the amendment or revision of the existing plans governing public lands or National Forest lands affected by the addition of or deletion of lands transferred by this Act.

#### SEC. 5. WILDERNESS SUITABILITY.

(a) BLM WILDERNESS STUDY AREAS.—Any area or portion thereof designated as a Bureau of Land Management Wilderness Study Area, which is made a part of the National Forest System by this Act, shall be managed by the Secretary of Agriculture in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) to protect its wilderness character until Congress designates that area as wilderness or releases it from further wilderness consideration. At the same time that the Secretary of the Interior submits wilderness recommendations to the Congress with regard to public lands in the State of Nevada, he shall also recommend to the Congress whether any wilderness study area or portion thereof transferred to the jurisdiction of the Forest Service by this Act should be included in the National Wilderness Preservation System.

(b) ROADLESS AREAS NOT RECOMMENDED AS WILDERNESS.—Any roadless area or portion thereof which is made a part of the National Forest System by this Act and which has been considered but not recommended for designation as wilderness pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) shall be deemed to have been adequately considered for wilderness for the purposes of the initial land management plans hereafter required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). The Secretary of Agriculture shall not be required to review the wilderness option for such area prior to the next regular revision of such plans for the National Forest in question, but the Secretary of Agriculture shall review the wilderness option for such area when such plans are revised.

(c) If at any time after the date of enactment of this Act, Congress releases all or any portion of the one hundred and sixty acres of land described in this subsection from the requirements of section 603(c) of the Federal Land Policy and Management Act, the Secretary of Agriculture is authorized to offer for sale all or any portion of

the released lands at fair market value. If the Secretary of Agriculture decides to sell such land, he shall give public notice of such sale and shall establish a date within six months of such notice for the receipt of bids on such land. The Secretary of Agriculture shall sell land to the party submitting the highest bid (at least equal to fair market value) on or before such date. The land is described as follows:

**MOUNT DIABLO MERIDIAN**

Township 20 South, Range 57 East,

**Section 28**

Southeast  $\frac{1}{4}$  of southeast  $\frac{1}{4}$

Northwest  $\frac{1}{4}$  of southeast  $\frac{1}{4}$

Northeast  $\frac{1}{4}$  of northeast  $\frac{1}{4}$

Section 34, southwest  $\frac{1}{4}$  of northwest  $\frac{1}{4}$

(d) **NO ADDITION TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.**—Nothing in the Act shall be construed to add lands to the National Wilderness Preservation System.

**SEC. 6. MANAGEMENT OF MINERAL RESOURCES.**

Nothing in this Act shall be construed to change the laws governing the management of mineral resources.

**SEC. 7. ADMINISTRATION OF RECEIPTS.**

The acreage added to the Toiyabe and Inyo National Forests in the State of Nevada by this Act shall not be counted in determining the distribution of the Twenty-Five Percent Fund between the States of California and Nevada under the Act of May 23, 1908, as amended: *Provided, however*, That the acreage added to these forests shall be counted in the distribution of the Twenty-Five Percent Fund among the affected counties in Nevada.

**SEC. 8. WATER RIGHTS.**

(a) Congress hereby expressly reserves the minimum quantity of water necessary to achieve the primary purposes for which the lands transferred pursuant to section 4(a) are withdrawn. Those purposes are hereby declared to be solely and exclusively the primary purpose of which the National Forests within which the lands are to be included were established. The priority date for such reserved rights shall be the date of transfer pursuant to this Act.

(b) Congress hereby expressly relinquishes all Federal reserved water rights created by the initial withdrawal from the public domain in the lands transferred pursuant to section 4(c) effective on the date of such transfer.

(c) Nothing in this Act shall create an implied reservation of water.

(d) Nothing in this Act shall affect the right of the United States or of any person to acquire or dispose of water or water rights pursuant to the substantive and procedural requirements of the laws of the State of Nevada.

**SEC. 9. VALID EXISTING RIGHTS.**

(a) Nothing in this Act shall affect valid existing rights of any person under any authority of law.

(b) Authorizations to use lands transferred by this Act which were issued prior to the date of transfer shall remain subject to the laws and regulations under which they were issued. Such authorization shall be administered by the Secretary to whom jurisdiction over affected lands has been transferred by this Act: Any renewal or extension of such authorization shall be subject to the laws and regulations pertaining to the agency which has jurisdiction over the land at the time the renewal or extension is requested. The change of administrative jurisdiction resulting from the enactment of this Act shall not in itself constitute a basis for denying or approving the re-

newal or reissuance of any such authorization.

**SEC. 10. ADMINISTRATIVE APPEALS.**

With respect to the lands transferred by section 4, any formal administrative appeal, adjudication, or review pending on the date of transfer of jurisdiction under this Act shall be completed by the Secretary, or his designee, of the Department in which it was initiated.

**SEC. 11. TRANSFER OF BUREAU OF RECLAMATION'S WILBUR SQUARE RESPONSIBILITIES TO THE CITY OF BOULDER CITY.**

(a) Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enter into an agreement with the City of Boulder City, Nevada (hereinafter referred to as the "City"), which will provide that, upon acceptance by the City of title to and financial responsibility for continued maintenance of the parcel of land described in this subsection, all remaining repayment obligations owing to the United States, pursuant to contract numbered 14-06-300-978, dated January 4, 1960, between the United States and the City, as of the date of enactment of this Act, shall be discharged. The land shall be maintained as a public park by the City at its own cost and expense, and shall be conveyed to the City, without consideration, by quit claim deed subject to the conditions, restrictions, and protective covenants as established in the Guidelines of the Advisory Council on Historic Preservation (36 Code of Federal Regulations, part 800). Title shall revert to the United States if the land ceases to be used for park purposes. The agreement shall also stipulate that the City shall provide, without cost to the United States, the water supply required to water the Federal grounds surrounding the Bureau of Reclamation's administration building in the City, for as long as Federal ownership is retained, or through the year 2010, which ever occurs first. The land to be conveyed to the City is described as follows: approximately 3.25 acres, comprising all of block six, according to sheet 1 of 20, block plats of Boulder City, Nevada, drawing numbered X-300-460, dated July 15, 1959, and known as Wilber Square or Government Park.

(b) The Secretary of the Interior is authorized to enter into an agreement for the City to provide gardening services on Bureau of Reclamation land within the City; and in partial payment for this gardening service to transfer to the City any or all lawn and garden equipment owned and used by the Bureau of Reclamation as of the date of enactment of this Act, which is used to maintain the Bureau's grounds within the City.

(c) The Secretary of the Interior is authorized to transfer title to the City to all or any portion of the City water supply system which remains in Federal ownership and located outside of the Hoover Dam security area, and to provide the City with a permanent easement across all Federal lands necessary to properly operate and maintain any facility so transferred. The agreement referred to in this section shall also provide that all obligations to make payments to the United States for operation, maintenance, and replacement for works transferred to the City shall be discharged as of the date or dates of said transfer of title or operations and maintenance responsibility to the City.

The title was amended so as to read: "A bill entitled the 'National Forest And Public Lands Nevada Enhancement Act of 1988'."

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

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

The motion to lay on the table was agreed to.

**THE CALENDAR**

Mr. BYRD. Mr. President, I inquire of my friend, Mr. GARN, as to whether or not the following calendar orders have been cleared on his side: Calendar Orders 371, 951, 984, and 1050.

Mr. GARN. Yes, those have been cleared.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 371, 951, 984, and 1050.

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

**CONVEYANCE OF CERTAIN PUBLIC LANDS**

The Senate proceeded to consider the bill (S. 575) to convey public land to the Catholic Diocese of Reno/Las Vegas, NV, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

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

**S. 575**

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

**SECTION 1. FINDINGS AND PURPOSE.**—(a) The Congress finds that—

(1) in 1949 Marie [Dawson] Lawton purchased from Clark County in a tax sale 40 acres of land in Clark County, Nevada;

(2) she paid taxes on this property until her death in 1975, at which time the property was bequeathed to the Roman Catholic Diocese of Reno/Las Vegas to be used to benefit the Home of the Good Shepherd, which works with troubled young women in the Western States;

(3) since 1975 the Diocese has paid taxes on the property; and

(4) it has recently been discovered that Clark County erred in selling the property in 1949 since the land at that time was actually in the public domain.

(b) The purpose of this Act is to convey this property to the Diocese of Reno/Las Vegas so it may be sold to benefit the Home of the Good Shepherd.

**[SEC. 2. CONVEYANCE.** Notwithstanding any other provision of law, the Secretary of the Interior shall convey to the Catholic Diocese of Reno/Las Vegas, Nevada, the lands described as follows: one 40 acre parcel comprising the northwest one quarter of southwest one quarter of section 13 township 19 south range 61 east Mount Diablo base line and Meridian, subject to the limitation of section 3 of this Act.]

*SEC. 2. CONVEYANCE.—Subject to valid existing rights and notwithstanding any other provision of law, the Secretary of the Interi-*

or shall convey without consideration to the Catholic Diocese of Reno/Las Vegas, Nevada, the lands described as follows: one 40-acre parcel comprising the northwest one-quarter of southwest one-quarter of section 13 township 19 south range 61 east Mount Diablo base line and Meridian, subject to the limitations of section 3 of this act: *Provided, That the administrative costs of such conveyance be borne by the Catholic Diocese of Reno/Las Vegas, Nevada.*

**SEC. 3. RESERVATION OF RIGHT-OF-WAY.**—A right-of-way and construction easement shall be reserved to the United States to accommodate flood control facilities of the Clark County Regional Flood Control District. Said right-of-way shall be no more than 75 feet in width and 1,320 feet in length, and shall be located in accordance with the Clark County Flood Control District Master Plan.

The amendments were agreed to.

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

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

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

The motion to lay on the table was agreed to.

#### AUTHORIZATION FOR CERTAIN WORK ON THE BESSEMER DITCH IN THE VICINITY OF PUEBLO, CO

The Senate proceeded to consider the bill (S. 2748) to extend the authorization in Public Law 96-309 to design and construct a gunite lining in certain reaches of the Bessemer Ditch in the vicinity of Pueblo, CO, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That the Act of July 9, 1980, (Public Law 96-309, 94 Stat. 940) is hereby amended by adding a section 4 as follows:

"SEC. 4. The Secretary is hereby authorized to undertake the design and construction of approximately eleven thousand feet of gunite lining of the Bessemer Ditch in addition to that lining which was constructed pursuant to section 1 of this Act. There is hereby authorized to be appropriated as the Federal share of costs for the purpose of this section the sum of \$1,170,000 (based on August 1988 prices), plus or minus such amounts, if any, as may be justified by reason of changes in construction cost indices applicable to the type of construction involved: *Provided, That non-Federal interests shall contribute during construction of the additional gunite lining an amount equal to 22 per centum of the total costs of the design and construction of such additional lining. The non-Federal contribution may include cash and in kind contributions and shall not be subject to the conditions of section 21 of this Act. The Secretary is authorized to contract with the Bessemer Irrigation Ditch Company for the design and construction at cost of the additional gunite lining authorized by this section.*"

The amendment was agreed to.

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

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

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

The motion to lay on the table was agreed to.

#### URANIUM MILL TAILINGS REMEDIAL ACTION AMENDMENTS ACT

The Senate proceeded to consider the bill (S. 1991) entitled the "Uranium Mill Tailings Remedial Action Amendments Act of 1987," which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uranium Mill Tailings Remedial Action Amendments Act of [1987]" 1988.*

SECTION 1. Section 106 of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7916) ("UMTRCA") is amended by striking paragraph (2) and all that follows and inserting in their place:

"(2) the Secretary of the Interior may transfer permanently to the Secretary to carry out the purposes of this Act, public lands under the jurisdiction of the Bureau of [Lands] Land Management in the vicinity of processing sites in the following counties:

"(A) Apache County in the State of Arizona;

"(B) Mesa, Gunnison, Moffat, Montrose, Garfield, and San Miguel Counties in the State of Colorado;

"(C) Boise County in the State of Idaho;

"(D) Billings and Bowman Counties in the State of North Dakota;

"(E) Grand and San Juan Counties in the State of Utah;

"(F) Converse and Fremont Counties in the State of Wyoming; and

"(G) Any other county in the vicinity of a processing site, if no site in the county in which a processing site is located is suitable. Any permanent transfer of lands under the jurisdiction of the Bureau of Land Management by the Secretary of the Interior to the Secretary shall not take place until the Secretary complies with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to the selection of a site for the permanent disposition and stabilization of residual radioactive materials. Section 204 of the Federal Land Policy and Management Act (43 U.S.C. 1714) shall not apply to this transfer of jurisdiction. Prior to acquisition of land under paragraph (1) or (2) of this subsection in any State, the Secretary shall consult with the Governor of such State. No lands may be acquired under such paragraph (1) or (2) in any State in which there is no (1) processing site designated under this title or (2) active uranium mill operation, unless the Secretary has obtained the consent of the Governor of such State. No lands controlled

by any Federal agency may be transferred to the Secretary to carry out the purposes of this Act without the concurrence of the chief administrative officer of such agency."

SEC. 2. Section 112(a) of UMTRCA (42 U.S.C. 7922(a)) is amended to read as follows:

"(a) The authority of the Secretary to perform remedial action under this title shall terminate on September 30, 1994, except that the authority of the Secretary to perform groundwater restoration activities under this title is without limitation."

Mr. ARMSTRONG. Mr. President, disposing of uranium mill site tailings has been determined to be important to the health of our citizens and the environment. That's why I cosponsored S. 1991 with my fellow Senator from Colorado. S. 1991 will extend to September 30, 1994 the expenditure of funds under title I of the Uranium Mill Tailings Radiation and Control Act of 1978.

Under the act, the uranium mill tailings remedial action project was established to clear toxic and radioactive wastes from abandoned uranium mill sites. Most of these sites are in the West. Colorado has one third of the uranium mill tailings sites to be cleared, with the remaining sites in Pennsylvania, Utah, New Mexico, Wyoming, Arizona, Oregon, Texas, North Dakota, and Idaho.

Remedial action at these sites will not be completed when the Energy Secretary's statutory authority to expend money for this program expires in 1990. The Department of Energy states removal of the uranium mill tailings is proving more difficult and time consuming than anticipated in 1978. Budget constraints restrict appropriation of the annual sums required to complete remaining work within the program's statutory limits. In addition, States need more time to appropriate funds to meet their 10 percent cost share.

The city of Grand Junction, CO, is a case worth mentioning. Grand Junction is on the western slope of the Rocky Mountains near the grand junction of the beautiful Gunnison and Colorado Rivers. Grand Junction is a well kept, attractive city of about 28,000 energetic, innovative people. For example, they established one of the Nation's first downtown outdoor malls. Built 25 years ago, their outdoor mall is landscaped with trees and flowers and interesting sculpture.

However, a nearby stretch of the Colorado River bank is piled with unsightly hills of uranium mill tailings. Due to the uranium mill tailings remedial action project, these tailings will be removed and permanently disposed. In conjunction with the Department of Energy's work removing the tailings, Grand Junction is developing a showpiece riverfront park, boosting economic growth as well as community spirit.

Mr. President, passage of S. 1991 means environmental concerns with these abandoned mill tailings can be resolved. The responsibilities and liabilities for incomplete removal work and the abandoned tailings themselves are addressed by extension of the uranium mill tailings remedial action project. Finally, my colleagues' favorable votes for S. 1991 protect the health of our citizens and make their communities safer, more attractive places to live.

The amendments were agreed to.

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

The title was amended so as to read: "A bill entitled the 'Uranium Mill Tailings Remedial Action Amendments Act of 1988'."

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

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

The motion to lay on the table was agreed to.

#### AUTHORIZATION FOR CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT, CO

The bill (S. 1549) to increase the authorize ceiling for the Closed Basin Division, San Luis Valley Project, CO, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1549

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 109 of the Reclamation Project Authorization Act of 1972 (Public Law 92-514, 86 Stat. 964), as amended by section 6(c) of the Act of October 3, 1980 (Public Law 96-375, 94 Stat. 1505), is further amended by striking out "\$57,139,000 (October 1979 prices)" and inserting in lieu thereof: "the sum of \$100,000,000 (October 1987 prices)".*

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

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

The motion to lay on the table was agreed to.

#### THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader as to whether or not the following calendar orders have been cleared on his side: Calendar Orders 995, 1000, 1022, 1040, 1093, 1094, 1096, 1097, 1099, 1100, 1101, 1102, 1107, 1110, 1113, 1116, 1117, 1118, and 1138.

Mr. GARN. Those have been cleared.

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

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

#### JOHN W. BRICKER FEDERAL BUILDING

The bill (H.R. 4410) to designate the Federal Building at Spring and High Streets in Columbus, Ohio, as the "John W. Bricker Federal Building", was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### GUS J. SOLOMON UNITED STATES COURTHOUSE

The bill (H.R. 5007) to designate the United States Courthouse at 620 Southwest Main Street, Portland, OR, as the "Gus J. Solomon United States Courthouse", was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENTS TO EDUCATION OF THE HANDICAPPED ACT AND REHABILITATION ACT OF 1973

The Senate proceeded to consider the bill (H.R. 5334) to make certain technical and conforming amendments to the Education of the Handicapped Act and the Rehabilitation Act of 1973, and for other purposes.

Mr. HARKIN. Mr. President, I rise today as chairman of the Subcommittee on the Handicapped and on behalf of the other members of the subcommittee, Mr. WEICKER, Mr. STAFFORD, Mr. KENNEDY, Mr. HATCH, Mr. SIMON, Mr. COCHRAN, Mr. METZENBAUM, and Mr. ADAMS, to urge the Senate adopt this legislation making technical and conforming amendments to the Education of the Handicapped Act, the Rehabilitation Act, the President's Committee on Employment of People With Disabilities, the American Printing House for the Blind, and the Helen Keller National Center Act.

This bill has been developed after extensive discussions between the two bodies of Congress, with the U.S. Department of Education, and with the groups affected by the legislation. It is bipartisan consensus legislation that has the support of the administration and the groups. The House bill (H.R.

5334) and Senate bill (S. 2821) are identical in all respects.

Although the bill is technical in nature, it is important that we pass this legislation because it will enable us to work with a complete and comprehensive compilation and facilitate the administration of these major programs providing training and educational opportunities for Americans with disabilities.

I incorporate by reference the identical section-by-section analyses of the bill that were included in the CONGRESSIONAL RECORD in the House and in the Senate on introduction.

I would like to thank Bob Silverstein of my staff for his work on this bill. I would also like to thank Sue Ellen Walbridge of Senator STAFFORD's staff for her extraordinary job in making the Rehabilitation Act free from errors. Without her commitment and efforts this bill would not have come to fruition.

The bill was ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### REQUIREMENTS FOR CERTAIN EQUIPMENT ON MANNED UNINSPECTED VESSELS

The bill (H.R. 4557) to amend title 46, United States Code, to require alerting and locating equipment on manned uninspected vessels, to provide for exemption of uninspected vessels from certain requirements of that title, and to increase penalties for violations of certain uninspected vessel requirements, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### RELIEF OF DYNAMIC TECHNOLOGY INTERNATIONAL, INC., LEW MALNAK ASSOCIATES, STAR DESIGN, INC., RIVERSIDE PRECISION MACHINES, AND CERTAIN OTHER INDIVIDUALS

The resolution (S. Res. 73) to refer S. 329 entitled "A bill for the relief of Dynamic Technology International, Inc., Lew Malnak Associated, Star Design, Inc., Riverside Precision Machines, and certain other individuals" to the Chief Judge of the U.S. Claims Court for a report thereon, was considered, and agreed to, as follows:

*Resolved*, That the bill (S. 329) entitled "A bill for the relief of Dynamic Technology International, Inc., Lew Malnak Associates, Star Design, Inc., Riverside Precision Machines, and certain other individuals" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

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

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

The motion to lay on the table was agreed to.

#### REFERRING THE BILL FOR THE RELIEF OF FREDERICK PAUL

The Senate proceeded to consider the resolution (S. Res. 187) referring the bill for the relief of Frederick Paul to the chief judge of the U.S. Claims Court.

Mr. EVANS. Mr. President, we have before us a resolution to refer the case of Frederick Paul of Seattle, WA, to the U.S. Court of Claims. I am pleased that the Judiciary Committee, after closely reviewing the facts, recognized the merits of the claim by reporting the measure to the full Senate with a favorable recommendation. I ask that my Senate colleagues offer their support as well.

Fred Paul first presented his case to Congress in 1984, following several years of efforts to secure fair compensation for his dedicated and pioneering work on behalf of the North Slope Eskimos and other Alaska Natives. The congressional reference process affords Mr. Paul the opportunity to have his case properly considered.

Mr. Paul represented the North Slope Eskimos and other Alaska Native tribes from 1966 until enactment of the Alaska Native Claims Settlement Act [ANCSA] in 1971. He labored under a contract approved by the Department of Interior, as prescribed by law for any attorney representing native Americans for claims against the United States. His clients were completely isolated from Western civilization; their average education level was the third grade; they had no funds with which to petition the U.S. Government.

His efforts eventually culminated with the passage of the ANCSA. One of its provisions, however, abrogated his contract with the Alaska Natives and left Mr. Paul with an inadequate payment for over 7,000 hours of tire-

less work—a payment which was not realized until several years after enactment of the legislation.

Mr. President, Frederick Paul sought redress in Federal court. Yet, due to unique technicalities, he was denied access. His claim had not been judged based on its merits. Senate Resolution 187 would accomplish this by referring S. 966 to the U.S. Court of Claims for proper adjudication. Simply, it would allow the court to determine just and fair compensation, if any, due to Mr. Paul.

Fred Paul, a native American, is an impressive individual. He has practiced in the legal profession in Washington State since 1945, and before that, in Alaska. He has been active in numerous community organizations. Most notably, he is the cofounder of the Seattle Indian Center and served as its director for over a decade. He participated in the Boy Scouts of America for 21 years. In addition to his extraordinary social contributions, Mr. Paul was awarded the King County Bar Association's "Distinguished Lawyer of the Year" in 1985 and his nomination for the "Courageous Advocacy Award" is currently being considered by the American Trial Lawyers.

I am cosponsoring Senate Resolution 187 with Senator ADAMS and with the Alaskan Senators MURKOWSKI and STEVENS. His efforts are also supported by an overwhelming number of officials, lawyers, journalists, and other citizens from the State of Washington. All recognize his personal integrity, his devoted service to the Alaska Natives, and the substance of his plea for just and equitable fees.

Mr. President, I am proud to serve in a body which provides an access to justice for individuals who otherwise are faced with closed doors. The purpose of the congressional reference process is an important one. While it is used in rare circumstances, it furnishes American citizens with an avenue to seek redress when no other remedy exists. Our system of justice is one of which we should be proud. However, there are times when a case may fortuitously escape the fair hand. As such, congressional reference must act as a safety net. Frederick Paul depends on this avenue. The issue of equity in his case has yet to be addressed and it warrants adjudication in a court of law.

I ask for its favorable consideration.

The resolution was agreed to, as follows:

*Resolved*, That the bill S. 966, for the relief of Frederick Paul of Seattle, Washington, now pending in the Senate is hereby referred to the United States Claims Court, and the Chief Judge of the United States Claims Court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code; said court shall file its report within eighteen months from the date of the filing of Mr. Paul's petition in said court giving

such findings of fact and conclusions of laws therein as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, and the amount, if any, legally or equitably due from the United States to the claim.

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

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

The motion to lay on the table was agreed to.

#### FOR THE RELIEF OF JOHN M. GILL

The bill (H.R. 525) for the relief of John M. Gill, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### RELIEF OF ALLEN H. PLATNICK

The bill (H.R. 945) for the relief of Allen H. Platnick, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### RELIEF OF THOMAS NELSON FLANAGAN

The Senate proceeded to consider the bill (H.R. 1133) for the relief of Thomas Nelson Flanagan, which had been reported from the Committee on the Judiciary, with amendments, as follows:

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

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

SECTION 1. GRANT OF JURISDICTION TO UNITED STATES CLAIMS COURT TO CONSIDER CLAIM AGAINST THE UNITED STATES; LIMITATION.

Notwithstanding section 2501 of title 28, United States Code, or laches, the United States Claims Court shall have jurisdiction to hear, determine, and render judgment on any claim filed by, or on behalf of, Thomas Nelson Flanagan ( **xxxx-xx-xxxx** ), or any of his heirs, against the United States for lost [wages, lost benefits, compensatory and consequential damages, and mental suffering] *government wages and lost government benefits [he] Thomas Nelson Flanagan* sustained due to his wrongful discharge from the United States

Naval Reserve on January 5, 1943, if an action on such claim is instituted in such court in accordance with otherwise applicable law during the one-year period beginning on the date of the enactment of the Act.

#### SEC. 2. CONDUCT OF PROCEEDINGS.

Proceedings for the determination of the claim described in section 1 of this Act, determination of damages, and review of any judgment of such claim shall be conducted in the same manner as if the United States Claims Court had jurisdiction under section 1491(a) of title 28, United States Code.

#### SEC. 3. NO INFERENCE OF LIABILITY OF UNITED STATES.

This Act shall not be construed as an inference of liability on the part of the United States.

The amendments were agreed to.

The amendments were ordered to be engrossed, the bill was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### RELIEF OF JOYCE A. MCFARLAND

The bill (H.R. 1275) for the relief of Joyce A. McFarland, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### RELIEF OF TRAVIS D. JACKSON

The bill (H.R. 1385) for the relief of Travis D. Jackson, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### RELIEF OF CERTAIN INDIVIDUALS

The Senate proceeded to consider the bill (H.R. 1388) for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, Kurt Olofsson, and John Jenks, which had been reported from the Committee on the Judiciary, with amendments, as follows:

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

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

#### SECTION 1. PAYMENT BY SECRETARY.

The Secretary of the Treasury shall pay the sum of **[\$37,855.64,]** *\$101,622.00*, out of any funds in the Treasury not otherwise appropriated, to the United States Property and Fiscal Officer for the State of Massachusetts to be distributed by such officer in accordance with section 2. Such payment shall be in full settlement of all claims against the United States arising from the unauthorized placement of the persons named in paragraphs (1) through (10) of section 2(a) under the Federal Civil Service retirement system upon the reemployment of such persons with the Massachusetts National Guard.

#### SEC. 2. PAYMENT BY UNITED STATES PROPERTY AND FISCAL OFFICER.

(a) **PAYMENT.**—Except as provided in subsection (b), the United States Property and Fiscal Officer for the State of Massachusetts, upon receiving the payment authorized by section 1, shall pay—

- (1) **[\$4,055.95]** *\$5,459.09* to David Butler;
- (2) **[\$4,457.47]** *\$14,531.48* to Aldo Cirone;
- (3) **[\$1,126.87]** *\$4,143.07* to Richard Denisi;
- (4) **[\$8,333.25]** *\$17,447.82* to Warren Fallon;
- (5) **[\$1,848.11]** *\$7,273.20* to the estate of Charles Hotton;
- (6) **[\$4,724.54]** *\$13,280.68* to Harold Johnson;
- (7) **[\$2,096.58]** *\$8,516.86* to Jean Lavoie;
- (8) **[\$4,435.99]** *\$8,677.43* to Vincent Maloney;
- (9) **[\$1,911.38]** *\$6,627.43* to Austin Mortensen;
- (10) **[\$2,971.77]** *\$5,812.55* to Kurt Olofsson; and
- (11) **[\$2,923.73]** *\$9,852.39* to John Jenks.

(b) **DEDUCTION OF INTEREST OBLIGATION.**—If any person named in paragraph (1) through (10) of subsection (a) has an interest obligation to the Massachusetts State Board of Retirement on the date of enactment of this Act because of the unauthorized placement of such person under the Federal Civil Service retirement system, the United States Property and Fiscal Officer for the State of Massachusetts shall pay such obligation from the amount authorized for payment under subsection (a) before making any payment to, or on behalf of, such person under subsection (a).

#### SEC. 3. LIMITATION ON ATTORNEY'S FEES.

No amount in excess of 10 percent of any payment authorized by section 2(a) shall be paid to, or received by, any agent or attorney in consideration for services rendered in connection with such payment. Any violation of this section shall be a misdemeanor and any person convicted thereof shall be fined not more than \$1,000.

#### SEC. 4. RETURN OF OVERPAYMENT.

*The payments made pursuant to the provisions of section 2 of this Act reflect payments authorized with interest calculated through December 1988. If payments are made to the individuals listed in such section prior to January 1, 1989, such payments shall be recomputed to such earlier date and the difference between such amount and the payment authorized by this Act shall be returned to the Treasury of the United States.*

The amendments were agreed to.

The amendments were ordered to be engrossed, the bill was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### RELIEF OF FLEURETTE SEIDMAN

The Senate proceeded to consider the bill (H.R. 2802) for the relief of Fleurette Seidman, which had been reported from the Committee on the Judiciary, with an amendment:

On page 1, line 7, strike "\$8,043.57", and insert "\$5,500.00".

So as to make the bill read:

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

#### SECTION 1. SATISFACTION OF CLAIM.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Fleurette Seidman ( **xxx-xx-xxxx** ) the sum of \$5,500.00. Such sum represents the losses and expenses incurred by Fleurette Seidman arising out of her—

(1) voluntary termination of Federal employment in good faith reliance on erroneous information, received from a retirement counselor of the United States Customs Service, that she was then eligible for an annuity under section 8336(a) of title 5, United States Code, and

(2) subsequent return to her former position of employment.

#### SEC. 2. LIMITATION ON ATTORNEY'S AND AGENT'S FEES.

Not more than 10 percent of the sum appropriated by section 1 shall be paid to or received by any agent or attorney for services rendered in connection with the claim described in such section. Any person who violates this section shall be fined not more than \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### RELIEF OF BIBIANNE CYR

The bill (H.R. 3347) for the relief of Bibianne Cyr, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

**REMEDIES AGAINST UNITED STATES FOR CERTAIN NEGLIGENCE OR OMISSIONS BY U.S. EMPLOYEES IN THE SCOPE OF THEIR EMPLOYMENT**

The Senate proceeded to consider the bill (H.R. 4612) to amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts or omissions of U.S. employees committed within the scope of their employment, and for other purposes, which has been reported from the Committee on the Judiciary with an amendment:

On page 9, after line 3, insert the following:

**SEC. 9. TENNESSEE VALLEY AUTHORITY.**

**(a) EXCLUSIVENESS OF REMEDY.—**

(1) An action against the Tennessee Valley Authority for injury or loss of property, or personal injury or death arising or resulting from the negligent or wrongful act or omission of any employee of the Tennessee Valley Authority while acting within the scope of this office or employment is exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim. Any other civil action or proceeding arising out of or relating to the same subject matter against the employee or his estate is precluded without regard to when the act or omission occurred.

(2) Paragraph (1) does not extend or apply to a cognizable action against an employee of the Tennessee Valley Authority for money damages for a violation of the Constitution of the United States.

**(b) REPRESENTATION AND REMOVAL.—**

(1) Upon certification by the Tennessee Valley Authority that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding heretofore or hereafter commenced upon such claim in a United States district court shall be deemed an action against the Tennessee Valley Authority pursuant to 16 U.S.C. 831C(b) and the Tennessee Valley Authority shall be substituted as the party defendant.

(2) Upon certification by the Tennessee Valley Authority that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the Tennessee Valley Authority to the district court of the United States for the district and division embracing the place wherein it is pending. Such action shall be deemed an action brought against Tennessee Valley Authority under the provisions of this title and all references thereto, and the Tennessee Valley Authority shall be substituted as the party defendant. This certification of the Tennessee Valley Authority shall conclusively establish scope of office or employment for purposes of removal.

(3) In the event that the Tennessee Valley Authority has refused to certify scope of office or employment under this section, the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of this office or employment. Upon such certification by the court, such action shall be

deemed an action brought against the Tennessee Valley Authority, and the Tennessee Valley Authority shall be substituted as the party defendant. A copy of the petition shall be served upon the Tennessee Valley Authority in accordance with the Federal Rules of Civil Procedure. In the event the petition is filed in a civil action or proceeding pending in a State court, the action or proceeding may be removed without bond by the Tennessee Valley Authority to the district court of the United States for the district and division embracing the place in which it is pending. If, in considering the petition, the district court determines that the employee was not acting within the scope of his office or employment, the action or proceeding shall be remanded to the State court.

(4) Upon certification, any actions subject to paragraph (1), (2), or (3) shall proceed in the same manner as any action against the Tennessee Valley Authority and shall be subject to the limitations and exceptions applicable to those actions.

**(c) RETENTION OF DEFENSES.—**

Section 2674 of title 28, United States Code, is amended by adding at the end thereof the following new paragraph:

"With respect to any claim to which this section applies, the Tennessee Valley Authority shall be entitled to assert any defense which otherwise would have been available to the employee based upon judicial or legislative immunity, which otherwise would have been available to the employee of the Tennessee Valley Authority whose act or omission gave rise to the claim as well as any other defenses to which the Tennessee Valley Authority is entitled under this chapter."

So as to make the bill read:

H.R. 4612

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Employees Liability Reform and Tort Compensation Act of 1988".

**SEC. 2. FINDINGS AND PURPOSES.**

**(a) FINDINGS.—**The Congress finds and declares the following:

(1) For more than 40 years the Federal Tort Claims Act has been the legal mechanism for compensating persons injured by negligent or wrongful acts of Federal employees committed within the scope of their employment.

(2) The United States, through the Federal Tort Claims Act, is responsible to injured persons for the common law torts of its employees in the same manner in which the common law historically has recognized the responsibility of an employer for torts committed by its employees within the scope of their employment.

(3) Because Federal employees for many years have been protected from personal common law tort liability by a broad based immunity, the Federal Tort Claims Act has served as the sole means for compensating persons injured by the tortious conduct of Federal employees.

(4) Recent judicial decisions, and particularly the decision of the United States Supreme Court in *Westfall v. Erwin*, have seriously eroded the common law tort immunity previously available to Federal employees.

(5) This erosion of immunity of Federal employees from common law tort liability has created an immediate crisis involving the prospect of personal liability and the

threat of protracted personal tort litigation for the entire Federal workforce.

(6) The prospect of such liability will seriously undermine the morale and well being of Federal employees, impede the ability of agencies to carry out their missions, and diminish the vitality of the Federal Tort Claims Act as the proper remedy for Federal employee torts.

(7) In its opinion in *Westfall v. Erwin*, the Supreme Court indicated that the Congress is in the best position to determine the extent to which Federal employees should be personally liable for common law torts, and that legislative consideration of this matter would be useful.

**(b) PURPOSE.—**It is the purpose of this Act to protect Federal employees from personal liability for common law torts committed within the scope of their employment, while providing persons injured by the common law torts of Federal employees with an appropriate remedy against the United States.

**SEC. 3. JUDICIAL AND LEGISLATIVE BRANCH EMPLOYEES.**

Section 2671 of title 28, United States Code, is amended in the first full paragraph by inserting after "executive departments," the following: "the judicial and legislative branches."

**SEC. 4. RETENTION OF DEFENSES.**

Section 2674 of title 28, United States Code, is amended by adding at the end of the section the following new paragraph:

"With respect to any claim under this chapter, the United States shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the employee of the United States whose act or omission gave rise to the claim, as well as any other defenses to which the United States is entitled."

**SEC. 5. EXCLUSIVENESS OF REMEDY.**

Section 2679(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property, or personal injury or death arising or resulting from the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim or against the estate of such employee. Any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the employee or the employee's estate is precluded without regard to when the act or omission occurred.

"(2) Paragraph (1) does not extend or apply to a civil action against an employee of the Government—

"(A) which is brought for a violation of the Constitution of the United States, or

"(B) which is brought for a violation of a statute of the United States under which such action against an individual is otherwise authorized."

**SEC. 6. REPRESENTATION AND REMOVAL.**

Section 2679(d) of title 28, United States Code, is amended to read as follows:

"(d)(1) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed

an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant.

"(2) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place in which the action or proceeding is pending. Such action or proceeding shall be deemed to be an action or proceeding brought against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant. This certification of the Attorney General shall conclusively establish scope of office or employment for purposes of removal.

"(3) In the event that the Attorney General has refused to certify scope of office or employment under this section, the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment. Upon such certification by the court, such action or proceeding shall be deemed to be an action or proceeding brought against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant. A copy of the petition shall be served upon the United States in accordance with the provisions of Rule 4(d)(4) of the Federal Rules of Civil Procedure. In the event the petition is filed in a civil action or proceeding pending in a State court, the action or proceeding may be removed without bond by the Attorney General to the district court of the United States for the district and division embracing the place in which it is pending. If, in considering the petition, the district court determines that the employee was not acting within the scope of his office or employment, the action or proceeding shall be remanded to the State court.

"(4) Upon certification, any action or proceeding subject to paragraph (1), (2), or (3) shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of this title and shall be subject to the limitations and exceptions applicable to those actions.

"(5) Whenever an action or proceeding in which the United States is substituted as the party defendant under this subsection is dismissed for failure first to present a claim pursuant to section 2675(a) of this title, such a claim shall be deemed to be timely presented under section 2401(b) of this title if—

"(A) the claim would have been timely had it been filed on the date the underlying civil action was commenced, and

"(B) the claim is presented to the appropriate Federal agency within 60 days after dismissal of the civil action."

#### SEC. 7. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of the provision to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of the provision to any other person or circumstance shall not be affected by that invalidation.

#### SEC. 8. EFFECTIVE DATE.

(a) GENERAL RULE.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY TO PROCEEDINGS.—The amendments made by this Act shall apply to all claims, civil actions, and proceedings pending on, or filed on or after, the date of the enactment of this Act.

(c) PENDING STATE PROCEEDINGS.—With respect to any civil action or proceeding pending in a State court to which the amendments made by this Act apply, and as to which the period for removal under section 2679(d) of title 28, United States Code (as amended by section 6 of this Act), has expired, the Attorney General shall have 60 days after the date of the enactment of this Act during which to seek removal under such section 2679(d).

(d) CLAIMS ACCRUING BEFORE ENACTMENT.—With respect to any civil action or proceeding to which the amendments made by this Act apply in which the claim accrued before the date of the enactment of this Act, the period during which the claim shall be deemed to be timely presented under section 2679(d)(5) of title 28, United States Code (as amended by section 6 of this Act) shall be that period within which the claim could have been timely filed under applicable State law, but in no event shall such period exceed two years from the date of the enactment of this Act.

#### SEC. 9. TENNESSEE VALLEY AUTHORITY.

##### (a) EXCLUSIVENESS OF REMEDY.—

(1) An action against the Tennessee Valley Authority for injury or loss of property, or personal injury or death arising or resulting from the negligent or wrongful act or omission of any employee of the Tennessee Valley Authority while acting within the scope of the office or employment is exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim. Any other civil action or proceeding arising out of or relating to the same subject matter against the employee or his estate is precluded without regard to which the act or omission occurred.

(2) Paragraph (1) does not extend or apply to a cognizable action against an employee of the Tennessee Valley Authority for money damages for a violation of the Constitution of the United States.

##### (b) REPRESENTATION AND REMOVAL.—

(1) Upon certification by the Tennessee Valley Authority that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding heretofore or hereafter commenced upon such claim in a United States district court shall be deemed an action against the Tennessee Valley Authority pursuant to 16 U.S.C. 831C(b) and the Tennessee Valley Authority shall be substituted as the party defendant.

(2) Upon certification by the Tennessee Valley Authority that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the Tennessee Valley Authority to the district court of the United States for the district and division embracing the place wherein it is pending. Such action shall be deemed an action brought against the Tennessee Valley

Authority under the provisions of this title and all references thereto, and the Tennessee Valley Authority shall be substituted as the party defendant. This certification of the Tennessee Valley Authority shall conclusively establish scope of office or employment for purposes of removal.

(3) In the event that the Tennessee Valley Authority has refused to certify scope of office or employment under this section, the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment. Upon such certification by the court, such action shall be deemed an action brought against the Tennessee Valley Authority, and the Tennessee Valley Authority shall be substituted as the party defendant. A copy of the petition shall be served upon the Tennessee Valley Authority in accordance with the Federal Rules of Civil Procedure. In the event the petition is filed in a civil action or proceeding pending in a State court, the action or proceeding may be removed without bond by the Tennessee Valley Authority to the district court of the United States for the district and division embracing the place in which it is pending. If, in considering the petition, the district court determines that the employee was not acting within the scope of his office or employment, the action or proceeding shall be remanded to the State court.

(4) Upon certification, any actions subject to paragraph (1), (2), or (3) shall proceed in the same manner as any action against the Tennessee Valley Authority and shall be subject to the limitations and exceptions applicable to those actions.

##### (c) RETENTION OF DEFENSES.—

Section 2674 of title 28, United States Code, is amended by adding at the end thereof the following new paragraph:

"With respect to any claim to which this section applies, the Tennessee Valley Authority shall be entitled to assert any defense which otherwise would have been available to the employee based upon judicial or legislative immunity, which otherwise would have been available to the employee of the Tennessee Valley Authority whose act or omission gave rise to the claim as well as any other defenses to which the Tennessee Valley Authority is entitled under this chapter."

Mr. THURMOND. Mr. President, I rise in support of H.R. 4612 as amended, a companion bill to S. 2500, the "Federal Employees Liability and Tort Compensation Act of 1988." This bill, introduced in the Senate by Senator GRASSLEY will establish the Federal Tort Claims Act as the exclusive remedy for those injured by the negligence of a Federal employee acting within the scope of employment.

Under this bill, if a Federal employee is acting within the scope of his or her employment, the United States will be substituted as the sole defendant in cases alleging that a Federal employee committed a common law tort. This bill protects the Federal employee and provides an appropriate remedy for a victim injured due to the negligence of a Federal employee. H.R. 4612 is both supported by the Department of Justice and public employee organizations.

I support H.R. 4612 as amended.

Mr. HEFLIN. Mr. President, today we have an opportunity to discuss legislation to bring relief to an important segment of the American people, the civil servant.

In January of this year, the Supreme Court handed down the decision of *Westfall versus Ervin*. As a result of this decision, Federal employees were stripped of their longstanding immunity from State common law tort actions. Federal workers can now be sued in their individual capacity even when they are acting within "the scope of their employment." Before *Westfall*, these workers were able to go about their jobs reassured that as long as they did their jobs, they would be free from liability. This fact is no longer true.

The *Westfall* decision has pulled the rug out from under Federal workers, and has created a workplace filled with fear. Coast Guard workers, FDA and USDA inspectors, and many Federal law enforcement officials can no longer perform their duties with the confidence that they are free from potential law suits. Many Americans, and particularly Members of this body, appreciate the long, difficult, and often thankless jobs that many Federal employees perform. Further, without this legislation, Federal employees' life savings are at risk. The fruits of an entire career of distinguished service can be wiped away in a single blow. With this legislation we are returning confidence to the Federal workplace.

This bill would substitute the United States as the sole defendant in cases where a Federal employee, acting within the scope of his or her duty, is being sued for a common law tort. This bill would merely reaffirm that the Federal Tort Claims Act is the proper remedy when suing the Government or a Government employee.

While in committee I offered an amendment, which was adopted, to include Tennessee Valley Authority workers within the scope of the protections provided by this bill. As I am sure my colleagues are aware, the TVA holds a unique position within our Federal Government's structure. My amendment merely provides that the same protections enjoyed by Federal employees should be enjoyed by TVA employees.

Federal employees deserve our admiration, respect, and confidence. Many major Federal employee groups have strongly endorsed and pushed for passage of this legislation. The Department of Justice has called upon this body to take responsible action and pass this legislation. I am proud to be a cosponsor and strong supporter of this bill. I urge my colleagues not to delay but to act swiftly and achieve passage of this legislation.

Mr. GRASSLEY. Mr. President, as the sponsor of S. 2500, the companion

to H.R. 4612, and on behalf of my cosponsors, Mr. HEFLIN, Mr. TRIBLE, Mr. HUMPHREY, Mr. STEVENS, Ms. MIKULSKI, Mr. PRESSLER, and Mr. SIMON, I am pleased to rise in support of H.R. 4612.

Mr. President, earlier this year the Supreme Court dramatically changed the law governing the personal tort liability of Federal employees.

By its January 13, 1988, decision in *Westfall versus Ervin*, the Court held that Federal employees may be sued in their personal capacities for common law torts unless the actions giving rise to the suit were both within the scope of their employment and involved an exercise of governmental discretion.

The Court thus severely restricted the scope of traditional common law immunity from tort suit, available to Federal employees.

As a result of *Westfall*, we are now faced with an immediate crisis of personal liability exposure for the entire Federal workforce—more than 3 million persons in all 3 branches of Government, including more than 16,000 hard-working citizens in my own State of Iowa. Virtually every one of these employees—and particularly rank-and-file civil servants—now face the possibility of being required to defend a lawsuit in which his or her personal fortune is a stake—even when the actions complained of were clearly official duties.

Mr. President, I am not just "crying wolf." The dangerous effects of *Westfall* are already very tangible. For example, the Justice Department reports that on April 7, 1988, a \$25,000 judgment was entered against a Capitol Police officer and a \$10,000 judgment was entered against a Capitol Police sergeant for a claim arising out of an incident with a gas station owner.

In another case, on July 29, 1988, a \$12,500 judgment was entered against a postal worker on a claim arising out of an office dispute.

In yet another case, on March 5, 1988, a \$2 million judgment was entered against six employees of the Tennessee Valley Authority in a wrongful death case.

There are dozens of other cases.

The Department of the Air Force reports that they have over 50 active, open lawsuits where Air Force personnel have been sued in Federal court in their individual capacities, and are potentially liable to pay adverse judgments out of their own pockets. The individuals being sued range from the Secretary of Defense to the most senior commander on a base, to secretaries and junior enlisted members. The plaintiff in almost every case are complaining about an act done by a Federal employee as part of his or her official duties: a poor performance rating is alleged as "defamation;" failure to be awarded a government con-

tract becomes "discrimination;" frustration at nonpromotion yields "emotional distress;" detention by security police becomes "false imprisonment," and the types of claims go on and on.

This has created a new climate of uncertainty. Federal employees now have no way of knowing whether the most routine of their official duties will expose them to a State law tort suit jeopardizing their personal assets.

The prospect of years of personal liability litigation against the Federal work force not only has a devastating impact on individual civil servants' pocketbooks, credit ratings, and morale, but will severely inhibit the ability of many agencies to carry out their mission.

Ironically, the *Westfall* decision is of little help to most injured plaintiffs, since it is rare that a civil servant will have the resources to pay a substantial tort judgment. Rather, it's more likely that *Westfall*-type suits will be employed simply to harass and intimidate Federal employees who are only trying to do their jobs.

I suspect that the Supreme Court realized that its decision dramatically changed existing law and would result in substantial personal liability exposure for Federal employees. Indeed, Justice Marshall's opinion in *Westfall* expressly invited Congress to consider the issue and fashion a more appropriate legislative solution.

Mr. Chairman, the bill that we approve today is an evenhanded and fair response to the Court's invitation. This bill amends the Federal Tort Claims Act to make a lawsuit against the United States under the FTCA the exclusive remedy for anyone injured by governmental negligence.

As my colleagues know, the FTCA has generally worked well over the past four decades in providing fair and expeditious compensation to persons injured by the common law torts of Federal employees. This bill, by covering *Westfall*-type cases under the FTCA, assures that victims of common law torts of Federal employees will be fairly compensated. At the same time, it provides a needed measure of employee protection from personal liability.

Mr. President, I would like to emphasize that this bill does not have any effect on the so-called Bivens cases or constitutional tort claims. Although this too is an area of concern to me—and I have introduced corrective legislation in the past—the bill that we pass today has no impact on these cases, which can continue to be brought against individual Government officials.

Mr. President, this legislation is supported by both the administration and the public employee unions, and has earned bipartisan support. The other body has overwhelmingly approved it,

and the President is anxious to sign it. I thank my colleagues for their support, particularly the chairman and ranking member of the Judiciary Committee. I am sure the Federal work force will thank them as well.

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### ADMINISTRATION OF THE GENERAL ACCOUNTING OFFICE

The Senate proceeded to consider the bill (H.R. 5052) to amend title 31 of the United States Code to provide for a transfer of control of the General Accounting Office Building and to improve the administration of the General Accounting Office.

Mr. GLENN. Mr. President, I commend to my colleagues passage of H.R. 5052, a bill to amend title 31 of the United States Code to provide for a transfer of control to the General Accounting Office Building and to improve the administration of the General Accounting Office.

H.R. 5052 was introduced on July 14, 1988, and jointly referred to the Committees on Government Operations and Public Works and Transportation. The Government Operations Committee held one hearing on the bill and received testimony from the General Accounting Office [GAO] and General Services Administration [GSA]. H.R. 5052 was approved by the Government Operations Committee on August 9, and the Committee on Public Works and Transportation concurred in the result. The bill was called up by the House of Representatives on October 3 under suspension of the rules and passed 400 to 0.

The bill provides for transferring custody and control of GAO's headquarters building in Washington, DC from GSA to GAO. In addition, the bill grants authority and provides for procedures to assist the Comptroller General of the United States in carrying out his responsibilities for management of this building.

In support of this legislation, GAO asserts that it is the only agency of the legislative branch whose headquarters space is under the jurisdiction of GSA and that its status as an arm of the legislative branch, charged with giving Congress its objective views with respect to programs and operations of the executive branch, would be enhanced if it had responsibility for meeting its own space needs. Moreover, GAO believes that it can better provide for the care and main-

tenance of the building and management of its space. This attitude extends to taking over responsibility for removing the serious asbestos problem within the building. While GAO would like to budget for this work itself and would like to do so on an expedited basis, GSA would have to fit the work into its own asbestos removal program.

I believe these facts favor the transfer of custody and control of the GAO headquarters building from GSA to GAO. Because GAO is a legislative branch agency, this bill does not set a precedent for the transfer of custody and control of any executive branch agency's building from GSA to any such agency.

I urge my colleagues to vote in favor of H.R. 5052.

The bill was ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### ADDITIONAL INFORMATION ABOUT ASBESTOS

The Senate proceeded to consider the bill (H.R. 5442) to provide the Environmental Protection Agency and the public with additional information about asbestos products.

Mr. BURDICK. Mr. President, I am pleased to support the Asbestos Information Act, H.R. 5442. It is my hope that enactment of this legislation will help reduce the time and costs associated with asbestos litigation in this country.

The bill requires manufacturers and processors of asbestos and asbestos-containing materials to report to EPA within 90 days of enactment with information about the types and classes of products, years of manufacture and other identifying characteristics of the asbestos or asbestos-containing materials they produced. EPA is required to catalogue and publish this information within 180 days of enactment.

A provision of section 2 of the bill merits classification. This section sets forth the reporting requirements for manufacturers and processors of asbestos or asbestos-containing materials. Manufacturers and processors are to provide information including the years of manufacture and types of products they have produced and "to the extent available, other identifying characteristics reasonably necessary to identify or distinguish the asbestos or asbestos-containing material." This does not mean that all information about the products must be submitted, simply the information reasonably necessary to identify or distinguish the asbestos-containing material.

With respect to asbestos-containing floor tile for example, the most feasible means to identify the manufacturer is generally by examination of the texture, design, and pattern of the tile. Therefore, it is our intent that manufacturers of asbestos-containing floor tiles would be in compliance with section 2 by submitting the designs and textures of the tiles to EPA.

Mr. President, I believe this is worthwhile legislation and urge my colleagues to support its enactment.

Mr. BAUCUS. Mr. President, it is widely recognized that asbestos-containing materials are present in thousands of buildings. Building owners face the difficult task of determining whether this situation presents a danger sufficient to require some form of abatement, and if so, whether to attempt to seek compensation from the manufacturers of these materials. The Asbestos Information Act will assist individuals and courts to identify these materials.

We have just begun to see the beginning of litigation relating to asbestos in buildings. Plaintiffs often file shotgun complaints. Each suit may involve as many as 50 defendants even though the products of only a few of these defendants may actually be present in any given building. State law requires that plaintiffs eventually identify the defendant whose products are present, but identification is likely to occur after the cost of these cases to both the plaintiff and the defendant has become enormous. The sheer number of parties involved in these lawsuits may lead to the result where the transaction costs exceed the potential damages to the building owner.

The Asbestos Information Act has, as its primary goal, the reduction of transaction costs in the asbestos-in-building litigation without placing additional burdens on building owners and without affecting the rights of the parties in the litigation. A Rand Corp. study of asbestos personal injury litigation concluded that over 60 percent of the total expenditures went to lawyers rather than claimants. This bill seeks to avoid a repeat of this experience in the asbestos-in-building litigation.

The legislation provides that the manufacturers of asbestos products shall submit to EPA for publication information identifying the characteristics of their products. This bill is designed to bring the critical issue of product identification to an early resolution. Once this information is made available, a court can then decide how to use the data in a specific case. Currently, defendants are reluctant to settle a case in which their product may not be present. Similarly, plaintiffs are reluctant to overlook a possible supplier of asbestos material to their building and judges are reluctant

to press either side to make concessions thereby prolonging the case. The reluctance of all parties to push the case forward is often due to the unavailability of critical information to claimants, defendants and in turn the courts.

The Asbestos Information Act will make information readily, publicly, and inexpensively available with the expectation that plaintiffs will use this information to focus on those who manufactured products of the types found in their buildings. The courts and all parties to the asbestos-in-building litigation should find this information useful for product identification.

At the same time, the bill is crafted in a manner to ensure that the Environmental Protection Agency's role is one of a depository for information and not an analyzer of asbestos-in-building materials.

The legislation preserves the rights of State courts to handle asbestos-in-building cases as a State sees fit. At the same time, a valuable tool is provided which has the potential to significantly reduce transactional costs of these types of suits.

Simply stated, the legislation requires each manufacturer of any building material containing asbestos prior to the date of enactment to submit that information to the Environmental Protection Agency. EPA is then required to assemble and publish that data 180 days after the date of enactment.

The bill was ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### NATIONAL TROPICAL BOTANICAL GARDEN

The bill (H.R. 4480) to change the name of the Pacific Tropical Botanical Garden, a federally chartered organization, to the National Tropical Botanical Garden, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

#### CONSENT OF CONGRESS TO THE LAKE WYLIE MARINE COMMISSION COMPACT

The Senate proceeded to consider the joint resolution (H.J. Res. 644) granting the consent of Congress to

the compact entered into between the State of North Carolina and the State of South Carolina establishing the Lake Wylie Marine Commission.

Mr. THURMOND. Mr. President, I rise today to express my support for House Joint Resolution 644, a joint resolution to give the consent of Congress to an interstate compact regulating Lake Wylie. I was a cosponsor of the Senate companion Senate Joint Resolution 367, which was introduced by Senator SANFORD.

Lake Wylie lies upon the border between North Carolina and South Carolina. This legislation will give Federal consent to the creation of an interstate commission, composed of officials from South Carolina and North Carolina, which will regulate Lake Wylie. This legislation results from the fact that governance of Lake Wylie is difficult since each State is responsible for only its own area of the lake. Police and wildlife officers are currently prohibited from crossing State lines to patrol the entire body of water. In addition, Lake Wylie is quickly becoming a densely populated area.

In an effort to remedy these problems, the South Carolina and North Carolina Legislatures recently adopted virtually identical laws authorizing the creation of the Lake Wylie Marine Commission. The commission plans to focus on four major areas: law enforcement, water safety, education, and environmental protection.

In order to be effective, this interstate compact requires congressional approval. This legislation faces no opposition and its passage is very important to the many people who live near the lake or use it for recreation. State and local officials are anxious that we pass this bill so that the commission may begin work and begin solving the problems it faces.

For these reasons, I urge my colleagues to vote in favor of this joint resolution.

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

The preamble was agreed to.

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

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

The motion to lay on the table was agreed to.

#### MEASURES INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent that the following calendar orders be indefinitely postponed: 1072, 1073, 1076, and 1077.

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

#### PURCHASE OF LAND IN RIVERSIDE, CA

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 970, H.R. 4050, a bill for the relief of certain persons in Riverside County, CA.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4050) for the relief of certain persons in Riverside County, CA, who purchased land in good faith reliance on an existing land survey.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 3673

Mr. CRANSTON. Mr. President, I send an amendment to the desk and on behalf of myself and Mr. Wilson ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] for himself and Mr. Wilson proposes an amendment numbered 3673.

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

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

The amendment is as follows:

On page 1, line 3, after the word "That" insert: "Section 1."

At the end of the bill insert the following: "Section 2. Notwithstanding any other provision of law, the Secretary of the Interior shall, within six months of the enactment of this Act, complete the state indemnity application CA 16096 for land in Inyo County, California as submitted to the State Director, Bureau of Land Management, California State Office, Sacramento, California and shall convey the lands described therein to the State of California."

Mr. CRANSTON. Mr. President, this amendment simply directs the Secretary of the Interior to convey to the California State Lands Commission a 20-acre parcel of land in Inyo County, CA, as part of the State's indemnity selection. The Bureau of Land Management has recommended that this parcel be classified for disposal through State indemnity selection. However, because the land has been withdrawn and is subject to the injunction in National Wildlife Federation versus Burford, the BLM has not been able to convey the property. The amendment provides the necessary authority to complete the transaction. The National Wildlife Federation has indicated it has no objection to this amendment.

It has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the ques-

tion is on agreeing to the amendment of the Senator from California.

The amendment (No. 3673) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So, the bill (H.R. 4050), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

#### MEASURE PLACED ON CALENDAR—H.R. 5321

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 5321, the motor vehicle commercial zone exemption bill and that the bill be placed on the calendar.

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

#### HANFORD REACH STUDY ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 1041, H.R. 3614, a bill to authorize a study of the Hanford Reach of the Columbia River.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3614) to authorize a study of the Hanford Reach of the Columbia River, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 3674

Mr. GARN. Mr. President, I submit a substitute amendment on behalf of Senator EVANS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. GARN, for Mr. EVANS, proposes an amendment numbered 3634.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert the following in lieu thereof:

#### SECTION 1. COMPREHENSIVE RIVER CONSERVATION STUDY.

The Secretary of the Interior ("Secretary"), in consultation with the Secretary of Energy, shall prepare a comprehensive river conservation study for that segment of the Columbia River extending from one mile below Priest Rapids Dam downstream approximately 51 miles to the McNary pool north of Richland, Washington, as generally depicted on the map entitled "Proposed Columbia River Wild and Scenic River Boundary" dated May 17, 1988, hereinafter referred to as the "study area" which is on file with the United States Department of the Interior. The study shall identify and evaluate the outstanding features of the study area and its immediate environment, including fish and wildlife, geologic, scenic, recreational, natural, historical, and cultural values, and examine alternatives for their preservation. In examining alternative means for the preservation of such values, the Secretary shall, among other things, consider the potential addition of all or a portion of the study area to the national wild and scenic rivers system, and recommend a preferred alternative for the protection and preservation of the values identified. The Secretary shall cooperate and consult with the State and political subdivisions thereof, local, and tribal governments, and other interested entities in preparation of such a study and provide for public comment. The study shall be completed and presented to Congress within 3 years after the date of enactment of this Act.

#### SEC. 2. INTERIM PROTECTION.

(a) For a period of eight years after the enactment of this Act, within the study area identified in Section 1 of this Act:

(1) No federal agency may construct any dam, channel or navigation project.

(2) All other new federal and non-federal projects and activities shall, to the greatest extent practicable:

(A) be planned, designed, located and constructed to minimize direct and adverse effects on the values for which the river is under study, and

(B) utilize existing structures and facilities including, but not limited to, pipes, pipelines, transmission towers, water conduits, powerhouses, and reservoirs to accomplish the purposes of the project or activity.

(3) Federal and non-federal entities planning new projects or activities in the study area shall consult and coordinate with the Secretary to minimize and provide mitigation for any direct and adverse effects on the values for which the river is under study.

(4) Upon receiving notice from the entity planning the new project or activity, the Secretary shall, no later than ninety days after receiving such notice and consulting with the entity:

(A) review the proposed project or activity and make a determination as to whether there will be a direct and adverse effect on the values for which the river segment is under study; and

(B) review proposals to mitigate such effects and make such recommendations for mitigation as he deems necessary.

(5) If the Secretary determines that there will be a direct and adverse effect that has not been adequately mitigated, he shall

notify the sponsoring entity and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of his determination and any proposed recommendations.

(b) During the eight year interim protection period, provided by this section, all existing projects that affect the study area shall be operated and maintained to minimize any direct and adverse effects on the values for which the river is under study, taking into account any existing and relevant license, permit, or agreement affecting the project.

#### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than \$150,000 for the purpose of conducting the study pursuant to section 1 of this Act.

Mr. EVANS. Mr. President, I am pleased to be joined by my colleague from Washington State, Senator ADAMS, in offering a substitute amendment to H.R. 3614, legislation which authorizes the Secretary of the Interior to conduct a comprehensive river conservation study of the Hanford Reach segment of the Columbia River. This amendment is the result of a remarkable and cooperative negotiating effort by State and local conservation groups, State and Federal agencies and other involved parties. I would like to express in particular my deep appreciation for the efforts of Congressman MORRISON and his staff, Senator ADAMS and his staff, the staff of the Senate Energy and Natural Resources Committee, the Nature Conservancy, the Columbia River Coalition, and the American rivers group. I believe the amendment that we are introducing today clarifies and strengthens the study process and the interim protection period for this segment of the river. I am pleased that this amendment enjoys the support of the various interested and involved parties. The Hanford Reach segment of the Columbia River is truly deserving of the legislative attention it is receiving today.

The Hanford Reach is the last significant stretch of the Columbia River that maintains the characteristics of the predevelopment mid-Columbia River ecosystem. The Reach extends for approximately 55 miles between the McNary pool north of Richland to just south of the Priest Rapids dam. It is bordered to the west largely by the Department of Energy's Hanford Reservation. Much of the land to the east is protected by the Washington Department of Wildlife and the U.S. Fish and Wildlife Service.

The Reach provides the most diverse natural habitat on the Columbia River. Similar habitat has been completely eliminated on the remainder of the Columbia River. Species found along the Reach include migratory waterfowl, salmon, steelhead, sturgeon, coyote, deer, and a variety of plant

species, some of which are proposed for classification as endangered, threatened or sensitive by Federal and State agencies. One of its most significant resources are its natural spawning beds that support one of the few wild stocks of upriver bright fall chinook.

The Hanford Reach is also vastly important for its archeological resources. Because access to the river has been restricted as a result of the presence of the Department of Energy's Hanford Reservation, these sites have been remarkably free of vandalism. The Hanford Reach sites are also rare in that the majority of other sites along the river have been inundated by hydroelectric development. Research by the Mid-Columbia Archaeological Society has revealed evidence of at least 115 sites along the river. There has been estimates of at least 4.5 sites per river mile of shoreline. Many of these sites have religious and spiritual significance for native Americans. In fact, this area was the birthplace of the Native American Dreamer Religion. For the Yakima and Wanapum Indians, it is the last area in the entire Columbia basin where their religious places and burial sites have not been flooded or destroyed.

The desire to protect the Hanford Reach to date has been farreaching. In September 1970, the Department of the Interior and the Department of Agriculture identified the Hanford Reach as 1 of 47 rivers nationwide that were deserving of further evaluation under section 5(d) of the Wild and Scenic Rivers Act. In 1982, the Department of the Interior placed the Hanford Reach on the nationwide rivers inventory list.

The State of Washington has also expressed interest in protecting the Hanford Reach. The Washington Parks and Recreation Commission has initiated consideration of the Hanford Reach for State scenic river status. The Washington State Department of Natural Resources-Natural Heritage Program and the Department of Wildlife have recommended that the Reach be placed on the Washington Register of Natural Areas. In 1973, the State ecological commission passed a resolution endorsing "the development and implementation of an integrated, comprehensive resource management program by the various responsible agencies for the future use, protection and enhancement of this area, so that its basic environmental uniqueness will be preserved."

This legislation would authorize the Department of the Interior to conduct a study of the Hanford Reach, to determine appropriate protection and preservation measures. The legislation requires the Secretary of the Interior to involve appropriate entities in the study process—such as, the Yakima Indian Nation, the Washington Public

Power Supply system, the Bonneville Power Administration, Department of Energy, State and local governments and other interested parties. I would expect that a strong effort be made to study the potential eligibility of the Hanford Reach for inclusion in the National Wild and Scenic Rivers System. In my view this river segment is worthy of such designation as it has values and qualities that must be sustained for future generations. I would hope that at the end of the 3-year study period Congress will act expeditiously on protection measures for the Hanford Reach—and I will be most pleased if that level of protection provides inclusion of the Hanford Reach into the National Wild and Scenic Rivers System.

The amendment also provides that there be an interim protection period of 8 years. While I expect Congress will wish to act quickly on the study returned to Congress, this protection period allows ample time for Congress to consider permanent designation. The interim protection period will prohibit certain activities on the area under study. For instance, no Federal agency will be allowed to construct a dam, channel or navigation project. All other projects will be subject to the review of the Secretary of the Interior. I feel strongly that should any new project be necessary in the study area that an assessment be made as to whether existing structures and facilities would be more efficient and compatible with protecting the environment. The legislation we are considering today would require such an assessment. As stated in section 2 of this amendment, such projects should also be planned, designed, located, and constructed to minimize any adverse effects on the values for which the river is under study. It is not the intent of this section to require a reexamination of existing and relevant permits, licenses, and agreements that condition the current operation of facilities and projects operated by such entities as the Washington Public Power Supply System [WPPSS], the Department of Energy, and the Bonneville Power Administration. The inclusion of this section is to minimize adverse effects resulting from normal operations during the interim protection period. The language also recognizes that other "licenses, permits, or agreements," such as those administered by the Energy Facility Site Evaluation Council [EFSEC] in Washington State set certain terms and conditions on the operation of those facilities, and will continue to do so over the next 8 years. For example, the NPDES permit for the operating WNP-2 powerplant is subject to renewal in September 1990, by EFSEC. The intent of this language is neither to modify in any way the terms and conditions of existing permits, licenses, or agreements. Based

on the hearing record and my understanding of the purpose of the scenic and recreational river status, I am not aware today of any real problem or inconsistency between such permits and agreements and the purposes and provisions of the Wild and Scenic Rivers Act. Any concerns regarding potential inconsistencies between such permits, licenses, and agreements and the purposes and requirements of this act can be addressed by the Secretary and the relevant parties during the initial 3-year study period and overall 8-year interim protection period.

This amendment also requires that the Secretary of the Interior be actively involved in decisions regarding appropriate mitigation for any new projects causing a direct and adverse effect to the values for which the river is under study. Values to be identified and evaluated in the study area and its immediate environment include: fish and wildlife, geologic, scenic, recreational, natural, historical, and cultural values. I believe this to be most appropriate since the Secretary of the Interior in his role of protecting our rivers under the National Wild and Scenic Rivers System has developed an expertise in fish, wildlife, and general mitigation matters, and is best suited to decide appropriate measures to protect the values we seek to preserve. I would expect the Secretary of the Interior during discussions of appropriate mitigation measures would take into account mitigation measures required under current law, such as those required under the Pacific Northwest Electric Power Planning and Conservation Act, and those required by the Electric Consumers Protection Act [ECPA] of 1986 for FERC license renewal.

There could well be projects in this study area which would be beneficial to the river segment. I know of two such projects which I expect will add to the value of the Hanford Reach area. For instance, I understand that the Grant County PUD No. 2 has a fish hatchery and spawning facility which may require further construction or modification in the future. Another proposed project is for a boat launch near the Vernita Bridge. The fish hatchery and spawning facility should certainly enhance the fish resources currently in the area, and the boat launch will correct a serious problem which exists along side of the river, where people are launching their boats and erosion and siltation are occurring. While these projects will have to comply with the requirement that these local efforts be coordinated through the Secretary of the Interior. I would anticipate that the Secretary would find such projects beneficial to the area.

This legislation is a significant step toward the permanent protection of

this remarkable and significant stretch of the Columbia River. I hope that my colleagues in the Senate will join Senator ADAMS and myself in passing this important environmental measure for Washington State.

Mr. ADAMS. Mr. President, I rise today to express my appreciation to my Senate colleagues for considering the passage of the Hanford Reach bill. In particular, I would like to thank Senator EVANS for his leadership and dedicated commitment to preserving this unique stretch of the Columbia River.

The Hanford Reach is a relatively untouched section of the Columbia River. For the past 45 years, the area's natural state has been preserved because of its location within the boundaries of the Hanford Nuclear Reservation. This situation presents us with an extraordinary opportunity to study irreplaceable aspects of our ecological and historical heritage. The bill we have before us today allows the time and provides the resources to take advantage of this fortunate event.

The natural features of this stretch of river are unequalled in any other part of the country. This section of the river is the last free-flowing stretch of the Columbia in the United States. It also hosts the last undisturbed spawning ground for fall chinook salmon on the river. In addition, the expanse of land surrounding the river is home to large numbers of migrating water fowl and shelters 22 rare plant and animal species. In fact, the natural features of the Reach are so significant that it has been recognized by the U.S. Fish and Wildlife Service as one of Washington State's two most important fish and wildlife habitats.

Preservation of the Hanford Reach is also extremely important because of its valuable cultural and educational contributions. The area is rich in archeological information. The boundaries of the Reach contain a number of native American villages, religious locations and burial grounds. Because the land has been undisturbed for many years, these locations provide us with exceptional opportunities to study past civilizations.

The legislation considered today provides for the preparation of a comprehensive study designating alternative means of preserving this unique stretch of the Columbia River. This study will be conducted by the Secretary of the Interior, who will solicit the viewpoints of all interested parties, including the Yakima Indian Nation, the Department of Energy, the Washington Public Power Supply System, the Bonneville Power Administration and regional governments. The Secretary will also review any new projects proposed for the Reach during the study period to determine if they will have a direct or adverse impact on the area. I fully expect that

the Secretary's performance of these responsibilities will be consistent with the Federal trust responsibility toward Indian tribes.

The Hanford Reach bill is a significant step toward permanent protection and I encourage my colleagues to support this important bill.

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

The amendment (No. 3674) was agreed to.

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

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

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3614), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

#### NONMAILABLE AGRICULTURAL COMMODITIES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of H.R. 5199, a bill to make nonmailable any agricultural commodity that the Secretary of Agriculture deems to be dangerous, and that the Senate proceed to its immediate consideration, the bill be considered, proceed to third reading, passed and the motion to reconsider laid on the table.

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

So the bill (H.R. 5199) was passed.

#### ESTABLISHMENT OF MEMORIAL TO WOMEN OF THE UNITED STATES WHO SERVED IN VIETNAM

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2042.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2042) entitled "An Act to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of

the women of the United States who served in the Vietnam conflict", do pass with the following amendments:

Strike out all after the enacting clause and insert:

#### SECTION 1. ESTABLISHMENT OF MEMORIAL.

(a) IN GENERAL.—The Vietnam Women's Memorial Project, Inc., is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act 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 (40 U.S.C. 1001 et seq.).

#### SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of the establishment of the memorial.

#### SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress, with respect to location of the memorial in accordance with the Act referred to in section 1(b), that it would be most fitting and appropriate to place the memorial within the 2.2 acre site of the Vietnam Veterans Memorial in the District of Columbia.

Amend the title so as to read: "An Act to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial on Federal land in the District of Columbia or its environs to honor women of the Armed Forces of the United States who served in the Republic of Vietnam during the Vietnam era."

#### AMENDMENT NO. 3675

(Purpose: To authorize the Vietnam Women's Memorial Project, Inc., to construct at the Vietnam Veterans Memorial a commemoration to women of the United States who served in Vietnam during the Vietnam conflict)

Mr. BYRD. Mr. President, I move that the Senate concur in the House amendments with a further amendment, which I send to the desk on behalf of Mr. CRANSTON and Mr. DURENBERGER.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for Mr. CRANSTON, (for himself and Mr. DURENBERGER), proposes an amendment numbered 3675.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

#### SEC. 1. AUTHORIZATION.

(a) IN GENERAL.—The Vietnam Women's Memorial Project, Inc., is authorized to construct on public grounds within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia a specific commemoration of women of the United States who served

in the Republic of Vietnam during the Vietnam conflict. Such commemoration shall be deemed to be a modification to the existing memorial.

(b) **SITING.**—The Secretary of the Interior, in consultation with the Vietnam Women's Memorial Project, Inc., and the Veterans' Memorial Fund, Inc., is authorized and directed to select, with the approval of the Commission of Fine Arts and the National Capital Planning Commission, a suitable site for the commemoration authorized in subsection (a) within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia.

(c) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The construction and maintenance of the commemoration authorized in subsection (a) shall be in accordance with the Act entitled "An Act 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 (40 U.S.C. 1001 et seq.), except that provisions of that Act with respect to siting shall be superceded by subsection (b).

#### SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of the establishment and maintenance of the commemoration authorized in section 1(a).

#### SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that it is most fitting and appropriate that a specific commemoration of women of the United States who served in the Republic of Vietnam during the Vietnam conflict be constructed at the site of the Vietnam Veterans Memorial to help complete the process of recognition and healing that was undertaken with the establishment of the Memorial. Further, it is the sense of the Congress that after the addition of the commemoration authorized in section 1(a) the Vietnam Veterans Memorial will be complete and that no further additions or alterations to the site shall be authorized or undertaken.

#### THE VIETNAM WOMEN'S MEMORIAL PROJECT

Mr. CRANSTON. Mr. President, I rise today to urge my colleagues to support the amendment to the House amendment to S. 2042 that I am proposing along with Senator DURENBERGER. This amendment represents a compromise between the Senate bill which we coauthored and the House amendment text that would, we believe, meet the needs and concerns of all parties involved. It would authorize the Vietnam Women's Memorial Project, Inc. [VWMP], to construct at the Vietnam Veterans Memorial in Washington, DC, a specific commemoration to women of the United States who served in Vietnam during the Vietnam conflict, and would deem the commemoration a modification to the existing memorial.

#### BACKGROUND

Mr. President, when our bill, S. 2042, was before the Senate on June 14, 1988, with the cosponsorship of 73 of my colleagues, it passed with an overwhelming vote of 96 to 1.

On September 8, 1988, nearly 3 months later, the House Subcommittee on Libraries and Memorials, chaired by my friend and colleague, Congresswoman OAKAR, favorably re-

ported an amendment to the Senate-passed bill. The full House Administration Committee favorably reported the amendment on September 22, and the House passed it by voice vote on September 23, 1988.

Mr. President, it is clear that Congress shares the goal of the VWMP to recognize the sacrifices and contributions made by women who served in the Vietnam conflict and to educate the public about the role of these women. I believe that the placement of a statue at the Vietnam Veterans Memorial would accelerate the healing process for the women who served their country during this very difficult time.

Although the goal of the Senate and the House of Representatives is the same, the approach has been different. Both approaches recognize that it is important that the VWMP meet and follow the criteria expressed in the Commemorative Works Act. (Public Law 99-652), but the similarities end there. The Senate bill specifically authorizes the addition to the Vietnam Veterans Memorial, as a modification of the existing memorial, of a statue commemorating women from the United States who served in the Vietnam conflict, whereas the House amendment authorizes the VWMP to construct a new memorial to commemorate women Vietnam veterans, without providing where that memorial should be placed.

#### PROBLEMS WITH THE HOUSE AMENDMENT

I strongly believe that passage of the House amendment to authorize a new memorial would not move us closer to a commemoration at the Vietnam Veterans Memorial for women who served in Vietnam. Indeed, there is a very good chance that the House approach would actually result in a major setback for this effort. Alternatively, the House approach could result in gutting the intent and essence of the Commemorative Works Act [CWA] if the project were to move forward as we intend.

The CWA sets up a procedure whereby memorials to be located in Washington, DC, have to meet certain criteria. The Vietnam Veterans Memorial is located in what is known as "Area I." Before a memorial can qualify to be put in area I, however, it must first meet the criteria to be authorized to be put in "Area II"—which generally consists of the District of Columbia and its environs. To meet the criteria for area II, the memorial must meet section 6(b)(1) of the CWA which requires military commemorative works to commemorate either a war or similar major military conflict or a branch of the Armed Forces. Section 6(b)(1) specifically states: "No commemorative work commemorating a lesser conflict or a unit of an Armed Force shall be permitted in Area II." It is difficult to see how a new memo-

rial to the women who served in the U.S. Armed Forces in Vietnam fits this description.

Moreover, section 7(b)(2) of the CWA provides that a new memorial may not "encroach" on an existing memorial. This requirement on its face would seem to prohibit the authorizing authorities under the CWA—the Commission of Fine Arts, the National Capital Planning Commission, and the Secretary of the Interior—from agreeing to the placement at the existing Vietnam Veterans Memorial of the memorial to women who served in the Vietnam conflict.

That is why we believe authorizing a new commemoration, rather than authorizing a modification, may very well not result in the placement at the existing Vietnam Veterans Memorial of a commemoration of women who served in Vietnam.

Even if Congress closed its collective eyes, and deemed that the memorial to the women who served in Vietnam meets the criteria for a memorial in area II and authorized a new memorial in "Area II," which I do not believe should be done, the goal is still not reached by the House amendment. Next, the VWMP would need the approval of the Secretary of the Interior, upon his or her finding that the women's memorial was of preeminent historical and lasting significance to the Nation, in order for the memorial to be placed in area I, which includes The Mall, followed within 150 days by another act of Congress—that is, a second law—to approve locating the memorial in area I.

In contrast, both the Senate bill and the amendment we are proposing, recognize that the addition of a memorial to women at the existing Vietnam Veterans Memorial is just that—a modification to an existing memorial, which, by its own terms, the CWA does not address.

#### SENATE COMPROMISE PROPOSAL

Our compromise amendment would follow the House approach in two basic ways. First, in recognition of the well-reasoned process provided for in the CWA, the Senate bill required the VWMP to follow the basic CWA process. Recognizing the previous summary, negative disposition of the VWMP by the Commission of Fine Arts, as discussed more fully in my statement on June 14, 1988 (RECORD page S 7751), the Senate bill specified a specific timetable to govern the tripartite approval process. The House amendment did not contain this timetable provision, and neither does the amendment we are now proposing.

Second, the Senate bill specified that the memorial be a statue—which I firmly believe is the appropriate type of memorial in the context of harmonizing with the existing memorial, but to which the House has objected. This

specification of a statue has also been dropped from the Senate amendment. However, as I will note later, I have serious reservations about the royalty arrangements that have been negotiated between the VWMP and the sculptor of the nurse statue they propose.

The amendment Senator DURENBERGER and I are proposing would, however, differ from the House approach in that it would specify the site for the commemoration to be the Vietnam Veterans Memorial as a modification to the existing memorial and would thus remove both the potential conflict with the CWA and the need for another law to be enacted to place the commemoration in area I at the existing memorial.

Our amendment would also restore important language concerning the role of the Vietnam Veterans Memorial Fund [VVMF] which was removed by the House. As my colleagues know, the VVMF's tremendous efforts in the face of great obstacles brought us the Vietnam Veterans Memorial. Today, the VVMF continues in a stewardship role—watching over the memorial, participating in ceremonies at the memorial on Memorial Day and on Labor Day, and adding to and correcting names on the wall. Additionally, the terms of the memorandum of conveyance provide that " \* \* \* the VVMF shall have the opportunity to discuss any such changes with representatives of the Department of the Interior." Our amendment preserves the VVMF's rights by providing that the Secretary of the Interior will consult with both the VWMP and the VVMF, along with requiring, under the CWA terms incorporated in our amendment, the approval of the Commission of Fine Arts and the National Capital Planning Commission, in authorizing and selecting a suitable commemoration and a site for it within the Vietnam Veterans Memorial land.

Our amendment would further express the sense of the Congress that establishment of the VWMP is a fitting and appropriate way to help complete the process of recognition and healing for the men and women who served in the Vietnam conflict and the sense of the Congress that with the addition of this commemoration the Vietnam Veterans Memorial would be complete and that no further additions or alterations to the site should be authorized or undertaken. This provision should help alleviate concerns expressed that the VWMP's statue would become the first in a long string of additions to the Vietnam Veterans Memorial. I believe that the addition of this commemoration at the Vietnam Veterans Memorial would fulfill the original intent of the authorizing legislation enacted to honor the dedication and sacrifices of the women as well as the men who served on behalf

of this Nation during the Vietnam conflict.

#### THE VWMP AND THE STATUE

Mr. President, since I began working with the VWMP, I have been impressed by the project's dedication to ensuring, through careful planning, that the addition of a specific commemoration would complement the existing memorial. The bronze statue which has been proposed by the VWMP is similar in appearance and demeanor to the statue of the three combat soldiers already in place at the memorial. The proposed placement of the statue at the end of the wall opposite to the end where the existing statue is placed, would, as Secretary Hodel has pointed out, provide a sense of completion and balance to the memorial, allowing visitors to walk in a full circle as they visit the different elements at the memorial site.

However, I do not believe that the statue already created should be selected for this purpose unless the royalty agreement with the artist is altered. I spoke to my concern about commemoration of memorials in my statement upon Senate passage, specifically the 50-percent royalty arrangement that exists for the "Three Fighting Men" statue at the Vietnam Veterans Memorial, which has resulted in its artist receiving over \$85,000 in royalties; and a similar arrangement with respect to the "Lone Sailor" statue which is part of the Navy memorial, which has resulted in its artist receiving over \$100,000 in royalties. In the case of the VWMP, the royalty agreement provides that the artist retain 90 percent of the proceeds from sales of replicas, which has resulted in its artist receiving over \$45,000. This is in addition to the total of \$135,000 which the artist would be paid under the agreement for the final statue and a total of \$9,000 for three 3-foot replicas. I believe our memorials should not be a source of individual profit and encourage the VWMP to seek a change in their agreement.

#### CONCLUSION

Mr. President, it is time to honor the women of the United States who served so valiantly in Vietnam by authorizing the addition to the Vietnam Veterans Memorial of a commemoration to those women. As I noted earlier, the amendment that we offer today is a compromise which addresses the concerns raised by our colleagues in the other body while accomplishing our goal and still preserving the integrity of the CWA. The VWMP sent me a letter expressing their wholehearted support for this compromise, which I will ask to be printed in the RECORD.

It is my sincere hope that the other body will review this legislation with an open mind and will recognize the merits of this compromise in achieving the goal for which the VWMP and

proponents of this effort have worked so very long and hard.

Certainly, Mr. President, House agreement to this amendment will not end the process. But it will move it forward in a major way and it will not require, as would the House amendment, that a second law be enacted in order to achieve our goal and that major damage be done along the way to the integrity of the CWA.

The VWMP and other proponents of the project will still have to work together to convince the Commission of Fine Arts and the National Capital Planning Commission of the desirability and merit of this project. I recognize that that may not be easy. But it is my hope that with the strong support of Congress, a renewed coalescing of support at the grassroots level, the existing support of every major veterans' organization, and the endorsement of the Secretary of the Interior, agreement can be reached with the two Commissions on the site and design for this most fitting and appropriate addition in much the same way as the original proponents of the Vietnam Veterans Memorial had to overcome and take into account opposition over the fundamental design of the Memorial.

Mr. President, in order to achieve the goal we all seek, I again urge the Senate to agree to the amendments we are proposing to the House amendment to S. 2042.

Mr. President, I ask unanimous consent that the October 4 letter to me from the VWMP be printed in the RECORD.

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

THE VIETNAM WOMEN'S  
MEMORIAL PROJECT, INC.,  
October 4, 1988.

Senator ALAN CRANSTON,  
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Yesterday I was informed that the language of the amended S2042 is not sufficient to ensure that the Project will be able to proceed with our goal to place a statue of a woman at the Vietnam Veterans Memorial in Washington. Because of the rather lengthy process which included hearings both in the Senate and House, the frequent meetings and stringent stipulations levied on us by the House Subcommittee on Libraries and Memorials which included meetings with Mr. J. Carter Brown, it was always our understanding that the present legislation was the only authorization we would need from Congress.

At no time in the process, did we realize that his legislation was not sufficient to meet the requirements of 40 USCS, Sec. 1006. We believed that the many eloquent expressions of support made by you and the other members of the Senate and House during the passage of S-2042, clearly indicates that it is the intent of Congress that the site of our Memorial should be at the Vietnam Veterans Memorial.

We have also learned of the Senate's concern that the amended S2042 violates the intent of the Commemorative Works Act. As

the time of adjournment for this session of Congress draws near, the Vietnam Women's Memorial Project is once again faced with the possibility that despite the overwhelming bipartisan support for our goal, we may not have a piece of enabling legislation.

At this very critical time, we understand that you intend to offer compromise language which is acceptable to the Senate. The Board of Directors of the Project has always believed that our status would be an addition to the existing Memorial. In view of the present situation, we both support and applaud the compromise you are proposing.

You have been a most trusted and valued adviser to us since the inception of this Project. Once again, we must rely on your wisdom. We hope that all members of Congress, who truly believe that women who served in Vietnam should be honored, will join you in this effort. I and the other members of the Board of Directors stand ready to use our resources to assist you.

We appreciate your continued interest and support.

Respectfully,

LINDA SPOONSTER-SCHWARTZ,  
Major, USAF, MC (Ret.) and  
Director, Legislative Affairs.

Mr. DURENBERGER. Mr. President, I rise today as the author, with the Senator from California, Senator CRANSTON, of S. 2042, a bill authorizing the Vietnam Women's Memorial Project, Inc. [VWMP] to construct a memorial to women who served in the Vietnam war.

I first introduced legislation on November 10, 1987, after the summary decision of the Commission of Fine Arts to reject a proposed statue. I strongly believed that our Nation owes a unique debt of gratitude to the more than 10,000 women who served in Vietnam. On February 4, 1988, I joined with Senator CRANSTON, chairman of the Senate Veterans Affairs Committee and 41 others to introduce S. 2042, modifying my earlier legislation. S. 2042 was consistent with Public Law 99-652, the Commemorative Works Act of 1986, which lays out a multistep process for any new commemorative works. It does not, however, address the question of modifications which the proposed Vietnam Women's Memorial clearly is.

The Senate Energy and Natural Resources Committee held hearings on S. 2042 on February 23 and favorably reported the bill to the full Senate on May 11. By the overwhelming vote of 96 to 1 on June 14, the Senate approved S. 2042 and sent it to the House. By the time the Senate passed S. 2042, it had 75 cosponsors. During the floor debate, I said passage of S. 2042 was "a giant leap forward in honoring the women—and men—who served in Vietnam."

The House Administration's Subcommittee on Libraries and Memorials held a hearing on June 27, 1988, the same day Congressmen GEJDENSEN and MONTGOMERY introduced a bill with identical language to the Senate passed bill. After 10 weeks, the House

subcommittee held a markup on S. 2042 and substituted language authorizing a new memorial somewhere in Washington. The House passed the modified S. 2042 on September 23, 1988 by voice vote.

Mr. President, unfortunately the Senate cannot accept the House language. Had we been able to fully consult with the House during their more than 3 months of deliberations, I believe we could have reached an agreement. It is my sincere hope that we can still reach agreement if all sides show good faith interest.

The House bill, in stating the Vietnam Women's Memorial would be a new memorial—rather than a modification of an existing memorial—requires the VWMP to meet the provisions of the Commemorative Works Act for new memorials. Those opposed to the concept of honoring women at the Vietnam Veterans Memorial could then argue the VWMP does not meet the standards—thereby killing the proposal. S. 2042 lays out the identical approval process for this modification as Public Law 99-652 does for new memorials—except that it does force compliance with standards designed to limit new memorials.

Mr. President, when both Houses of Congress have spoken so firmly in favor of recognizing the contributions of women who served in Vietnam, this procedural argument should not prevent enactment of authorizing legislation this year. The Senate body responsible for drafting the Commemorative Works Act—the Energy and Natural Resources Committee—supported the original form of S. 2042, and it supports this form. Any problems with interpretations of Public Law 99-652 can be worked out with the House—both the Administration Committee and the Committee on Interior and Insular Affairs—before the end of the session if all parties are willing. I urge my colleagues to join me in the long overdue honoring of women who served in our Nation's longest war.

Mr. WARNER. Mr. President, I rise today to engage in a colloquy with Senator DURENBERGER.

First, I commend the Senator from Minnesota [Mr. DURENBERGER] for his dedication to ensuring that America's women veterans of the Vietnam war are duly recognized and commemorated at the Vietnam Veterans Memorial.

I was proud to be associated with the original efforts to erect a memorial to the valiant men and women who served our country so faithfully during the Vietnam war. I am equally pleased to associate myself with the efforts of Senator DURENBERGER and Senator CRANSTON to more fully recognize the contributions of the women of the Armed Forces at the memorial.

As you know, the Vietnam Veterans Memorial Fund as sponsors of the me-

morial continue a major financial and supportive commitment to the preservation of the memorial. I want to be sure that this legislation recognizes their contributions in organizing Memorial Day and Veterans Day ceremonies and in financing the maintenance of the memorial.

Is my understanding correct that the Vietnam Veterans Memorial Fund under this legislation will retain a consulting role with respect to any modifications of the Vietnam Veterans Memorial?

Mr. DURENBERGER. The Senator from Virginia [Mr. WARNER] is correct. Under the Memorandum of Conveyance, the Vietnam Veterans Memorial Fund places the names of persons who die of wounds onto the memorial plus the addition of names for other purposes. The VVMF provides financial support for emergency repairs, and conduct the Memorial Day and Veterans Day ceremonies.

Due to recent damage of some of the panels of the granite wall, the fund assumed the responsibility of purchasing additional panels in the event portions of the existing structure must be replaced.

The fund continues a close working relationship with the National Park Service and this legislation affirms that responsibilities under its chartering statute and the Memorandum of Conveyance. The intent of this legislation clearly is for the fund to continue its consulting role over the management of the entire site of the Vietnam Veterans Memorial grounds.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to concur.

The motion was agreed to.

#### TITLE AMENDMENT

(Purpose: To amend the title)

Mr. BYRD. Mr. President, I send an amendment to the title to the desk on behalf of Senators CRANSTON and DURENBERGER.

The title was amended so as to read:

To authorize the Vietnam Women's Memorial Project, Inc., to construct within the Vietnam Veterans Memorial site in the District of Columbia a specific commemoration of women of the United States who served in the Republic of Vietnam during the Vietnam conflict.

Mr. BYRD. Mr. President, I ask unanimous consent that a motion to reconsider be laid on the table.

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

#### NATIONAL PARK OF AMERICAN SAMOA

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 4818, a bill to establish

the National Park of American Samoa that the Senate proceed to its immediate consideration, that it be read the third time, passed, and the motion to reconsider laid on the table.

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

So the bill (H.R. 4818) was passed.

#### NATIONAL OCEANS POLICY COMMISSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 1133, H.R. 4210, the marine protection and sanctuaries bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4210) to authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972 to establish the National Oceans Policy Commission, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 3676

(Purpose: To strike certain provisions and for other purposes)

Mr. BYRD. Mr. President, on behalf of Mr. HOLLINGS I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for Mr. HOLLINGS proposes an amendment numbered 3676.

In section 205(b), insert "and (a)(5)" immediately after "section 304(a)(1)(C)" and immediately after "16 U.S.C. 1434(a)(1)(C)".

Strike title III and title IV.

Mr. HOLLINGS. Mr. President, I rise today in support of legislation to reauthorize and amend titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA]. This legislation was enacted in response to growing concern over the degradation of marine habitats. Title II of the MPRSA established a comprehensive research program on the effects of ocean dumping. Title III created the National Marine Sanctuary Program which is administered by the National Oceanic and Atmospheric Association [NOAA]. The primary purpose of title III is to provide for the conservation and protection of nationally significant marine resources. I introduced S. 2761 on September 8, 1988, a bill to reauthorize and amend title III. The Commerce Committee unanimously ordered the bill to be favorably reported with two amendments. The legislation we are considering today, H.R. 4210, repre-

sents a compromise between S. 2761 and the House bill covering title III, and also includes the reauthorization of title II.

H.R. 4210 amends and reauthorizes title II of the MPRSA to continue for 2 years the comprehensive research program for ocean dumping. Authorization levels are set at \$13,500,000 for fiscal year 1989 and \$14,500,000 for fiscal year 1990. The bill also requires that the comprehensive research plan authorized under this title be consistent with that prepared under the National Ocean Pollution and Planning Act of 1978. Finally, the Under Secretary of Commerce responsible for implementing the program is directed to report annually to Congress on progress made and funds spent during that year.

The amendments to title III of the MPRSA contained in H.R. 4210 have five primary objectives. First, this legislation will provide a system of special use permits for marine sanctuaries. Historically, NOAA has promoted multiple uses of sanctuaries, provided these uses are compatible with resource protection. Congress incorporated this multiple use concept into the 1984 amendments. However, questions continue to arise concerning the regulation of commercial activities within sanctuaries, especially regarding NOAA's authority to grant concessions for such activities. The bill would provide a mechanism for controlling activities which cannot adequately be controlled under current sanctuary regulations.

Second, the bill addresses a problem related to NOAA's ability to recover financial awards for damages to sanctuary resources. In recent years, two accidents have caused significant damage to marine sanctuary resources. In both incidents, NOAA sued and collected large cash settlements for the damage done to the sanctuaries. However, since NOAA presently lacks the explicit authority to recover monetary damages for destruction done to sanctuary resources, the settlement moneys were returned to the Treasury. H.R. 4210 would permit funds that are collected for resource damages to be returned to NOAA for sanctuary use.

Third, this legislation provides a specific schedule for the designation of four new sanctuaries, for the completion of prospectuses on two additional sanctuaries, and for the completion of studies on four more sites. NOAA has continued to drag its feet in designating new sanctuaries. Since we last reviewed the program in 1984, only one new sanctuary has been incorporated into the system. The four sites scheduled for final designation under this bill are Cordell Banks, Monterey Bay, Flower Garden Banks, and the Western Washington Outer Coast. While I feel that it is unfortunate that we, in

Congress, must legislate these designations, it is the only way I know that we can move the program along.

Fourth, the bill will establish guidelines for enforcement within marine sanctuaries similar to those already in place to protect other marine resources. This provision would provide for a more uniform enforcement authority under statutes protecting marine resources.

Finally, H.R. 4210 reauthorizes title III of the MPRSA for 4 years. The National Marine Sanctuaries Program was last authorized in 1984. At that time, \$3,000,000 was authorized for fiscal year 1985, increasing to \$3,900,000 for fiscal year 1988. H.R. 4210 would authorize \$4,250,000 for fiscal year 1989, \$4,900,000 for fiscal year 1990, \$5,550,000 for fiscal year 1991, and \$5,950,000 for fiscal year 1992. These sums are subdivided into funds for general administration of the program, management of sanctuaries, and site review and analysis.

In addition to the major changes outlined above, the bill includes minor changes to provisions governing the sanctuary designation procedure, research promotion and coordination, cooperative agreements and donations, the Channel Islands sanctuary and the U.S.S. *Monitor* sanctuary.

In closing, let me emphasize that I believe this legislation is necessary to provide a renewed sense of direction to the National Marine Sanctuaries Program. It will reaffirm our long-term commitment to conserving and protecting our nationally significant marine resources. I urge my colleagues to support this important legislation.

Mr. ADAMS. Mr. President, I rise in support of this legislation, which includes amendments to title III of the Marine Protection, Research, and Sanctuaries Act. There are two provisions in this bill of particular importance to Washington State.

First, the bill directs the Secretary to designate a National Marine Sanctuary on the Western Washington Outer Coast by no later than June 30, 1990. Second, the bill directs the Secretary to complete a prospectus regarding a possible Northern Puget Sound sanctuary by March 31, 1991. Both of these proposals were on the site evaluation list published in the Federal Register in 1983. Because this administration has been so slow in the overall designation process, it is proper at this time to direct them to finish these procedures for these sites by a date certain.

As regards the Western Washington Outer sanctuary, let me emphasize that all this bill does is direct the Secretary to designate a sanctuary in that area by a date certain. Details of the designation, such as boundaries and specific regulations will be determined through the normal designation proc-

ess. I fully expect that both this process, and the process of developing a prospectus for the proposed Northern Puget Sound sanctuary in the San Juan Islands, will include significant and ongoing consultation with all affected and interested local governments, State agencies, Indian tribes, and interested citizens.

Finally, I would like to note that both proposed sanctuaries may include within their potential boundaries the usual and accustomed treaty fishing areas of several Indian tribes in Washington State. In addition, the Western Washington Outer Coast site may directly border several reservations. Indian treaty fishing rights and the sovereignty enjoyed by Indian tribes within the boundaries of their reservations exist as the result of treaties entered into between Indian tribes and the U.S. Government, and the Federal Government has a continuing obligation under the Federal trust responsibility to ensure that exercise of such rights and sovereignty is not unfairly impacted by other Federal management activities. I am certain that the Secretary will do this utmost in regards to both of these proposals to insure that the concerns of each affected tribe are addressed on an ongoing basis. Finally, it is my understanding that my concerns on this subject are shared by my colleague in the Washington State delegation, Congressman Lowry, the author of the companion provisions in the House bill.

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

The amendment (No. 3676) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, the measure before us reauthorize one of the most significant environmental programs ever enacted: title III of the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA], the Marine Sanctuaries Program of the National Oceanic and Atmospheric Administration [NOAA]. I am a cosponsor of this legislation in the Senate, S. 2761. I am pleased that both Senate and House bills designate two northern California coastal areas as marine sanctuaries, Monterey Bay and Cordell Bank off Point Reyes. The legislation will also direct NOAA to launch a preliminary study toward making a marine sanctuary of Santa Monica Bay.

Cordell Bank, Monterey Bay, and Santa Monica Bay are marine environments of national importance. In keeping with the purpose of the Marine

Sanctuaries Program, designating these areas as marine sanctuaries will protect their precious natural resources against pollution and despoilation.

Cordell Bank lies off the coast of California west of Point Reyes and slightly north of the gulf of the Farallones National Marine Sanctuary. It is home to a large number of marine bird and mammal species. The endangered humpback and blue whales feed in surrounding waters. This rocky underwater island is a living marine garden of fish and invertebrate species. Cordell Bank was proposed for sanctuary designation in 1981. It is time to give this magnificent resource sanctuary status and a protection plan.

California's Monterey Bay is habitat for many species of marine life, including whales and sea otters. It was proposed for sanctuary status in 1978, but dropped from consideration by the Department of Commerce in 1983. The unique qualities of the bay call for protection through sanctuary designation. Monterey Bay contains the largest underwater canyon on the North American coast, deeper than the Grand Canyon. Its exceptionally rich fish population is the resource of a thriving fishing industry. There are many other bay-dependent industries that prime the local economy—tourism, sport fishing, and restaurants. But despite its economic importance and its importance as a marine resource, Monterey Bay is threatened by offshore drilling and by pollutants. Designation of the bay as a national marine sanctuary will accelerate the coordination efforts of State and local officials for bay protection and keep this incredible resource from being diminished.

The bill before us includes a study of Santa Monica Bay for possible designation as a national marine sanctuary. The northern portion of this southern California bay area is adjacent to the Santa Monica Mountains National Recreation Area, 150,000 acres of mountains and seashore. The Bay's marine resources include extensive kelp beds off its westerly and southern points. It is home to several endangered species of birds and mammals. The bay is part of the path for the annual migration of the gray whale. Last year, some 55 million visitors came to the beaches that surround the bay. The preservation of Santa Monica Bay may very well depend upon its designation as a marine sanctuary. A study of its merits for designation is well deserved.

Mr. President, I congratulate the distinguished chairman of the Senate Commerce Committee, Mr. HOLLINGS, for his willingness to press for this legislation and to include these California designations and study at my request. His leadership is, once again, advanc-

ing the cause of preservation of our magnificent coastal resources.

Mr. KERRY. Mr. President, I rise today to strongly urge my colleagues to support H.R. 4210, legislation which will reauthorize titles II and III of the Marine Protection, Research and Sanctuaries Act of 1972 [MPRSA]. This bill authorizes marine research ocean monitoring, and the Marine Sanctuary Program of the National Oceanic and Atmospheric Administration [NOAA]. Our Nation and, in particular, my home State of Massachusetts share a strong marine heritage. Our legislation protects that heritage through sound marine resource management of our sanctuaries and comprehensive monitoring and research programs, including the effects of pollution and ocean dumping on this marine environment. Title II of MPRSA provides for essential programs to assess the health of our Nation's ocean, coastal waters and estuaries. The Nation's Marine Sanctuary Program (title II) has been successful in preserving and protecting significant ocean resources in the Atlantic and Pacific Oceans as well as the Gulf of Mexico.

MPRSA title II supports NOAA programs which make up a coordinated national research effort toward understanding and protecting our coastal/ocean resources. Among the NOAA programs sponsored under title II are: the Hazardous Materials Response Program, which conducts long term resource assessments under the Superfund law and meets hazardous materials emergencies; the Status and Trends Program, which monitors water quality data and issues reports on our Nation's estuaries; and the Consequences of Contamination Program, which examines the effect of chemical contamination on marine life. H.R. 4210 will strengthen these programs by authorizing additional funds for research and will allow the pollution assessment programs to expand into the Great Lakes where it is greatly needed. In both marine and fresh water environments we must seek a better understanding of the fate and effects of contaminants which have been pouring into our Nation's waters for many years.

MPRSA title III contains language similar to S. 2761, the Marine Sanctuaries Authorization Act of 1988, which Senator HOLLINGS and I introduced earlier this year. It will authorize NOAA's Marine Sanctuary Program and move it ahead from the administration's stalled position. Current marine sanctuary sites include unique coral reefs, large tracts of ocean inhabited by threatened marine mammals and sea birds, and a shipwreck site of the Civil War ironclad the U.S.S. *Monitor*. Seven sites have been designated as sanctuaries by the Secre-

tary of Commerce since the U.S.S. *Monitor* sanctuary was first designated in 1975. But in the past 8 years only one additional sanctuary site has been designated. Congress created a good program, which this administration has chosen to ignore. The lack of activity is inappropriate, particularly since the General Accounting Office evaluated NOAA's Marine Sanctuary Program in 1981 and concluded that the program was extremely important to marine resource management and conservation and should therefore be federally supported. In their study the General Accounting Office showed the great benefits the program offered ocean resources by ensuring their long-term preservation. The report further highlighted the positive nature of public education about our valuable ocean resources as a result of the sanctuary program. This is a program which must continue to preserve our Nation's marine environment, including its historic marine sites.

The administration has stalled and delayed this program unnecessarily and it is time to move the program forward. Our legislation does precisely that. It requires the Secretary of Commerce to designate one new sanctuary each year for the next 4 years. These include Cordell Banks, off California; Flower Garden Banks off Texas; Monterey Bay, CA, and Washington State's Outer Coast. It also requires the Secretary to prepare a prospectus and submit them to Congress for the designation of two other sites. In addition it sets a limit of 30 months for the Secretary to establish a sanctuary once a specific site has been named an active candidate.

One proposal in the legislation of particular importance to the people of New England, is the directive to the Secretary of Commerce to prepare a prospectus on Stellwagen Bank. This will begin the process to consider it as a national marine sanctuary site. Stellwagen Bank is a tremendous natural resource situated between Provincetown and Gloucester. It is a rich spawning ground for fish. It also sustains an abundance of marine mammals, birds, and turtles making this bank essential for commercial and recreational fishermen, as well as a prime area for whale watching. Currently Stellwagen Bank is threatened by growing pressure from conflicting uses such as shoreline development, offshore development, and industrial activities. By initiating a prospectus and investigating the merits of designating Stellwagen Bank as a national marine sanctuary we will get a true understanding into what type of activities the bank will sustain. At the same time we will be protecting this precious resource from damaging activities.

The legislation before us also strengthens title III of the MPRSA by

providing that funds collected for sanctuary damage must be returned to NOAA for sanctuary restoration. In addition it allows for special use permits to be issued within the sanctuary system. These permits will allow both public and commercial activities to occur as long as they do not violate the resource protection and management in specific sanctuaries. Finally our legislation enhances law enforcement authority in marine sanctuaries to ensure the same protection for marine resources within the sanctuaries as we have for fishery conservation and marine mammal protection. This will allow NOAA to practice more uniform enforcement conduct.

Mr. President, I congratulate those Members of both the House and Senate who have worked so hard to create this much needed legislation. This legislation comes at a time when degradation of our coastal environment is beginning to make itself felt across this great Nation. We must encourage the passage of this legislation to ensure that we do not lose the rich heritage of our Nation's coastal lands and waters.

Mr. President, I again urge my fellow Senators to support H.R. 4210.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4210), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 110, S. 2761, be indefinitely postponed.

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

#### COMMENDING HUMANITARIAN TREATMENT OF SOUTHEAST ASIA REFUGEES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 303, commending humanitarian treatment of Southeast Asia refugees and urging further measures to ensure humanitarian treatment of the refugees; that the concurrent resolution be agreed to; and that the motion to reconsider be laid on the table.

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

So the concurrent resolution (H. Con. Res. 303) was agreed to.

The preamble was agreed to.

#### COMMENDING YAKUTAT ELEMENTARY SCHOOL FOR EXCELLENCE IN EDUCATION

Mr. GARN. Mr. President, I send to the desk a resolution on behalf of Senator STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

A resolution (S. Res. 495) commending Yakutat Elementary School for excellence in education.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, the elementary school in Yakutat, AK, has only 77 students. Yet tiny Yakutat Elementary School has been chosen as one of our Nation's outstanding educational institutions.

It is one of a handful of schools, among the 74,000 school districts across the Nation, to receive the Excellence Award from the President and the U.S. Department of Education.

Yakutat is hundreds of air miles from the nearest urban center. Yakutat's students cannot easily travel to other cities. No roads cross the St. Elias Mountains and the Malaspina Glacier, which serve as a backdrop to the community on the beautiful crescent of Yakutat Bay.

But the students of Yakutat, competing with youngsters who have libraries and museums and major learning centers at their doorsteps, have been chosen for this special recognition.

The award didn't come easily. Almost a year ago, a 100-member panel, appointed by the U.S. Department of Education, began the process of reviewing almost 700 schools nominated for the honor.

Panel members chose 364 schools for further evaluation. Traveling to every corner of our country, including Yakutat, they met with parents, teachers and staff members, community leaders, and students.

When the study was completed, Yakutat was one of 287 schools recommended for the recognition. It is the smallest school to receive the award, in terms of size and student body. But it is large in its accomplishments.

Yakutat Elementary is representative of the many small rural schools that dot my home State.

Despite small size, remote geographical location, and harsh weather conditions, Alaska's rural schools provide solid programs of instruction.

And equally as important, they help to foster character development, leadership, and awareness of their communities and the world beyond, and an appreciation of all that's special about Alaska and its different cultures.

Mr. President, I congratulate the people of Yakutat for their part in helping the elementary school achieve this special honor.

Yakutat has made all Alaska proud. The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 495) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, the Department of Education established a national School Recognition Program during the 1985-1986 school year;

Whereas, President Ronald Reagan and former Education Secretary William Bennett presented the award to Yakutat Elementary School last month;

Whereas, Mr. Jerry Schoenberger, Principal of Yakutat Elementary School traveled to Washington, D.C. for the award ceremony;

Whereas, Yakutat Elementary School has turned its rural setting into an educational advantage for its student body by incorporating such subjects as bird migration, glaciology, and Tlingit culture into its curriculum;

Whereas, through its adoption of the USS Ticonderoga, Yakutat Elementary School has taught its students first-hand the meaning of public service and duty to country;

Whereas, Yakutat Elementary School has set high academic standards for its students;

Whereas, the number of Yakutat Elementary School Students achieving at or above their grade level has increased by 5 to 10 percent annually for the past three years;

Whereas, the nation has placed a greater emphasis on math and readings skills as we enter the Twenty-first century and last year over half the Yakutat Elementary School students achieved at or above their grade level in these subjects;

Whereas, Yakutat Elementary School, as the smallest school to be commended under the Elementary School Recognition Program, serves as a model to be emulated by other schools around the country, and

Whereas, the Senate strongly supports educational programs that enrich their students, teachers, and communities, contain a commitment to learning, to high standards and to excellence, and embrace learning with enthusiasm; therefore be it

*Resolved* That the Senate commends Yakutat Elementary School for its achievement; and be it further

*Resolved*, That the Senate extends its congratulations to Yakutat Elementary School, its principal, Mr. Jerry Schoenberger, and the parents and children of Yakutat and sends its best wishes to those gathered for the local "Recognition Ceremony" on October 27, 1988.

Mr. GARN. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AUTHORIZING THE PRINTING OF THE ENVIRONMENTAL SPEECHES OF SENATOR ROBERT STAFFORD AS A SENATE DOCUMENT

Mr. GARN. Mr. President, I send to the desk a resolution pertaining to the printing of Senator STAFFORD's speeches and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 496) to authorize the printing of the environmental speeches of Senator Robert Stafford as a Senate Document.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the resolution.

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

The resolution (S. Res. 496), was agreed to, as follows:

S. RES. 496

*Resolved*, That the environmental speeches of Senator Robert Stafford be ordered printed as a Senate Document.

Mr. GARN. Mr. President, I move to reconsider the vote by which the resolution was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MAKING A TECHNICAL CORRECTION TO THE HUNGER PREVENTION ACT OF 1988

Mr. GARN. Mr. President, I send a bill to the desk on behalf of Senator LUGAR, Senator LEAHY, and Senator HARKIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2885) to amend the Hunger Prevention Act of 1988 to make a technical correction.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the bill will be considered as having been read the second time and the Senate will proceed to its immediate consideration.

Mr. LUGAR. Mr. President, this bill changes the effective date of one provision of the Hunger Prevention Act which was signed by President Reagan on September 19. As my colleagues are aware, the Hunger Prevention Act was bipartisan legislation that provided \$1.5 billion over 3 years in nutrition assistance to the needy of this country. I was a coauthor and strong supporter of the bill.

One section of the Hunger Prevention Act, section 344, concerned civil money penalties and disqualification of retail food stores and wholesale food concerns. This provision originated in the House version of the hunger bill. The House bill provided that the section would become effective not later than July 1, 1989, or on the effective date of rules issued by the Secretary, whichever was earlier. However, the final version of the bill made the section effective on July 1, 1989, regardless of the effective date of new regulations.

Mr. President, I have been informed that it will not be necessary to publish new regulations to implement section 344. Because the section provides the Secretary with needed flexibility in combating food stamp trafficking, the chairman of the Agriculture Committee, my friend Senator LEAHY, and the chairman of the Nutrition Subcommittee, Senator HARKIN, and I are offering this bill to make section 344 effective on October 1, 1988.

I urge my colleagues to support this noncontroversial correction.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2885) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2885

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

#### SECTION 1. TECHNICAL CORRECTION.

In section 701(b)(4) strike out "and sections 310 through 352" and insert in lieu thereof "sections 310 through 343, and sections 345 through 352".

Mr. GARN. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### DESIGNATION OF WILDCAT RIVER UNDER THE WILD AND SCENIC RIVERS ACT

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1914.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1914) entitled "An Act to designate a segment of the Wildcat River in the State of New Hampshire as a component of the National Wild and Scenic Rivers System, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

## SECTION 1. DESIGNATION OF WILDCAT RIVER.

In order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Wildcat River in the State of New Hampshire, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) as amended, by adding the following new paragraph at the end thereof:

"(65) Wildcat River, New Hampshire.—(A) A 14.51 mile segment including the following tributaries: Wildcat Brook, Bog Brook, and Great Brook (all as generally depicted on a map entitled as follows: these segments of the Wildcat River and its tributaries located within the boundary of the White Mountain National Forest (hereinafter in this paragraph referred to as 'the forest') shall be administered by the Secretary of Agriculture (hereinafter in this paragraph referred to as the 'Secretary'); those segments located outside the boundary of the forest shall be administered by the Secretary through a cooperative agreement with the Board of Selectmen of the town of Jackson and the State of New Hampshire pursuant to section 10(e) of this Act. Such agreement shall provide for the long term protection, preservation, and enhancement of the river segments located within the comprehensive management plan to be prepared by the Secretary pursuant to section 3(d) of this Act and with the July 1987 River Conservation Plan prepared by the Wildcat Brook Advisory Committee in conjunction with the National Park Service.

"(B)(i) To assist in the implementation of this paragraph, the Secretary shall establish, within 3 months after the date of enactment of this subparagraph, a Wildcat River Advisory Commission (hereinafter in this paragraph referred to as the 'Commission').

"(ii) The Commission shall be composed of 7 members appointed by the Secretary as follows: one member from recommendations submitted by the Governor of the State of New Hampshire; 4 members from recommendations submitted by the Jackson Board of Selectmen, of which at least 2 members shall be riparian property owners, and at least one member shall be on the Board of Selectmen; one member from recommendations submitted by the Jackson Conservation Commission; and one member selected by the Secretary. Members of the Commission shall be appointed for terms of 3 years. A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Commission shall designate one of its members as Chairman.

"(iii) The Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the designation of the segments described in this paragraph. Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

"(iv) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this paragraph on vouchers signed by the Chairman.

"(v) Four members of the Commission shall constitute a quorum but a lesser number may hold hearings.

"(vi) The Commission shall cease to exist on the date 10 years after the enactment of this paragraph.

"(vii) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to the Commission.

"(C) The authority of the Secretary to acquire lands outside the boundary of the White Mountain National Forest for purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof. The Secretary may also acquire scenic easements for purposes of this paragraph as provided in section 6 of this Act.

"(D) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph."

Mr. HUMPHREY. Mr. President, the Wildcat River will be the first New Hampshire river included in the National Wild and Scenic Rivers System. This outstanding river segment is the pride of the town of Jackson. The citizens of Jackson deserve great credit for their efforts to protect this river.

The campaign to protect the Wildcat River stems from a July 1983 decision by the Federal Energy Regulatory Commission [FERC] to authorize a permit to a Massachusetts power company for study of construction of a hydroelectric facility on the falls. At the request of the town, I contacted FERC several times during the summer and fall of 1983 requesting that they withdraw the preliminary permit for the hydroelectric facility.

Jackson Falls is a major attraction in a town dependent upon the tourist trade. The threat posed by the potential construction of a hydropower plant fueled an effort by the town of Jackson to protect their prized river in perpetuity. In November 1983, I sponsored legislation authorizing a study of the Wildcat River for possible inclusion in the National Wild and Scenic River System. The Senate Energy and Natural Resources Committee recognized the unique circumstances associated with the Wildcat River study stating in the committee report—98-420—that "the study should give emphasis to State and local government and landowner protection alternatives for the Wildcat Brook \* \* \*"

The law directing a National Park Service study of the Wildcat River was enacted in 1984. Shortly thereafter, the town of Jackson entered into cooperative agreements with the National Park Service, the U.S. Forest Service and some local conservation groups in order to develop and implement a rigorous river conservation plan. The town passed a new zoning ordinance, new land use regulations and aggressively and successfully sought to acquire conservation easements. The National Park Service's February 1988 Wild and Scenic River study cites the

river conservation plan written by the town of Jackson as " \* \* \* consistent with the Wild and Scenic Rivers and Act and the national interest in conserving the outstanding remarkable values of Wildcat Brook."

In March 1987, the town of Jackson voted unanimously to pursue wild and scenic designation. Later that year, Senator RUDMAN and I introduced S. 1914, to include the Wildcat River in the National Wild and Scenic River System. I appreciate the efforts of the chairman of the Senate Energy Subcommittee on Public Lands, National Parks and Forest, Senator BUMPERS, who scheduled hearings and quickly moved this bill through the Energy Committee. S. 1914 passed the Senate on July 7. A slightly-amended version of the bill recently passed in the House of Representatives.

One point stressed consistently throughout consideration of S. 1914 was the National Park Service's conclusion that " \* \* \* there is no need for any additional Federal acquisition associated with proposed designation beyond the boundary of the White Mountain National Forest." Based on this conclusion, the Senate bill stated that " \* \* \* no lands or interest in lands outside of the boundary of the forest shall be acquired by the Secretary except by donation."

The bill before the Senate today has been altered with regard to that point. Section 1(C) states: "The authority of the Secretary to acquire lands outside the boundary of the White Mountain National Forest for purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owners thereof. The Secretary may also acquire scenic easements for purposes of this paragraph." The report—100-904—filed by the House Committee on Interior and Insular Affairs expounds on this provision stating:

The committee does not intend for the Forest Service to acquire upon enactment of this legislation, lands or easements outside the boundary of the White Mountain National Forest to carry out the management of the Wildcat River. The town of Jackson has demonstrated an extraordinarily high level of involvement and support for designation and management of the Wildcat River \* \* \*.

Mr. President, this point deserves further clarification as this provision is central to the success of S. 1914. More than 70 percent of the town of Jackson lies in the White Mountain National Forest. Thus, the town operates off of a very limited tax base. The town of Jackson has implemented strict and binding conservation measures which meet National Wild and Scenic River System guidelines. The restrictions put in place by the town of Jackson are designed to ensure that Federal acquisition of land or easements will not be necessary.

The provisions contained in S. 1914 build on the spirit of local-State-Federal cooperation which has typified the town of Jackson's efforts to protect the Wildcat River. This bill requires that the Secretary of Agriculture enter into a cooperative agreement with the town of Jackson and the State of New Hampshire to provide for the long-term protection, preservation and enhancement of the river, and that a Wildcat River advisory committee be established to assist the Forest Service with the river management.

Mr. President, the town of Jackson supports this bill. Recently, I received a letter dated September 15, 1988 stating: "The Jackson Board of Selectmen unanimously support S. 1914, as amended and passed by the House of Representatives." In addition, the Governor of New Hampshire and conservation groups throughout the State, the Region and the Nation support the designation of the Wildcat River in Jackson.

Enactment of S. 1914 will ensure that a 14.51-mile segment of a unique and outstanding New Hampshire river will be protected and enjoyed forever. I urge my colleagues to support this legislation.

Mr. RUDMAN. Mr. President, as we celebrate the 20th anniversary of the National Wild and Scenic Rivers Act, the Senate is preparing to pass S. 1914, a bill designating a 14.51 mile segment of the Wildcat River as a component of the National Wild and Scenic River System. Senate approval of this bill will be a major victory for the people of Jackson, NH, and the surrounding area. I want to take this opportunity to highlight the outstanding efforts of the people of Jackson and congratulate them on their foresight and determination. They have taken extraordinary steps to ensure the long-term protection of the Wildcat and have set an example of effective partnership between local and Federal Government to protect a valuable natural resource, and I am proud to support their work. And I might add, because of their efforts, the National Park Service has determined that there is no need for any Federal land acquisition as a result of this designation.

New Hampshire's Wildcat River will be a valuable addition to the Nation's Wild and Scenic River System. By extending Federal protection to this river, we ensure that development will not impair the scenic and recreational value of the river and its environs.

I appreciate the support of the Senate Energy and Natural Resources Committee for this measure, as well as their decision to take rapid action on it. I would like to express my particular appreciation to Senators BUMPERS and WALLOP and the able staff of the Subcommittee on Public Lands, Na-

tional Parks and Forests for their efforts.

I urge my colleagues to support this measure.

Mr. BYRD. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I should state for the information of the Senate that the meetings of the groups that are working on the drug bill have been going forward during the afternoon and they will resume again shortly.

It is hoped that an agreement can be reached before the day ends. For the time being, I should say that there will be no rollcall votes—I say this for the information of Senators, that they might have an opportunity to get some dinner and get some work done in their offices—there will be no rollcall votes prior to the hour of 9:15 tonight.

#### BUDGETARY TREATMENT OF THE POSTAL SERVICE

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is the motion to proceed to the consideration of S. 2449.

Mr. BYRD. Mr. President, I want to thank Mr. GARN, the acting Republican leader, for fine cooperation I have received in transacting morning business. It was done with dispatch and with his fine support.

#### BILLS AND JOINT RESOLUTIONS READ THE FIRST TIME

Mr. BYRD. Mr. President, there are two measures on the calendar that should be attended to before the close of morning business. There may be further morning business today.

I am sure this will be agreeable with the Republican leader.

#### BANGLADESH DISASTER RELIEF

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate may proceed to the calendar of bills and joint resolutions read the first time.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5389) concerning Bangladesh disaster relief.

Mr. BYRD. Mr. President, I object to any further proceedings at this time on this bill.

The PRESIDING OFFICER. The bill will be placed on the calendar.

#### RELIEF OF CALVIN L. GRAHAM

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 610) for the relief of Calvin L. Graham.

Mr. BYRD. Mr. President, I object to any further proceedings at this time on this bill.

The PRESIDING OFFICER. This bill will also be placed on the calendar.

Mr. BYRD. Mr. President, for the information of those who read the RECORD and may be viewing the business as it is being transacted in the Senate, the objection to further proceeding is for the purpose of having the bill placed on the calendar. It is not necessarily an objection to the content of the bill.

It is an objection that has to be lodged under rule XIV of the Standing Rules of the Senate in order to place the bills directly on the calendar where they then will be eligible for call-up, either by unanimous consent or by motion.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HEINZ. Mr. President, I rise in support of S. 2449, the Postal Reorganization Act of 1988, legislation which guarantees the independence of the Postal Service, and ensures that postal operations will not be subject to micro-management by the Congress or by the administration.

The independence of the Postal Service was supposed to be assured by the Postal Reorganization Act of 1970. After 18 years of autonomous operation, postal services have improved. And the burden of the service on the U.S. taxpayer is declining. In 1986, the Postal Service was required to take on the cost of its health benefits. Under an amendment which Senator SASSER and I will offer, the Postal Service will have to bear its retirement costs,

which will be phased in over a period of years.

This is a very equitable arrangement. The Postal Service will carry its own weight, with minimal taxpayer support. In exchange, S. 2449 will remove the operating budget of the U.S. Postal Service from the Federal budget.

I'd like to briefly review what has happened under the current situation. During the conference of the fiscal year 1988 budget reconciliation bill, the Office of Management and Budget initially proposed taking \$1.9 billion from the Postal Service's budget. Given that the U.S. Postal Service processes and delivers more mail each year than all other industrialized nations combined while charging rates below those found anywhere else in the world, I opposed these cuts. Badly needed modernization and equipment procurement would be delayed for years. Such a cut would have forced the Postal Service to operate in overcrowded, outdated facilities, ultimately undoing any savings which might be made.

The Governmental Affairs Committee, on which I serve, did manage to reduce that cut to \$1.25 billion over 2 years. Nevertheless, the damage to services was considerable. The capital improvement budget was cut in half to make up \$650 million of the cut, and \$600 million came from the operating budget.

I suspect that most of us have experienced, at least indirectly, the side-effects of these reductions. For a long time, reduced window and weekend hours, curtailed special services, long, winding lines, and deteriorating facilities served to remind us of the Postal Service's budgetary woes. Numerous, exasperated postal customers called my office to relate tales of how, contrary to custom, these budget cuts were directly harming their small businesses, as countless working hours were wasted to accommodate new, inflexible window schedules and reduced services. Constituents told me of spending their lunch hours, if not the majority of their day, waiting to use overnight mail services or to pick up registered packages before the facility closed for the afternoon. Services formerly taken for granted had suddenly become few and far between.

Full window hours were restored this month, but only after April's 3-cent first-class rate increase. Indeed, the Postal Service is to be commended for this relatively rapid recovery, but many more improvements need to be made, and these cannot be undertaken if the postal budget is continually subjected to the vagaries of Congress and the OMB.

S. 2449 would eliminate further disruptions in the Postal Service by taking it off budget. Support for S. 2449 and the Sasser "retirement substi-

dy phase-out" amendment makes good business, Mr. President, and I urge prompt passage of these measures.

#### APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to section 5(a)(3) of Public Law 100-382, appoints the following individuals to the Advisory Committee for the White House Conference on Library and Information Services: Joan Ress Reeves, of Rhode Island; Rebecca Ann Floyd, of Mississippi; and Richard Akeroyd, Jr., of Connecticut.

The Chair, on behalf of the President pro tempore, pursuant to section 491 of Public Law 99-498, reappoints Dr. James Lloyd Flippin, of Mississippi, to the Advisory Committee on Student Financial Assistance.

#### RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 8 p.m. today.

Thereupon, at 6:58 p.m., the Senate recessed until 8:01 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BYRD].

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for an additional hour.

#### RECESS

There being no objection, at 8:01 p.m., the Senate recessed until 9:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### SENATOR PROXMIRE, AN UNCOMMON MAN, IS LEAVING THE SENATE

Mr. CHILES. Mr. President, it is a privilege to extend my personal respect and appreciation to my colleague, Senator WILLIAM PROXMIRE, as he puts the finishing touches on his outstanding service to the people of Wisconsin and, indeed, the entire country.

Senator PROXMIRE is known as a man of independent thought and action. He determinedly sets his

course with the public interest as his guide.

I suspect it is these qualities, along with unrivaled diligence and dedication, that have made his elections a cakewalk and allowed him to enjoy 38 years of political success, 31 of them in the U.S. Senate.

For example, in his 1976 reelection, Senator PROXMIRE spent a total of \$173.73 on his campaign and, of course, accepted no contributions. Then, in 1982, he lowered his spending to \$145.10. In this age of obscene campaign spending, that is clear testimony that the people of Wisconsin appreciate his integrity and performance.

Many years ago, Senator PROXMIRE inaugurated his now famous "Golden Fleece Award." It has become a national symbol of the need to be alert to Government waste of taxpayers' money. Dozens of these awards were announced, along with the details of misuse or abuses of Federal funding. Many distressed recipients complained, but few were convincing.

The Senator is an enduring presence on the Senate floor, particularly with his regular contributions during morning business. Not many people know that for 19 years he spoke each day the Senate was in session, urging the ratification of the genocide treaty. This was a major contribution to the Senate's finally agreeing on the treaty 2 years ago.

Former chairman of the Joint Economic Committee and currently chairman of the Banking, Housing and Urban Affairs Committee, he has been a significant national policy force in these areas. Among his credits are the Competitive Equality Banking Act. He also authored the Foreign Corrupt Practices Act to stop bribery of foreign officials by American companies doing business abroad.

I doubt there has ever been a greater contrast in the Senate than between Senator PROXMIRE and his predecessor, Senator Joseph McCarthy. Senator PROXMIRE's rightmindedness and zeal for protecting the public interest honor the good judgment of Wisconsin's voters who kept returning him to this body. He has made his mark on the Senate and on American history. He will be missed.

Mr. President, the next U.S. Senator from Wisconsin will have a real challenge to fill Senator PROXMIRE's shoes.

#### TRIBUTE TO SENATOR STAFFORD

Mr. CHILES. Mr. President, as the 100th Congress draws to a close, I would like to take a moment to pay tribute to a colleague who has also elected to say farewell to the Senate.

Senator ROBERT T. STAFFORD brought an impressive background to this body when he was appointed in 1971 to fill

the vacancy created by the death of Senator Winston Prouty. The application of his knowledge and experience, his high personal and senatorial standards, and his sound judgment in the public interest has caused me to greatly admire and respect him. The people of Vermont can justly be proud of his service.

Senator STAFFORD first earned his bachelor's degree at Middlebury College in 1935, then successfully completed his legal education at Boston University Law School 3 years later.

Embarking on his public career, he served as Rutland City prosecutor until World War II began, then entered the U.S. Navy. After the war ended, having attained the rank of lieutenant commander, he returned home and became Rutland County State's attorney in 1947.

Four years later, he returned to active duty with the Navy for 2 years during the Korean conflict and ultimately retired as a captain in the U.S. Naval Reserve.

From Korea, Senator STAFFORD again returned to Vermont, where he was appointed deputy attorney general in 1953 and elected attorney general the following year. That began a string of election victories which carried him to the governorship in 1958, then a seat in the U.S. House of Representatives in 1960.

During his 10 years in the House, he was a stalwart member of the Armed Services Committee and the Ethics Committee. He also served as vice chairman of the House Republican Conference.

After his appointment to the U.S. Senate, Senator STAFFORD won a special election in 1972 to complete the remaining 5 years on the term. He has since been reelected twice.

His experience and leadership have contributed to an impressive array of legislative successes. As chairman of the Environment and Public Works Committee during the 97th, 98th, and 99th Congresses, Senator STAFFORD presided over some of the most significant environmental reforms since the early 1970's. He can point with pride to laws strengthening and expanding the landmark Superfund program, cleaning up toxic waste, identifying and removing asbestos in public schools, ensuring safe drinking water, and providing important water projects. He was the first Vermonter to head a Senate committee since Senator Aiken did so in 1953.

As chairman of the Subcommittee on Education, Arts, and Humanities in the 99th Congress, he was responsible for the Higher Education Act which provided grants and loans to thousands of college students. In particular, this act helped boost education to a greater prominence in terms of national priority.

Senator STAFFORD has also served with distinction on the Labor and Human Resources Committee, the Veterans' Affairs Committee, the Select Committee on Intelligence, the Select Committee on Aging, and the Special Committee on Official Conduct.

In the history of this Nation Senator STAFFORD is one of 83 Americans to be elected by the people of a State to be Governor, Member of the U.S. House of Representatives and U.S. Senator. I am proud that I have had the opportunity to serve with him in this body and hope that he and his wife, Helen, will continue to enjoy the fulfilling lives they so much deserve.

#### THE VIETNAM WOMEN'S MEMORIAL

Mr. MURKOWSKI. Mr. Chairman, I am most pleased to once again offer my support for S. 2042, a bill which would authorize the Vietnam Women's Memorial project, to construct a statue in honor and recognition of the women of the United States who served in uniform during the Vietnam conflict.

Throughout American history, women in uniform have served our Nation and served it well. Their service in Vietnam was part of that great tradition. Of the thousands of women who served in Vietnam, many were young nurses fresh out of school caring for our wounded with great skill and compassion in intensive-care wards and burn units.

This statue, in honor and recognition of the 10,000 American women who served in the Vietnam conflict, is long overdue. These brave women clearly deserve to be recognized for their great contributions and sacrifices. These women witnessed firsthand the painful costs of war. They witnessed the frustration and horror of war. Now is the time for us to say thank you to these women veterans and let them know that their work in Vietnam did not go unnoticed.

A statue at the site of the Vietnam Veterans' Memorial is one way in which we can fully recognize the service and sacrifices that these women gave so unselfishly to their country. I believe that the addition of this statue will successfully complete the memorial by honoring both the men and women who served their Nation during the Vietnam conflict.

Mr. President, it is my hope that with the support of the Congress we can convince all those involved in the authorization process of the memorial that this proposal is a just one. I urge my colleagues to join me in support of this bill.

#### TRIBUTE TO SENATOR JOHN C. STENNIS

Mr. THURMOND. Mr. President, I would like to take this opportunity to pay tribute to my distinguished friend and colleague, Senator JOHN C. STENNIS of Mississippi, President pro tempore of the U.S. Senate. Senator STENNIS plans to retire from his position as U.S. Senator at the close of this 100th session of Congress. It has been an honor and a privilege to serve with Senator STENNIS, and I will be saddened by his departure from the Senate.

The biography of Senator JOHN C. STENNIS includes many impressive accomplishments. Senator STENNIS graduated from Mississippi State University in 1923. In the summer of 1922, while we were both juniors in college, Senator STENNIS and I attended the same ROTC camp at Fort McClellan, AL. In 1928, while attending the University of Virginia Law School, Senator STENNIS was elected to the Mississippi House of Representatives. He successfully completed his studies at the University of Virginia while also fulfilling his duties as a State legislator. He has dedicated his life to public service since that time. After serving as a circuit judge in Mississippi, Mr. STENNIS was elected to the U.S. Senate in 1947 in a special election. Now in his 40th year in the U.S. Senate, Senator STENNIS is second only to the late Carl Hayden of Arizona in total years of Senate service.

Senator STENNIS is chairman of the Senate Appropriations Committee, and he also chairs that committee's Defense Appropriations Subcommittee. Throughout his tenure on the Appropriations Committee, he has had a strong and clear voice for a sound fiscal policy. In addition, Senator STENNIS is also the senior member of the Armed Services Committee, which he chaired from 1969 to 1980. In his role as chairman of the Armed Services Committee, Senator STENNIS was instrumental in assuring a strong and viable defense system for the United States.

Throughout Senator STENNIS's career, he has earned the reputation as a man of sound judgment and unflinching integrity. For this reason, Senator STENNIS was chosen to chair the first Senate Ethics Committee, and he authored the first Code of Ethics ever to be adopted by the U.S. Senate.

JOHN C. STENNIS has worked hard to protect the interests of his State and his country. He has been particularly successful in bringing jobs to Mississippi, and has strongly supported the passage of programs in Congress to achieve this goal. These projects include the Tennessee-Tombigbee Waterway in northeast Mississippi, and the Gulf coast complex, which contains the National Space Testing Labo-

ratory. The Navy Oceanography center and the Army ammunition plant are additional examples of his efforts to help the State of Mississippi.

In his first Senate race, Senator STENNIS promised to "plow a straight furrow right down to the end of the row." Senator STENNIS has proven himself a man of his word. During his time in the Senate, he has never deviated from the path of that which is honorable and true. Perhaps the Mississippi newspaper, the Commercial Dispatch, said it best, "Senator STENNIS has always been true to himself and his electorate—no finer thing may be said of any man." I could not agree more with this description of Senator STENNIS.

I consider Senator STENNIS to be a close personal friend, and have held him in high esteem long before the time I came to the Senate. I wish him good health and happiness for the years to come. I thank the senior Senator from Mississippi for his many years of distinguished service in the U.S. Senate and to his country.

#### MESSAGES FROM THE HOUSE

At 1:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3621) to declare that certain lands located in California and held by the Secretary of the Interior are lands held in trust for the benefit of certain bands of Indians and to declare such lands to be part of the reservation with which they are contiguous; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. UDALL, Mr. RICHARDSON, and Mr. YOUNG of Alaska as managers of the conference on the part of the House.

#### ENROLLED BILL SIGNED

At 1:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3235. An act to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations.

The enrolled bill was subsequently signed by the Acting President pro tempore [Mr. REID].

At 4:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4992. An act to expand out national telecommunications system for the benefit of the hearing-impaired and the speech-impaired population, and for other purposes.

At 6:40 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks,

announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 156. Concurrent resolution to correct the enrollment of S. 2723; and

S. Con. Res. 160. Concurrent resolution to authorize a correction on the enrollment of S. 508.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1807) to amend the Small Business Act to reform the Capital Ownership Development Program, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2749) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3757) to amend title 5, United States Code, to permit voluntary of leave by Federal employees where needed because of a medical or other emergency situation.

The message further announced that the House has passed the bill (S. 2470) to promote energy conservation and technology competitiveness in the American steel and aluminum industries; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (S. 2049) to establish an independent Commission on the Veterans Administration Home Loan Guaranty Program; to amend title 38, United States Code, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures, and to establish creditworthiness requirements and require a 0.5 per centum fee for assumptions of such loans other than those sold without recourse, and for other purposes; with amendments in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1769. An act to establish a Minority Business Development Administration in the Department of Commerce, to clarify the relationship between such Administration and the Small Business Administration, and for other purposes.

The message further announced that the House has agreed to the fol-

lowing concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 388. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3757.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 8:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 391. An act for the relief of Hyong Cha Kim Kay;

S. 2393. An act to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize such Act, and for other purposes;

H.R. 900. An act to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New Gauley, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes;

H.R. 1720. An act to revise the AFDC program to emphasize work, child support, and family benefits, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives;

H.R. 2399. An act to provide for study and research on the decline in United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes;

H.R. 3029. An act to designate the new Post Office Building in Gretna, Louisiana as the "William W. Pares, Jr. Post Office Building";

H.R. 4345. An act to amend the United States Grain Standards Act to extend through September 30, 1993, the authority contained in section 155 of the Omnibus Reconciliation Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes;

H.R. 5423. An act to authorize continued storage of water at Abiquiu Dam in New Mexico;

H.J. Res. 488. Joint resolution designating November 6-12, 1988, as "National Women Veterans Recognition Week"; and

H.J. Res. 648. Joint resolution to encourage increased cooperation to protect biological diversity.

The enrolled bill H.R. 1720 was subsequently signed by the Acting President pro tempore (Mr. REID).

At 8:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2148. An act to amend the Wild and Scenic Rivers Act of 1968, and for other purposes; and

S. 2545. An act to redesignate Salinas National Monument in the State of New Mexico, and for other purposes.

The message also announced that the House agrees to the amendment of

the Senate to the amendments of the House to the bill (S. 1382) to amend the National Emergency Conservation Policy Act to improve the Federal Energy Management program, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4262) to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5261) to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3621) to declare that certain lands located in California and held by the Secretary of the Interior are lands held in trust for the benefit of certain bands of Indians and to declare such lands to be part of the reservation with which they are contiguous.

The message also announced that the House agrees to the amendments of the Senate to each of the following bills:

H.R. 2628. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 respecting the importation of motor vehicles in anticipation of compliance with safety standards under such Act; and

H.R. 3515. An act to amend the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency to promulgate regulations on the management of infectious waste.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4333) to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 136) to improve the health status of Native Hawaiians, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 1081) to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the

United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan; with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2266) to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1988 and 1989, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

#### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1769. An act to establish a Minority Business Development Administration in the Department of Commerce, to clarify the relationship between such Administration and the Small Business Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 388. A concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3757; to the Committee on Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The Committee on Commerce, Science, and Transportation was discharged from the further consideration of the following bills, which were placed on the calendar:

S. 2384. A bill to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes; and

H.R. 5321. An act to amend the Motor Carrier Safety Act of 1984 to eliminate application of the commercial zone exemption to commercial motor vehicle safety regulations, and for other purposes.

The following bills were read the second time, and placed on the calendar:

H.R. 610. An act for the relief of Calvin L. Graham; and H.R. 5381. An act concerning disaster relief of Bangladesh.

#### MEASURES HELD AT THE DESK

The following bill, received from the House of Representatives on October 6, 1988, was ordered held at the desk pursuant to the order of October 7, 1988:

H.R. 4879. An act to amend the Depository Institution Management Interlocks Act to revise the manner in which the service of directors of depository institutions and depository holding companies are regulated, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WIRTH, from the Committee on Armed Services:

Ken Kramer, of Colorado, to be an Assistant Secretary of the Army.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 2881. A bill to amend the copyright laws to permit the unlicensed viewing of videos under certain conditions; to the Committee on the Judiciary.

By Mr. WIRTH (for himself and Mr. DASCHLE):

S. 2882. A bill to authorize a land exchange in South Dakota and Colorado; to the Committee on Energy and Natural Resources.

By Mr. PELL:

S. 2883. A bill to establish a program of grants to consortia of local educational agencies and community colleges for the purpose of providing technical preparation education and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 2884. A bill to establish emergency response procedures for rail carriers in transporting hazardous materials; to the Committee on Commerce, Science, and Transportation.

By Mr. GARN (for Mr. LUGAR (for himself), Mr. LEAHY and Mr. HARKIN):

S. 2885. A bill to amend the Hunger Prevention Act of 1988 to make a technical correction; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GARN (for Mr. STEVENS):

S. Res. 495. A resolution commending Yakutat Elementary School for excellence in education; considered and agreed to.

By Mr. GARN (for Mr. DOLE):

S. Res. 496. A resolution to authorize the printing of the environmental speeches of Senator Robert Stafford as a Senate Document; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2881. A bill to amend the copyright laws to permit the unlicensed viewing of videos under certain conditions; to the Committee on the Judiciary.

## VIDEO VIEWING IN GROUP HOMES

● Mr. ROTH. Mr. President, it has recently been brought to my attention by some of my alert constituents that a change must be made in our copyright laws to permit those confined in hospitals, hospices, nursing homes, and the like to view videos together without buying a license from the copyright owners.

As a general matter, copyright law distinguishes between the private and public enjoyment of copyrighted works. Private enjoyment in one's home without a license is permitted. Public enjoyment without a license is prohibited unless it falls under one of the many exceptions specifically codified.

In 1976 Congress was aware that television programs were viewed in public areas. Consequently, it provided in 17 U.S.C. § 110(5) that public viewing of television without a license is permitted if the television is "of a kind commonly used in private homes," if no direct charge is made for viewing, and if the transmitted program is not further transmitted to the public. But if one rents a video to play on a VCR hooked up to a television set, the law does not allow a public showing without a license.

Why? In my opinion, the answer is simple: In 1976 video cassettes were not part of American life. Therefore, it was not necessary for Congress to write an exception, as it did for television viewing.

This glitch in the law has produced its share of problems. As a result, many of our older citizens who are confined by their infirmities to living in a hospital or a group home that doesn't fit the copyright stereotype of a home are, as a practical matter, denied the entertainment value of videos available to those who live in more typical, more private accommodations. Whether they are living in a hospital, a hospice, a nursing home, an adult foster care center, or some other type of group home, it makes no difference. Copyright law requires that they obtain a license. But as a practical matter, this is generally not possible.

Licenses are costly. Moreover, cost aside, licenses sold by a motion picture agent may be valid only for a fraction of the movies that one may find available in a video store. So the protection against copyright infringement afforded by a license may be incomplete.

The real question is why should people who, by age or circumstance, are forced to live in groups be treated differently from those who live alone or with their family. When they watch a movie on television, copyright law treats them the same. But if they rent a video cassette of the same movie and watch it on the same television in the same public area with the same

people, they need a license from the copyright owner.

Many of these senior citizens living in group settings live day to day, in poor health, with modest means. For these, their group setting is their only home. Their fellow patients or residents are the only family they have left. Copyright law should not discriminate against them simply because they fail to constitute "a normal circle of a family and its social acquaintances." You see, under copyright law, it is only the normal circle of a family and its social acquaintances that is blessed with permission to watch videos without a license. This discrimination must be eliminated. My legislation would do so.

The legislation I introduce today creates a very narrow exception for the public viewing of videos. This exception tracks the language excepting the public viewing of television programs, which is fairly general, with an additional limitation that the unlicensed video display be permitted only in "a hospital, hospice, nursing home, or other group home providing health or health-related care and services to individuals on a regular basis." Consequently, the exception I propose is not strictly limited to senior citizens although it is clear that that group would be most likely benefited. The exception would also apply, for example, to hospitalized children watching videos in a common room.

The legal rationale of my exception is not so much the age of the video viewer as it is the place of the viewing. When people have to leave a typical home setting for health reasons and go to a new home which copyright law deems to be a public place, I do not believe that they should lose their right to view videos.

I recognize that it may be too late in this Congress to enact my proposal. But I wish to put all parties interested in our copyright laws on notice of this problem. It is my hope that if action is not possible now, Congress will act expeditiously in the next session to remedy this problem.

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:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 110 of title 17, United States Code, be amended by adding after paragraph (5) the following:*

"(6) the performance or display of a work by means of a video cassette recorder and a television set of a kind commonly used in private homes, if

(A) the performance or display occurs in a hospital, hospice, nursing home, or other group home providing health or health-related care and services to individuals on a regular basis;

(B) no direct charge is made to see or hear such performance or display; and

(C) the performance or display is not further transmitted to the public."

Redesignate the subsequent paragraphs accordingly.●

By Mr. PELL:

S. 2883. A bill to establish a program of grants to consortia of local educational agencies and community colleges for the purposes of providing technical preparation education, and for other purposes; to the Committee on Labor and Human Resources.

## TECH-PREP EDUCATION ACT

Mr. PELL. Mr. President, today I am introducing the "Tech-Prep" Education Act. While I am doing so late in this Congress, I believe its introduction is important in order that we have it for discussion and examination during the months before we return in January. I plan to reintroduce this legislation in the 101st Congress for consideration during our reauthorization of vocational education.

The "Tech-Prep" Education Act authorizes \$100 million for demonstration grants to technology education partnerships between local educational agencies and community colleges. The legislation is modeled after a highly innovative program initiated by Dale Parnell, president of the American Association of Community and Junior Colleges. This initiative, the "two-plus-two" program, coordinates 2 years of technology-related instruction at the high school level with a 2-year program at a community college. After completing these 4 years of instruction, the student receives a tech-prep associate degree. Under this degree program, courses for secondary school students are designed to prepare them for instruction in a technical field at a postsecondary institution. The high school program parallels the college preparatory track, but includes communications, applied mathematics and principles of technology.

The "two-plus-two" model provides an important bridge between secondary school and postsecondary instruction. This linkage serves to encourage students who might have ended their education with high school to extend their educational program into postsecondary instruction. In addition, it offers vocational students, and students seeking careers in high-growth occupations a productive educational channel to develop technical skills.

The Tech-Prep Program may also serve to encourage potential dropouts to stay in school and complete their high school degree. Often students leave school because they have lost interest in their course-work, or because they are not doing well in their studies. Part of the problem is due to the fact that these students may not do well with theoretical courses, but may have considerably more success and in-

terest in applied courses, courses that will supply them with the skills necessary for employment in fast-growth jobs.

An examination of future employment needs underscores the importance of technology education. Projections from the Department of Labor indicate that occupational needs for the fastest-growing jobs will require some education beyond the high school level. These jobs require a considerable degree of technological literacy. They include: computer service technicians; computer systems analysts, programmers and operators; electrical and electronic technicians; mechanical engineers and mechanical engineering technicians.

The legislation I am introducing today authorizes \$100 million for partnerships between community colleges and local educational agencies to develop and implement the "two-plus-two" program. These funds will enable both schools to establish model technology education programs which can then be replicated nationwide. Assistance under this legislation is designed to encourage these educational partnerships to continue to offer the tech-prep associate degree in the absence of Federal assistance. The Federal share of the grant therefore declines over the 5-year period. The bill provides a Federal share of 80 percent in the first year, 60 percent in the second, 40 percent in the third year, and 20 percent in the final 2 years. Special consideration will be given to applications which successfully assist students with placement in a job or enrollment in a 4-year baccalaureate degree program, with special consideration for programs that are developed in coordination with business, industry, and labor unions.

I believe that we will all be the beneficiaries of this important initiative. We all have a considerable interest in the technological literacy of our students. Assistance for these programs will strengthen the preparation of students for the increasingly sophisticated demands of the labor market. It will provide technical preparation in mechanical, industrial, or practical art, or in the field of trade or applied science. In so doing, it will increase the ability of these students to obtain meaningful employment in high-growth industries. In turn, it will enable them to be part of the economic prosperity and growth of the future, rather than being limited to low-paying jobs or jobs in dying industries.

We have a considerable interest in tailoring an educational program to the needs of these students. For, as Woodrow Wilson once said:

Nations are renewed from the bottom, not from the top . . . the genius which springs up from the ranks of unknown men is the genius which renews the youth and energy of the people.

The "Tech-Prep" Program is an example of what can be accomplished when secondary schools and community colleges work together. It has long been a tradition that the Federal role in education is that of increasing access and strengthening the quality of instruction. I believe this legislation fulfills that twin responsibility. It increases access by expanding opportunities for students who might otherwise turn away from school. It strengthens quality by bringing the joint expertise of community college and secondary school personnel to bear on developing innovative programs in technology education.

I commend this legislation to my colleagues, and hope that they will give it careful consideration. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Tech-Prep Education Act".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Rapid technological advances and global economic competition demand increased levels of skilled technical education preparation and readiness on the part of youths entering the work force.

(2) Effective strategies reaching beyond the boundaries of traditional schooling are necessary to provide early and sustained intervention by parents, teachers, and educational institutions in the lives of students.

(3) A combination of nontraditional school-to-work technical education programs, using state of the art equipment and appropriate technologies, will reduce the dropout rate for secondary school students in the United States and will produce youths who are mature, responsible, and motivated to build good lives for themselves.

(4) The establishment of systematic technical education articulation agreements between secondary schools and community colleges is necessary for providing youths with skills in the liberal and practical arts and in basic academics with the intense technical preparation necessary for finding a position in a changing workplace.

(5) By the year 2000 an estimated 15 million manufacturing jobs will require more advanced technical skills, and an equal number of service jobs will become obsolete.

(6) More than 50 percent of jobs that are currently developing will require skills greater than those currently provided by existing educational programs.

(7) Dropout rates in urban schools are currently 50 percent or higher, and more than 50 percent of all Hispanic youth drop out of high school.

(8) Each year, as a result of 1 million youths dropping out of secondary school with inadequate preparation to enter the workforce, the United States loses \$240,000,000,000 in earnings and taxes.

(9) Employers in the United States pay an estimated \$210,000,000,000 annually for formal and informal training, remediation, and in lost productivity as a result of un-

trained and unprepared youth joining, or attempting to join, the workforce of the United States.

(b) PURPOSE.—It is the purpose of this Act—

(1) to provide planning and demonstration grants to consortia of local educational agencies and community colleges, for the development and operation of 4-year technical preparation education programs leading to an associate degree for youths; and

(2) to provide, in a systematic manner, strong, comprehensive links between secondary schools and community colleges.

#### SEC. 3. PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—The Secretary of Education shall make grants to pay the Federal share of the cost of activities carried out under this Act to consortia of—

(1) local educational agencies or area vocational schools serving secondary school students; and

(2) community colleges (including postsecondary vocational technical schools).

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out with assistance under this Act may not exceed—

(1) for the first year that a grant is received, 80 percent of such cost with respect to planning purposes;

(2) for the second year that a grant is received, 60 percent of such cost with respect to implementation and operation;

(3) for the third year that a grant is received, 40 percent of such cost with respect to operation; and

(4) for the fourth and fifth year that a grant is received, 20 percent of such cost with respect to operation.

#### SEC. 4. TECHNICAL PREPARATION EDUCATION PROGRAMS.

(a) GENERAL AUTHORITY.—Each grant recipient shall use amounts paid under this Act to develop and operate a 4-year technical preparation education program.

(b) CONTENTS OF PROGRAM.—Each such program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of the 2 years of secondary school preceding graduation and 2 years of higher education, with a common core of required proficiency in mathematics, science, communications and technologies designed to lead to an associate degree in a specific career field;

(3) include the development of technical preparation education program curriculum appropriate to the needs of the consortium participants; and

(4) include in-service training for teachers that—

(A) is designed to train teachers to implement effectively technical preparation education curriculum;

(B) provides for joint training for teachers from all participants in the consortium; and

(C) may provide such training in weekend, evening and summer sessions, institutes or workshops.

(c) ADDITIONAL AUTHORIZED ACTIVITIES.—Each such program may—

(1) provide for training programs for counselors designed to enable counselors more effectively to recruit students for technical preparation education programs, and ensure their successful completion of such programs and their placement in appropriate employment; and

(2) provide for the acquisition of technical preparation education program equipment.

## SEC. 5. APPLICATIONS.

(a) IN GENERAL.—Each consortium that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

(b) FIVE-YEAR PLAN.—Each application submitted under this section shall contain a 5-year plan for the development and implementation of activities under this Act.

(c) APPROVAL.—The Secretary shall approve applications based on their potential to create an effective technical preparation education program as described in section 4.

(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applicants whose applications—

(1) provide for effective employment placement activities or transfer of students to four-year baccalaureate degree programs;

(2) demonstrate commitment to continue the program after the termination of assistance under this Act; and

(3) are developed in consultation with business, industry and labor unions.

(e) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In making grants, the Secretary shall ensure an equitable distribution of assistance among the States and among a cross section of urban and rural consortium participants.

## SEC. 6. REPORTS.

Each grant recipient shall, with respect to assistance received under this Act, submit to the Secretary such reports as may be required by the Secretary to ensure that such grant recipient is complying with the requirements of this Act.

## SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) The term "articulation agreement" means a commitment to a program designed to provide students with a nonduplicative sequence of progressive achievement leading to competencies in a technical preparation education program.

(2) The term "community college" has the meaning provided in section 1201(a) of the Higher Education Act of 1965 for an institution which provides not less than a two-year program which is acceptable for full credit toward a bachelor's degree.

(3) The term "Secretary" means the Secretary of Education.

(4) The term "local educational agency" has the meaning provided in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(5) The term "technical preparation education program" means a combined secondary and postsecondary program which—

- (A) leads to an associate degree;
- (B) provides technical preparation in at least 1 field of mechanical, industrial or practical art, trade or applied science;
- (C) provides competence in mathematics, science and communications (including through applied academics); and
- (D) leads to placement in employment.

## SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$100,000,000 for fiscal year 1989, and such sums as may be necessary in each of the 4 succeeding fiscal years to carry out the provisions of this Act.

By Mr. SPECTER:

S. 2884. A bill to establish emergency response procedures for rail carriers in transporting hazardous materials; to the Committee on Commerce, Science, and Transportation.

## HAZARDOUS MATERIALS RAIL TRANSPORTATION SAFETY ACT

Mr. SPECTER. Mr. President, today I introduce the Hazardous Materials Rail Transportation Safety Act of 1988, to improve rail transportation of hazardous materials.

Transportation of hazardous materials is a dangerous but essential activity. According to the Department of Transportation, approximately 4 billion tons of regulated hazardous materials are transported each year throughout the United States. The Association of American Railroads reports that approximately 925,000 full carloads of hazardous materials were transported in 1987. While transportation by rail is considered the safest method of moving these enormous amounts of hazardous materials, a number of problems remain to be remedied. This act will make a rail transportation safer, and will provide better protection for surrounding communities.

A recent Federal Railroad Administration (FRA) safety assessment revealed that out of 8,000 hazardous waste tank cars inspected "an unacceptably high ratio of defects" were found. The report stated that an investigation of intermodal units disclosed that 18 percent had improper placards and 12 percent had incorrect shipping papers.

The bill I introduce today contains a number of important measures to improve rail transportation of hazardous materials. Emergency response procedures would be established to ensure that all personnel involved in rail accidents or hazardous situations know how to react quickly and effectively. The bill's tank car standards will guarantee that all vehicles containing hazardous materials meet specifications designed to ensure that the tanks do not leak or rupture even under extreme circumstances.

The bill would establish minimum training requirements for employees who are associated with the transportation of hazardous materials; the employees would be tested on their knowledge and ability to implement emergency procedures. The bill also includes a provision for more frequent inspections of trains, tracks and bridges associated with the transportation of hazardous waste, to ensure that rail equipment and facilities are in order.

This bill is based on long-held concern for transporting hazardous materials, the disturbing number of train derailments nationwide and numerous site visits and personal meetings with railroad officials, labor leaders and concerned citizens. On February 28, 1984, I introduced S. 2356, the Urban Radioactive Materials Protection Act. This bill would require environmental impact statements from the agency which approves transportation of ra-

dioactive waste material by highway routing through a metropolitan area.

A number of recent railroad accidents were potential tragedies. For example, during the past 2 years there have been at least 11 serious derailments in western Pennsylvania on one stretch of track alone. Those included accidents on May 17, 1986, June 30, 1986, October 31, 1986, and January 15, 1987. These derailments have resulted in damage to private property and the evacuation of thousands of residents, because the trains included freight cars containing toxic chemicals and hazardous materials.

On April 11, 1987, two freight trains collided in Bloomfield, PA, near Pittsburgh, causing several derailed cars to ignite and forcing the evacuation of some 16,000 persons. A derailed car leaked phosphorus oxychloride, a gasoline and hydrolic fuel additive which can be lethal in large doses. The accident also involved a car containing toluene diisocyanate, a flammable substance which can irritate lungs, skin and eyes. The catastrophe is considered Pennsylvania's worst train accident in a decade and the largest chemical-caused evacuation in Pittsburgh's history.

Less than 1 month later, on May 6, 1987, a serious rail accident occurred in Confluence, PA. Twenty-seven train cars derailed and crashed into an adjacent tower, killing the tower operator. Approximately 1,000 residents were evacuated from the area because a number of the derailed cars contained hazardous materials, including sodium hydroxide, liquid propane, and hydrochloric acid.

In response to these accidents and the concerns expressed by area residents, I testified on May 12, 1987, during the Senate Commerce Committee hearing on the transportation of hazardous materials to express my deep concern about the many train derailments in western Pennsylvania. On July 27, 1987, I toured the tracks in Confluence and personally met with local officials, union leaders, CSX Transportation, Inc., representatives, Federal Railroad Administration representatives, and local residents. Based on the serious threat to public safety posed by the unusual series of accidents on these tracks, I wrote to Transportation Secretary Dole on July 30, 1987, requesting that the tracks be shut down until the problem was resolved. Two days following my site inspection, yet another accident occurred on the same track, 27 miles away in Connellsville, PA. Two of the 17 cars involved were carrying residues of liquid chlorine and liquid petroleum.

In my July 30, 1987, letter to the Transportation Secretary, I expressed special concern about the condition of the tracks and the continuing derail-

ments in light of Amtrak's use of these tracks for its Capital Limited line. This passenger train travels between Chicago and Washington, DC, carrying an average of 543 passengers per day in each direction. Amtrak advises that approximately 60 trains transported 16,295 passengers during June 1987. Only 6 days after I raised these concerns, Amtrak's eastbound Capital Limited No. 30 derailed approximately 2½ miles east of the Pittsburgh station. According to Amtrak, 2 of the 3 locomotives and all 14 passenger cars left the track. Amazingly, the cars somehow remained upright and there were no serious injuries among the 234 passengers on board.

Mr. President, I have repeatedly stressed the importance of maintaining safe tracks and rail procedures to assure that such accidents are prevented. In response to the many train accidents in Pennsylvania and repeated calls for a thorough investigation, the Federal Railroad Administration began an inspection of track and equipment between McKeesport, PA, and Harpers Ferry, WV, on August 4, 1987. In light of the Amtrak derailment, I again wrote to the Transportation Secretary on August 5, 1987, requesting full review of the accidents and to urge the Federal Railroad Administration to expand the ongoing track inspection to include the Pittsburgh area. Shortly thereafter, the FRA extended its inspections to include all track and equipment from the Ohio/Pennsylvania border to Washington, DC.

Yet another accident in western Pennsylvania occurred on August 22, 1987, in McKeesport, when 16 cars of a freight train derailed. Four of the cars contained hazardous chemicals, including butane, which is highly flammable and explosive. More than 700 people were evacuated for nearly 24 hours, but fortunately no serious injuries occurred.

On February 17, 1988, two railroad tank cars, one containing a form of highly flammable and toxic chemical styrene, derailed in McKees Rocks, Pennsylvania, a suburb of Pittsburgh. Again, fortunately, there were no injuries reported in relation to the accident. According to preliminary reports, the derailment was caused by a split rail.

Most recently, on August 1, 1988, 19 railroad cars, 5 transporting chlorine and sodium hydroxide, derailed in an area accessible only by rail on which Amtrak operates 2 trains daily. As stressed last year, an accident involving a train carrying hazardous materials and an Amtrak train carrying passengers could result in catastrophic consequences.

Given the frequency of these accidents and the potentially catastrophic situations they create, I believe that current rail operations and track con-

ditions must be subject to improved safety standards. The Senate Appropriations Committee, of which I am a member, also shared my concern regarding these derailments and, upon my recommendation, included language in its report accompanying H.R. 2890, the fiscal year 1988 Transportation Appropriations bill, regarding the ongoing inspections. The Committee directed the FRA to include in its report recommendations for improvement of regulatory oversight in track inspections and enforcement; equipment inspection and enforcement; and train operations enforcement, including adherence to speed limits, materials, and display of warning placards on cars containing toxic chemicals. The committee also requested that the report include an assessment of track conditions and the adequacy of current inspections procedures and staffing.

Mr. President, while my comments today, and my own experiences, focus on problems in Pennsylvania, rail safety is not a localized problem. I believe the track and equipment problems in western Pennsylvania are representative of the situation nationwide.

On four consecutive days in December 1987, for example, there were rail accidents involving hazardous materials elsewhere in the Nation. On December 10, 1987, 18 cars derailed near Chemult, OR, spilling 13,000 gallons of sulfuric acid into the adjacent forest. The next day, 25 freight cars, including 6 tank cars loaded with hazardous chemicals, derailed at Scott Air Force Base in Illinois. On December 12, 16 cars derailed near Round Rock, 15 miles north of Austin, TX, leaving 3 burning tankers, 2 of which contained liquid propane and the third containing butyl alcohol. The accident resulted in the evacuation of approximately 8,000 residents. More recently, on June 22, 1988, 34 CSX railroad cars derailed in Crofton, KY, releasing white phosphorus which ignited, causing the evacuation of 3,000 local residents.

The Congressional Research Service advises that in 1986 alone, approximately 842 train incidents nationwide involving hazardous materials were reported to the Department of Transportation. Therefore, the bill I introduce today will address existing problems nationwide in transporting hazardous materials.

Mr. President, transporting hazardous materials by rail obviously involves risks. While it is not realistic to expect an accident-free industry, nevertheless we have a responsibility to reduce obvious hazards and make the system as safe as possible. The bill I introduce today will implement much needed improvements to guarantee rail safety for the public, by ensuring frequent and thorough inspections. By enacting these provisions, positive steps

will be taken to ensure that accidents occur far less frequently, and that effective emergency response procedures are in place when an accident does occur.

The legislation I introduce today would establish emergency response procedures for rail carriers after accidents or in emergency situations involving the transportation and storage of hazardous materials. This provision is similar to H.R. 2056, introduced in the House by Representative TONY HALL in 1987. Specifically, this provision would require that copies of written information be on board trains transporting hazardous materials, available for immediate distribution to local emergency personnel. In addition, all train employees involved in an accident would be trained to provide immediate assistance to local emergency personnel.

The Federal Railway Administration reports that approximately 5,600 tank cars built prior to November 6, 1971, fall outside Department of Transportation tank car regulations. The bill I am introducing today includes a provision regarding tank car design which would require that all tank cars built prior to the 1971 regulation carrying hazardous materials must meet minimum requirements established by the Secretary of Transportation. Any car built prior to November 6, 1971, that transports hazardous material would have to be retrofitted to meet the minimum requirements.

To assess current Department of Transportation tank car regulations, the bill includes a provision similar to the House bill calling for the Secretary of Transportation to enter into a contract with the National Academy of Sciences to conduct an objective, nonpartisan study of the railroad tank car design process. The study, in conjunction with previous studies of the Federal Railroad Administration and the National Transportation Safety Board, would include specifications on development, design approval, repair process approval, repair accountability, and the process by which designs and repairs are presented, weighed and evaluated. The study also would determine what weight should be accorded to public safety factors in consideration of tank car design.

This bill also would mandate training programs for rail workers to ensure that employees on trains transporting hazardous materials are adequately prepared to deal with an accident or emergency situation. The legislation implements a mandatory training program for all rail workers. This provision, similar to H.R. 2650, introduced by Representative COLLINS, calls on the Secretary of Transportation to issue rules, regulations, standards, and orders requiring employers to provide training courses to employ-

ees involved in the transportation of hazardous materials. Employers would be required to certify to the Secretary that their employees have been trained and tested in accordance with criteria developed by the Secretary.

Mr. President, all freight train accidents are serious, but those that include the transportation of hazardous materials are especially dangerous. This legislation would mandate an increase in the number of inspections on trains, tracks and bridges which regularly are used for the transportation of hazardous waste. In carrying out these inspections, the Federal Railroad Administration will ensure that each train transporting high-level nuclear waste and spent fuel shall be inspected by the FRA inspectors at its point of origin. To address the problems in track and bridge conditions, the bill would require the FRA to inspect tracks, bridges and signal systems not less than once during each 6-month period.

Another integral part of the legislation involves the use of placards, which designate the type of hazardous material that is being transported. Following an accident, it is most important to properly identify the substance which may have leaked and caused subsequent adverse public health effects. In response, the bill states that any person who willfully alters, destroys, or removes any placard involved in the transportation of hazardous waste, shall be subject to a fine of not more than \$10,000 or imprisonment for not more than 3 years.

The Pittsburgh Press recently conducted a nine-part series evaluating current safety conditions of our Nation's railroad industry. Its findings based on a review of inspection reports and internal engineering memos of over six railroad bridges revealed that each railroad investigated reported that "intensive maintenance" was recommended on bridges but that all of their bridges are "safe for use." There currently are no Federal regulations regarding bridge inspections, an area which I feel has been woefully neglected. The bill I introduce today would require the Federal Railroad Administration to inspect bridges and assess the current condition of bridges nationwide to determine if regulations are necessary to ensure bridge safety.

Mr. President, in light of the importance of the Pittsburgh Press series on train derailments, I ask unanimous consent that the first overview article be reprinted in the RECORD following my statement.

To provide adequate personnel for these additional responsibilities, the Federal Railroad Administration is authorized to double its number of hazardous materials track inspectors to assist in carrying out the track and train inspections. In addition, the Federal Railroad Administration is au-

thorized to hire a professional engineer specializing in the development of improved tank car specifications, regulations, and inspections of tank cars used in transporting hazardous materials to help address existing and future problems in this important area.

This bill offers reasonable and practical solutions to remedy rail safety and inspection problems nationwide. Accordingly, I urge my colleagues to join me in this effort to create a safer rail system for the transportation of hazardous materials.

Mr. President, I ask unanimous consent that this bill be reprinted in the RECORD.

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

S. 2884

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

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Hazardous Materials Rail Transportation Safety Act of 1988".

#### REGULATIONS

SEC. 2. Within 18 months after the date of the enactment of this section, the Secretary of Transportation shall issue rules, regulations, standards, and orders establishing emergency response procedures for rail carriers in accident or emergency situations involving the transportation and storage of hazardous materials. Such rules, regulations, standards, and orders shall include, among other things, a requirement or prohibition, as the case may be, that—

(1) copies of written information detailing the type and location of all hazardous material transported by a train shall be available aboard that train for immediate distribution to local emergency personnel responding to any accident or emergency situation arising out of, or in connection with, that train or hazardous materials;

(2) employees on any train transporting hazardous materials involved in an accident or emergency situation immediately render assistance to local emergency personnel responding to the accident or emergency situation; and

(3) railroad tank cars built before November 6, 1971, may not be used in hazardous materials transportation unless such cars meet all current safety and design requirements imposed by the Secretary of Transportation.

#### STUDY

SEC. 3. Within 90 days following the date of the enactment of this Act, the Secretary of Transportation shall enter into a contract with the National Academy of Sciences to study railroad tank car design process, including specification development, design approval, repair process approval, repair accountability, and the process by which designs and repairs are presented, weighed, and evaluated. The study shall also consider, among other things, whether public safety considerations require greater control by and input from the Secretary with respect to tank car design. The Secretary shall report the results of such study, together with his recommendations, to Congress within the 12-month period following the date of the enactment of this Act.

#### TRAINING

SEC. 4. (a) Within 12 months following the date of the enactment of this Act, the Secretary of Transportation shall issue rules, regulations, standards, and orders requiring training courses, certified by the Secretary, to be given by any person engaged in the transportation of hazardous waste. Any person required to provide such training courses shall certify to the Secretary, in such manner and at such times as the Secretary shall prescribe, that the employees of such person have knowledge of and have been tested in appropriate areas of responsibility in accordance with criteria developed by the Secretary.

(b) Within 180 days following the date of the enactment of this Act, the Secretary of Transportation shall develop criteria which shall be met in connection with obtaining certification by the Secretary for purposes of subsection (a) of this section.

(c) For purposes of this section, the term "person" means any individual, corporation, or other entity.

#### TRAIN AND TRACK INSPECTIONS

SEC. 5. (a) The Federal Railroad Administration shall take such action as may be necessary to increase the number of inspections which it conducts on trains, tracks, and bridges which are used in connection with the transportation of hazardous materials.

(b) In carrying out inspections, the Federal Railroad Administration shall take such action as may be necessary to assure that each train transporting hazardous materials shall be inspected by Federal Railroad Administration inspectors at its point of origin. Inspections shall include safety procedures, personnel, train equipment, containerization, and such other aspects of transportation as the Federal Railroad Administration determines appropriate. Track and major signal systems associated with such shipments shall be inspected by the Federal Railroad Administration not less than once during each 6-month period.

(c) The Secretary of Transportation shall employ and maintain thereafter an additional 35 safety inspectors above the number of safety inspectors authorized for fiscal year 1989, in aggregate, for the Federal Railroad Administration to assist in carrying out the inspections required by this section. The Secretary shall take such action as may be necessary to assure that the additional inspectors authorized by this section focus their activities upon the transportation of high-level nuclear waste and spent fuels with remaining time spent upon the transportation of all other hazardous materials. In addition, the Federal Railroad Administration shall hire one professional engineer to specialize in the development of improved tank car specifications, regulations, and inspections thereof.

#### CRIMINAL PENALTY

SEC. 6. Section 110 of the Hazardous Materials Transportation Act (49 U.S.C. 1809) is amended by adding at the end thereof the following:

"(c) Any person who willfully alters, destroys, or removes any placard required under this Act or section 172.500 of title 49 of the Code of Federal Regulations involving the transportation of hazardous materials shall be subject to a fine of not more than \$10,000, or imprisoned for not more than 5 years, or both."

#### BRIDGE INSPECTIONS

SEC. 7. (a) As part of the inspection of tracks discussed in section 5, the Federal

Railroad Administration's designated inspectors shall inspect bridges on such routes to ensure the integrity of the bridge structure. If structural defects are discovered, the inspector shall immediately notify the appropriate rail carrier or maintenance entity to indicate defects.

(b) The Federal Railroad Administration shall assess the current condition of bridges nationwide to determine if regulations are necessary regarding bridge construction and safety by January 1, 1990.

#### AUTHORIZATIONS

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

[From the Pittsburgh Press, Sept. 18, 1988]

#### ACCIDENTS ROLL ON: TRAIN WRECKS RAISE ISSUES OF PROFIT VERSUS SAFETY

(By Andrew Schneider, Lee Bowman, and Thomas Buell, Jr.)

Railroads around the country are in dangerous condition.

Trains with faulty brakes and cracked wheels speed along defective tracks that could buck them at any time.

They rumble across great bridges that sway on rotting timbers, rusted steel and crumbling concrete.

They carry lethal chemicals, tons of coal, and the precious cargo of passengers over a nationwide system guided by radio communications and electronic traffic signals that often fail.

About 16 times a day, motorists are hit at crossings while brazenly challenging a train's right-of-way or are lulled unknowingly into its path by inoperative or inadequate warning devices.

This year accidents on the country's 300,000 miles of railroad track are occurring at an alarming rate.

Public attention is captured by train accidents hastily attributed to acts of God, speeding or drugged-up railroaders.

But a nine-month investigation by The Pittsburgh Press into railroad safety found that the underlying causes of many of the accidents were the railroads themselves that allowed their safety standards to be sidetracked by economic pressures to keep the trains moving.

And the accidents continue.

The number of multiple-car derailments and large releases of hazardous materials last month increased about 35 percent over August of last year, a Press analysis shows.

Last month's toll included 159 people injured in 32 major train accidents; at least 31 motorists killed at crossings; another 19 killed along the tracks and at least five railroaders who died or were killed on the job.

There were 34 leaks, ruptures or explosions of chemical cars. The released hazardous materials caused the evacuation of thousands, including 1,000 ordered from homes around Altoona, Iowa, after a head-on collision of two trains ignited tankers of denatured alcohol.

Wrecks involving hazardous chemicals carry the greatest potential for disruption and disaster, as 16,000 Pittsburgh residents learned last year when they were evacuated after two Conrail trains derailed near the Bloomfield Bridge.

As the number of accidents rises, so do the costs. During the first four months of 1987, rail accidents caused \$43.8 million worth of damage to the railroads. According to company estimates provided to the Federal Railroad Administration, damage during the same period this year amounts to \$52.2 mil-

lion, almost 18 percent higher. These figures don't include business lost by merchants, or the cost of firefighting and police efforts picked up by local government.

The national figures are reflected in Pennsylvania where accidents increased from 97 in 1986 to 103 last year. In the first four months this year there were 35 major accidents, up four from the same period a year ago, including the January head-on collision of two Conrail trains at Thompsonstown, Juniata County, that left four men dead.

And the escalation continues. "Based on the amount of running our field investigation teams are doing, there appears to be a significant increase in the number of serious rail accidents this year, particularly in the last three months," said William Zielinski, chief of rail accident investigation for the National Transportation Safety Board.

The Pittsburgh Press found that railroad safety is being jeopardized because:

Supervisors from more than a half-dozen major railroads order faulty cars carrying passengers, freight and hazardous cargo sent out without repairs even though the company's own safety inspectors have tagged them for serious mechanical defects.

Passenger cars and freights loaded with hazardous materials travel from Florida to New England and from Pennsylvania to Illinois over poorly maintained bridges that no government agency has the authority to inspect.

Thousands of rail cars with design flaws that make them susceptible to rupture carry hazardous materials around the country each day. Many rail safety experts believe much stronger standards are needed for both the cars and the labels they carry to inform emergency personnel how to treat the chemicals in case of an accident.

Railroad managers ignore many track defects, often for months or years or until a derailment forces action or a government inspector comes calling. Band-Aid repairs sometimes result in changes to tracks that can derail trains at certain speeds.

More than 600 die in collisions with trains at railroad grade crossings each year, often because drivers fail to heed devices warning of approaching locomotives. But sometimes warning lights, bells and gates at grade crossings don't work—and are knowingly allowed to malfunction.

Communications breakdowns of radios and computer links contribute to collisions and near-misses. Even the industry's newest Star Wars-like dispatch centers lose information about the trains they're supposed to control.

The Federal Railroad Administration, the only agency with authority to order changes in the railroads, refuses to act on many NTSB recommendations for correcting deficiencies that have caused repeated train wrecks, deaths and injuries.

Railroads increasingly appear willing to gamble on safety, said government agents who monitor the industry.

"Risk taking has become part of railroads doing business," said Donald Rugh, a rail safety inspector with the Ohio Public Utility Commission.

"They'll let a train go out with a defect, even if we bring it to their attention. They know that even if our fine makes it through the FRA, it will be cheaper than what it would have cost to hold the train up, cut out the car and make the repair," said Rugh. As a result, "things have gotten dangerous out there."

Even so, most trains arrive at their destinations without major problems. An Aug. 3

survey by The Press of traffic on the nation's 498 railroads showed that 6,444 trains moved 40,476 cars 1,212,740 miles that day with only one serious derailment.

But the potential for disaster is enormous. In Pennsylvania, for instance, railroads criss-cross virtually every community, with the heaviest concentration in the southwestern corner around Pittsburgh. The threat of a derailment makes those who live near tracks wary of the trains that roll past their homes.

Railroad employees sometimes are more concerned than their less knowledgeable neighbors.

Mel Rose is a car safety inspector at Conrail's Conway rail yards by day and president of neighboring New Brighton's borough council at night. He says he worries about a derailment of one of the dozens of long, chemical-laden freights that run past his Beaver County town each day.

Sean Ferris, a 13-year Conrail veteran and now district union chairman for the men who build and repair the tracks, often reports flaws in the rails running through his Allegheny Valley neighborhood to Conrail or the government. The father of four fears defective rails might spill a train load of dangerous chemicals near his house in the Natrona section of Harrison Township.

Rose and Ferris are among a quarter of a million railroaders whose place in America's industrial heritage was threatened as recently as 10 years ago when railroads stood at the brink of bankruptcy. To stave off financial ruin, the railroads pared work forces and cut back maintenance.

Those moves enhanced the profit picture, but they also increased the risks.

For example, replacement and repairs of the nation's 85,000 railroad bridges often comes only when the bottom line allows. Bridges frequently are earmarked for work only when the condition deteriorates to the point that they interfere with the timely movement of trains. In scores of cases, The Press found that the railroads' own engineers and bridge inspectors had catalogued year after year, the progressive deterioration of these vital structures.

Railroad officials insist the often aging bridges are safe, but there is no outside inspection system that would verify the companies' opinions and no federal regulations they must follow to maintain the structures.

"We don't see the follow-up that's needed to keep these bridges safe," said John Fisher, a civil engineering professor at Lehigh University and a national authority on bridge safety. "Too many railroads have deeply cut their engineering and bridge inspection staffs. There has got to be someone to stand up and say this is getting dangerous and something has to be done now. If not, they're inviting disaster."

Company officials often are aware of serious problems but stymied by the cost of repairs.

For example, Walter DeWitt, safety director for Norfolk Southern, said it would cost \$2.5 million to completely repair a tunnel under Greentree Hill that has severe damage from water seepage. At least two trains a day, each carrying tankers containing explosive and poisonous chemicals, pass through the tunnel which runs beside and under several large hotels.

The deterioration reached such a critical stage this year that workers were ordered to inspect the tunnel before each train ran through to make sure debris wasn't fouling the tracks. Some repairs are now being made, the company said.

Many railroad officials argue that cutting back maintenance is a reasonable gamble for an industry still struggling to gain financial stability.

But last year 15 of the nation's 17 largest railroads made money. Their \$2.1 billion in profits were the highest in three years. At the same time, money spent on track and equipment improvements dropped to the lowest level in four years.

Railroads have cut track mileage 8 percent since 1980, while cutting the number of maintenance workers by half, from 183,966 to 97,667 last year.

Many of the branches the railroads dropped have been picked up by short line and regional railroad operations. While such small railroads have been in business for decades, hundreds more have sprung up in the past few years.

And since many of these new operations run on a shoestring, without the resources and workers to maintain track and equipment, regulators are especially worried about how they can cope with safety problems.

"We are apprehensive about the impact these short lines will have on the overall rail safety picture. Most take over operations that major carriers had abandoned and where in most cases, maintenance was far below what was needed for years, so the deck may have been stacked against them from the start," said the NTSB's Zielinski.

The proliferation of short lines was just one side-effect of railroad deregulation in 1980. The removal of government controls on shipping rates, much sought by the industry, thrust railroads into the open market, where time is of the essence and the essence is money.

In such a climate, field supervisors often find that slowing the system in the name of safety can be a career damaging move even though top managers list safe operations as a major corporate goal.

Some of those top officials, including Richard Sanborn, president of Conrail, and W. Graham Claytor, chairman of Amtrak, say they recognize the conflicting demands of safety and productivity, but they insist that safety always takes first place.

"You have to manage that kind of trade-off. There are conflicts in everything we do in our lives, and the good managers are going to be the ones who can be productive and be safe at the same time," Sanborn said.

Claytor said he preaches safety "from the boardroom to the brakeman. You've got to have safety as a very high priority for top management, but if it stops at top management, it won't get anywhere."

But boardroom executives often are insulated from what is happening in the field. When they ride the rails, subordinates carefully try to orchestrate what they see. The game is called "gold plating the railroad," and makes it unlikely that any top executive will ever see shabby equipment or ride over rough rails. Sometimes the game goes so far as to include painting the side of a building the chief is likely to see, while the side away from the tracks is rotting.

Lower-level supervisors hear the talk about safety, but in interviews they repeatedly said that to stay within budget and on schedule, they sometimes have no choice but to cut corners and take chances to keep the trains moving.

"Railroads rely too much on luck that nothing is going to happen, but the accident files are filled with cases where their luck ran out," said Chris Longcrier, a track inspector with the Alabama Public Utility Commission.

FRA Administrator John Riley insists that bad luck is less a factor than bad judgment on the part of railroad workers—and has directed much of the agency's attention recently to controlling drug and alcohol use in the industry. However, other safety experts say that by dwelling on substance abuse, the agency may be missing even more serious problems.

"Alcohol and drug abuse is a problem with the railroads, perhaps to a larger degree than other industries, but it is not the main cause of the accidents, it is not being listed as a probable cause of any of the accidents we've recently investigated," said the NTSB's Zielinski.

"Human factors are always a major contributing factor, but that must include the pressure, either implied or actual, on railroaders to move the trains at all costs. Sometimes that pressure can be great."

Some lawmakers question whether people problems should be the FRA's main concern.

"So much attention has been given to misuse of alcohol and drugs by operators of railroads that we may be overlooking an alternate major cause, or equally serious cause, and that's lack of adequate maintenance on the railroads" said Sen. James Exon, chairman of the Senate Surface Transportation Subcommittee and a driving force behind recent rail safety legislation.

Government railroad experts in several states share Exon's concern over reduced maintenance.

"We have found that Southern Pacific has cut back on their maintenance crews considerably, to the point where we're having a lot of problems getting them to observe safety regulations," said William Weil, director of rail programs for the California Public Utilities Commission.

The head of Wisconsin's rail safety division, Charles Campbell, said the largest railroad in his state, the SOO Line, has made similar personnel cuts.

"You can't have that kind of shortage (of people) and maintain the status quo. You're going to lose ground, and we're very concerned about that."

Cuts in maintenance forces are especially evident in the condition of tracks. From Pittsburgh's North Side to the plains of northern Minnesota to the Mississippi Delta, the steel rails and wooden ties that are the underpinning of safe train operations are suffering from neglect and causing accident after accident.

#### ADDITIONAL COSPONSORS

S. 10

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. CHAFFEE] was added as a cosponsor of S. 10, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for all purposes.

S. 1265

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1265, a bill to amend the Public Health Service Act and the Fair Labor Standards Act of 1938 to provide minimum health benefits for all workers in the United States.

S. 1391

At the request of Mr. EXON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1391, a bill to amend the Surface Transportation Assistance Act of 1982.

S. 2229

At the request of Mr. KENNEDY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2229, a bill to amend the Public Health Service Act to reauthorize programs concerning health research and teaching facilities, and training of professional health personnel under title VII of such act, and for other purposes.

S. 2379

At the request of Mr. SASSER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2379, a bill to authorize the insurance of certain mortgages for first-time homebuyers, and for other purposes.

S. 2395

At the request of Mr. WIRTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2395, a bill to facilitate access to space, and for other purposes.

S. 2698

At the request of Mr. DODD, the name of the Senator from Colorado [Mr. WIRTH] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2698, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 2709

At the request of Mr. HECHT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2709, a bill to clarify the United States' obligation to observe occupational safety and health standards and to clarify the United States' responsibility for harm caused by negligence at any workplace, owned by, operated by, or under contract with the United States.

S. 2724

At the request of Mr. RIEGLE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2724, a bill to amend the Export Administration Act of 1979.

S. 2841

At the request of Mr. KARNES, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2841, a bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazardous Materials Transportation Act.

S. 2852

At the request of Mr. BYRD, the name of the Senator from Maryland

[Mr. SARBANES] was added as a cosponsor of S. 2852, a bill to provide for an omnibus Federal, State, and local effort against substance abuse, to provide for a Cabinet-level position to centralize and streamline Federal activities with respect to both drug supply—interdiction and law enforcement—and drug demand (prevention, education, and treatment), to expand Federal support to ensure a long-term commitment of resources and personnel for substance abuse education, treatment, and rehabilitation efforts, to strengthen and improve the enforcement of Federal drug laws and enhance the interdiction of illicit drug shipments, and for other purposes.

S. 2875

At the request of Mr. KENNEDY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2875, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise the authority under that act to regulate pesticide residues in food.

SENATE JOINT RESOLUTION 354

At the request of Mr. HELMS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 354, a joint resolution to designate November 6 through 12, 1988, as "National Farm Broadcasters Week."

SENATE JOINT RESOLUTION 357

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 357, a joint resolution designating the week beginning November 6, 1988, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 373

At the request of Mr. BYRD, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Nebraska [Mr. KARNES] were added as cosponsors of Senate Joint Resolution 373, a joint resolution to designate the week beginning November 13, 1988, as "National Craniofacial Deformity Awareness Week."

SENATE JOINT RESOLUTION 375

At the request of Mr. MOYNIHAN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. WEICKER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Texas [Mr. BENTSEN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 375, a joint resolution designating October 22, 1988, as "National Chester F. Carlson Recognition Day."

SENATE JOINT RESOLUTION 381

At the request of Mr. BOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 381, a joint resolution to designate October 30, 1988 as "Fire Safety at Home

Day—Change Your Clock, Change Your Battery."

SENATE JOINT RESOLUTION 388

At the request of Mr. GORE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 388, a joint resolution designating October 15, 1988, as "National Fire Fighters Day."

SENATE RESOLUTION 470

At the request of Mr. RIEGLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 470, a resolution relating to Great Lakes medical waste.

SENATE RESOLUTION 476

At the request of Mr. DeCONCINI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Resolution 476, a resolution expressing the sense of the Senate regarding United States policy in bringing about national reconciliation and self-determination in Angola and Namibia.

SENATE RESOLUTION 492

At the request of Mr. SYMMS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Resolution 492, a resolution to express concern about the Soviet bloc governments.

SENATE RESOLUTION 495—COM-MENDING YAKUTAT ELEMEN-TARY SCHOOL FOR EXCEL-LENCE IN EDUCATION

Mr. GARN (for Mr. STEVENS) sub-mitted the following resolution; which was considered and agreed to:

S. RES. 495

Whereas, the Department of Education established a national School Recognition Program during the 1985-1986 school year;

Whereas, President Ronald Reagan and former Education Secretary William Bennet presented the award to Yakutat Elementary School last month;

Whereas, Mr. Jerry Schoenberger, Principal of Yakutat Elementary School traveled to Washington, D.C. for the award ceremony;

Whereas, Yakutat Elementary School has turned its rural setting into an educational advantage for its student body by incorporating such subjects as bird migration, glaci-ology, and Tlinigit culture into its curricu-lum;

Whereas, through its adoption of the USS Ticonderoga, Yakutat Elementary School has taught its students first-hand the mean-ing of public service and duty to country;

Whereas, Yakutat Elementary School has set high academic standards for its students; Whereas, the number of Yakutat Elementary School Students achieving at or above their grade level has increased by 5 to 10 percent annually for the past three years;

Whereas, the nation has placed a greater emphasis on math and reading skills as we enter the Twenty-first century and last year over half the Yakutat Elementary School students achieved at or above their grade level in these subjects;

Whereas, Yakutat Elementary School, as the smallest school to be commended under the Elementary School Recognition Program, serves as a model to be emulated by other schools around the country, and

Whereas, the Senate strongly supports educational programs that enrich their stu-dents, teachers, and communities, contain a commitment to learning, to high standards and to excellence, and embrace learning with enthusiasm; therefore be it

Resolved, that the Senate commends Yak-utat Elementary School for its achievement; and be it further

Resolved, That the Senate extends its con-gratulations to Yakutat Elementary School, its principal, Mr. Jerry Schoenberger, and the parents and children of Yakutat and sends its best wishes to those gathered for the local "Recognition Ceremony" on Octo-ber 27, 1988.

SENATE RESOLUTION 496—AU-THORIZING THE PRINTING OF THE ENVIRONMENTAL SPEECH-ES OF SENATOR ROBERT STAFFORD AS A SENATE DOC-UMENT

Mr. GARN (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 496

Resolved, That the environmental speech-es of Senator Robert Stafford be ordered printed as a Senate Document.

AMENDMENTS SUBMITTED

OMINBUS ANTI-SUBSTANCE ABUSE ACT

SPECTER AMENDMENT NOS. 3664 THROUGH 3670

(Ordered to lie on the table.)

Mr. SPECTER submitted seven amendments intended to be proposed by him to the bill (S. 2852) to provide for an omnibus Federal, State, and local effort against substance abuse, to provide for a cabinet level position to centralize and streamline Federal activities with respect to both drug supply (interdiction and law enforce-ment) and drug demand (prevention, education and treatment), to expand Federal support to ensure a long-term commitment of resources and person-nel for a substance abuse education, treatment, and rehabilitation efforts, to strengthen and improve the en-forcement of Federal drug laws and enhance the interdiction of illicit drug shipments, and for other purposes; as follows:

AMENDMENT NO. 3664

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

SEC. . NEGOTIATIONS FOR AN INTERNATIONAL CRIMINAL COURT.

It is the sense of the Congress that the President should begin negotiations with foreign governments to investigate the possibility of establishing an international

criminal court to hear cases regarding the prosecution of persons accused of having engaged in international drug trafficking or having committed international crimes.

AMENDMENT NO. 3665

On page 416, line 21, after "number" delete "and" and insert "a."

On page 416 insert on line 21 after "demographic characteristics," "socioeconomic, and other relevant characteristics".

On page 416 after line 25, insert "(3) the percentage of individuals who complete the appropriate course of treatment through programs referred to in paragraph (1) who upon one year after completion require further treatment."

On page 417 of the bill, insert on line 1 after "care," "and the nature of treatment".

On page 417 between lines 7 and 8, insert "(6) the percentage of individuals who do not complete the appropriate course of treatment through programs referred to in paragraph (1)."

On page 417 after line 25 insert "(12) provide follow-up services to determine whether criminal clients subsequently become involved in criminal activities, drug use, and other information regarding the subsequent drug-related or criminal activities of individuals who have undergone a treatment program."

AMENDMENT NO. 3666

On page 337: In lines 15 through 19, strike all between "or" and "procedures".

AMENDMENT NO. 3667

At the appropriate point in the bill, insert the following:

Subtitle B—International Provisions

SEC. 1011. EXPORT-IMPORT BANK FINANCING FOR SALES OF DEFENSE ARTICLES AND SERVICES FOR ANTINARCOTICS PURPOSES.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended—

(1) by inserting "(A)" before "The Bank";

(2) by striking "paragraph" and inserting in lieu thereof "subparagraph", and

(3) by adding at the end the following new subparagraphs:

"(B) Subparagraph (A), and section 32 of the Arms Export Control Act, shall not apply to any sale of defense articles or services primarily for antinarcotics purposes if—

"(i) the Bank is requested to provide a guarantee or insurance for the sale;

"(ii) the President determines, in accordance with subparagraph (C), that the sale is in the national interest of the United States;

"(iii) the Bank determines that, notwithstanding the provision of a guarantee or insurance for the sale, not more than 10 percent of the guarantee and insurance authority available to the Bank in any fiscal year will be used by the Bank to support the sale of defense articles and services; and

"(iv) the sale is made on or before September 30, 1992.

"(C) In determining whether a sale of defense articles or services primarily for antinarcotics purposes would be in the national interest of the United States, the President shall determine that the sale would—

"(i) be consistent with the antinarcotics policy of the United States; and

"(ii) involve the end use of a defense article or service primarily for antinarcotics purposes in a major illicit drug producing or major drug-transit country (as defined in section 481(i) of the Foreign Assistance Act of 1961).

"(D) In making the determination under subparagraph (C) above, the President shall take into account whether the sale would be made to a country with a democratic form of government.

"(E) The Board shall not give approval to guarantee or insure a sale of defense articles or services unless the President determines, in accordance with subparagraph (C), that it is in the national interest of the United States for the Bank to provide such guarantee or insurance, and such determination has been reported to the Congress not less than 25 days of continuous session of the Congress before the date of such approval. For purposes of the preceding sentence, continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 25-day period referred to in such sentence.

"(F) The provision of a guarantee or insurance under subparagraph (B) shall be deemed to be the provision of security assistance for purposes of section 502B of the Foreign Assistance Act of 1961 (relating to governments which engage in a consistent pattern of gross violations of international recognized human rights).

"(G) To the extent that defense articles or services for which a guarantee or insurance is provided under subparagraph (B) are used for a purpose other than antinarcotics purposes, they may be used only for those purposes for which defense articles and defense services sold under the Arms Export Control Act (relating to the foreign military sales program) may be used under section 4 of such Act.

"(H) As used in this paragraph, the term defense articles and services means articles, services, and related technical data that are designated as defense articles and defense services pursuant to sections 38 and 47(7) of the Arms Export Control Act and listed on the United States Munitions List (part 121 of title 22 of the Code of Federal Regulations)."

AMENDMENT NO. 3668

At the appropriate point in the bill, insert the following:

DEVELOPMENT ASSISTANCE.—For fiscal year 1989, the project agreement document for a project carried out pursuant to chapter I of part I of the Foreign Assistance Act of 1961 (relating to development assistance) shall contain—

(1) in the case of the Chapare Regional Development Project, a clause requiring that project activities be suspended if the Government of Bolivia fails to achieve relevant coca eradication targets contained in agreements between the Government of Bolivia and the United States.

AMENDMENT NO. 3669

On page 520, between line 22 and the title analysis for title V of the bill, insert the following:

SEC. . PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN FOREIGN DRUG INTERDICTION OPERATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of Defense may authorize active participation of members of the Armed Forces of the United States in drug interdiction operations conducted in a foreign country by law enforcement authorities of such foreign country.

(b) LIMITATIONS.—Active participation of members of the Armed Forces in a drug interdiction operation of a foreign country may be authorized under subsection (a) only if—

(1) an appropriate official of the foreign country conducting such operation requests the participation of such personnel;

(2) law enforcement personnel of the foreign country actively participate in such operation with members of the Armed Forces of the United States; and

(3) personnel of the Drug Enforcement Administration are now permitted to engage in such a drug interdiction operation.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

AMENDMENT NO. 3670

At the appropriate place in the bill, insert the following: Section 6(a)(2) of Public Law 98-312 is amended by striking "\$3,400,000" and inserting in lieu thereof "\$5,000,000." \$1,600,000 may be transferred to the Higher Education appropriation account of the Department of Education, to be available until expended, to carry out provisions of section 6(a) of Public Law 98-312, notwithstanding any other provision of law.

NATIONAL FORESTS AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT

HECHT (AND REID) AMENDMENT NOS. 3671 AND 3672

Mr. GARN (for himself, Mr. HECHT, for himself and Mr. REID) proposed two amendments to the bill (S. 59) entitled the "National Forests and Public Lands of Nevada Enhancement Act of 1987"; as follows:

AMENDMENT NO. 3671

Intended to be offered by Mr. HECHT (for himself and Mr. REID) strike subsection 8(a) of the bill, as amended by the Committee amendment, and insert, in lieu thereof, the following:

"(a) Congress hereby expressly reserves the minimum quantity of water necessary to achieve the primary purposes for which the lands transferred pursuant to section 4(a) are withdrawn. Those purposes are hereby declared to be solely and exclusively the primary purpose for which the National Forests within which the lands are to be included were established. The priority date for such reserved rights shall be the date of transfer pursuant to this Act."

AMENDMENT NO. 3672

Strike subsection 5(c) of the bill, as amended by the Committee amendment, and insert, in lieu thereof, the following:

"(c) If at any time after the date of enactment of this Act, Congress releases all or any portion of the 160 acres of land described in this subsection from the requirements of sec. 603(c) of the Federal Land Policy and Management Act, the Secretary of Agriculture is authorized to offer for sale all or any portion of the released lands at fair market value. If the Secretary of Agriculture decides to sell such land, he shall give public notice of such sale and shall establish a date within six months of such notice for the receipt of bids on such land. The Secretary of Agriculture shall sell such

land to the party submitting the highest bid (at least equal to fair market value) on or before such date. The land is described as follows:

Mount Diablo Meridian

Township 20 South, Range 57 East, Section 28

Southeast ¼ of Southeast ¼

Northwest ¼ of Southeast ¼

Northeast ¼ of Northeast ¼

Section 34, Southwest ¼ of Northwest ¼"

RELIEF OF CERTAIN PERSONS  
IN RIVERSIDE COUNTY, CA

CRANSTON (AND WILSON)  
AMENDMENT NO. 3673

Mr. CRANSTON (for himself and Mr. WILSON) submitted an amendment to the bill (H.R. 4050) for the relief of certain persons in Riverside County, CA, who purchased land in good faith reliance on an existing private land survey; as follows:

On page 1, line 3, after the word "That" insert: "Section 1."

At the end of the bill insert the following: "Sec. 2. Notwithstanding any other provision of law, the Secretary of the Interior shall, within six months of the enactment of this Act, complete the state indemnity application CA 16096 for land in Inyo County, California as submitted to the State Director, Bureau of Land Management, California State Office, Sacramento, California and shall convey the lands described therein to the State of California."

HANFORD REACH STUDY AREA

EVANS (AND ADAMS)  
AMENDMENT NO. 3674

Mr. GARN (for Mr. EVANS for himself and Mr. ADAMS) submitted an amendment to the bill (H.R. 3614) to authorize a study of the Hanford Reach of the Columbia River, and for other purposes; as follows:

Strike all after the enacting clause and insert the following in lieu thereof:

SECTION 1. COMPREHENSIVE RIVER CONSERVATION STUDY.

The Secretary of the Interior ("Secretary"), in consultation with the Secretary of Energy, shall prepare a comprehensive river conservation study for that segment of the Columbia River extending from one mile below Priest Rapids Dam downstream approximately 51 miles to the McNary pool north of Richland, Washington, as generally depicted on the map entitled "Proposed Columbia River Wild and Scenic River Boundary" dated May 17, 1988, hereinafter referred to as the "study area" which is on file with the United States Department of the Interior. The study shall identify and evaluate the outstanding features of the study area and its immediate environment, including fish and wildlife, geologic, scenic,

recreational, natural, historical, and cultural values, and examine alternatives for their preservation. In examining alternative means for the preservation of such values, the Secretary shall, among other things, consider the potential addition of all or a portion of the study area to the national wild and scenic rivers system, and recommend a preferred alternative for the protection and preservation of the values identified. The Secretary shall cooperate and consult with the State and political subdivisions thereof, local, and tribal governments, and other interested entities in preparation of such a study and provide for public comment. The study shall be completed and presented to Congress within 3 years after the date of enactment of this Act.

SEC. 2. INTERIM PROTECTION.

(a) For a period of eight years after the enactment of this Act, within the study area identified in Section 1 of this Act:

(1) No federal agency may construct any dam, channel or navigation project.

(2) All other new federal and non-federal projects and activities shall, to the greatest extent practicable:

(A) be planned, designed, located and constructed to minimize direct and adverse effects on the values for which the river is under study, and

(B) utilize existing structures and facilities including, but not limited to, pipes, pipelines, transmission towers, water conduits, powerhouses, and reservoirs to accomplish the purposes of the project or activity.

(3) Federal and non-federal entities planning new projects or activities in the study area shall consult and coordinate with the Secretary to minimize and provide mitigation for any direct and adverse effects on the values for which the river is under study.

(4) Upon receiving notice from the entity planning the new project or activity, the Secretary shall, no later than ninety days after receiving such notice and consulting with the entity:

(A) review the proposed project or activity and make a determination as to whether there will be a direct and adverse effect on the values for which the river segment is under study; and

(B) review proposals to mitigate such effects and make such recommendations for mitigation as he deems necessary.

(5) If the Secretary determines that there will be a direct and adverse effect that has not been adequately mitigated, he shall notify the sponsoring entity and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of his determination and any proposed recommendations.

(b) During the eight year interim protection period, provided by this section, all existing projects that affect the study area shall be operated and maintained to minimize any direct and adverse effects on the values for which the river is under study, taking into account any existing and relevant license, permit, or agreement affecting the project.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than \$150,000 for the purpose of conducting the study pursuant to section 1 of this Act.

VIETNAM WOMEN'S MEMORIAL  
PROJECT

CRANSTON (AND DURENBERGER)  
AMENDMENT NO.  
3675

Mr. BYRD (for Mr. CRANSTON for himself and Mr. DURENBERGER) proposed an amendment to the House amendment to the bill (S. 2042) to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans' Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORIZATION.

(a) In General.—The Vietnam Women's Memorial Project, Inc., is authorized to construct on public grounds within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia a specific commemoration of women of the United States who served in the Republic of Vietnam during the Vietnam conflict. Such commemoration shall be deemed to be a modification to the existing memorial.

(b) Siting.—The Secretary of the Interior, in consultation with the Vietnam Women's Memorial Project, Inc., and the Veterans' Memorial Fund, Inc., is authorized and directed to select, with the approval of the Commission of Fine Arts and the National Capital Planning Commission, a suitable site for the commemoration authorized in subsection (a) within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia.

(c) Compliance with Standards for Commemorative Works.—The construction and maintenance of the commemoration authorized in subsection (a) shall be in accordance with the Act entitled "An Act 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 (40 U.S.C. 1001 et seq.), except that provisions of that Act with respect to siting shall be superceded by subsection (b).

SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of the establishment and maintenance of the commemoration authorized in section 1(a).

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that it is most fitting and appropriate that a specific commemoration of women of the United States who served in the Republic of Vietnam during the Vietnam conflict be constructed at the site of the Vietnam Veterans Memorial to help complete the process of recognition and healing that was undertaken with the establishment of the Memorial. Further, it is the sense of the Congress that after the addition of the commemoration authorized in section 1(a) the Vietnam Veterans Memorial will be complete and that no further additions or alterations to the site shall be authorized or undertaken.

Amend the title to read:

To authorize the Vietnam Women's Memorial Project, Inc., to construct within the Vietnam Veterans Memorial site in the District of Columbia a specific commemoration of women of the United States who served

in the Republic of Vietnam during the Vietnam conflict.

### MARINE PROTECTION, RESEARCH, AND SANCTUARIES

#### HOLLINGS AMENDMENT NO. 3676

Mr. BYRD (for Mr. HOLLINGS) proposed an amendment to the bill (H.R. 4210) to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes; as follows:

In section 205(b), insert "and (a)(5)" immediately after "section 304(a)(1)(C)" and immediately after "16 U.S.C. 1434(a)(1)(C)".  
Strike title III and title IV.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 12, 1988, to hold a hearing on and to consider the nominations of Malcolm M.B. Sterrett to be General Counsel and Mary T. Goedde to be Assistant Secretary for Legislation of the Department of Health and Human Services; Charles H. Dallara to be Assistant Secretary of Policy Development, and Edith E. Holiday to be Assistant Secretary of Public Affairs and Public Liaison of the Department of the Treasury.

The PRESIDING OFFICER. Without objection it is ordered.

#### ADDITIONAL STATEMENTS

##### "KIDS" HAVE THEIR DAY

● Mr. SASSER. Mr. President, this is to commend the volunteers and sponsors associated with the Washington Congressional Concours D'Elegance which benefited "Kids, Inc." "Kids" is among the largest of the national nonprofit organizations which fulfill dreams of gravely ill children. I was pleased to have served as an honorary judge at the event along with the Honorable Henry Giugni.

A group of more than 50 dedicated volunteers organized and operated the Washington Congressional Concours D'Elegance, an antique and classic car show which was attended by several thousand spectators, in Potomac, MD, on May 15, 1988. Their hard work and determination will enable "Kids" to bring much happiness to these children and their families.

In particular, I wish to commend Mr. Lew Delafield, event chairman, and Lt. Col. Frank Norton, deputy chairman, as well as committee members John and Jan Campbell who founded "Kids", Ms. Barbara Dana, Ms. Joan

Dawson, Bob and Beth Fitzpatrick, Mr. Robert Hurt, Mr. Dick James, Lt. Col. Jack MacNeill, Ms. Gina Rowe, and Mr. Bob Steward for their efforts on behalf of children whose time to dream is so limited.

The generous sponsors of the organization and the event included RJR Nabisco, General Electric Co., Philip Morris Cos., General Motors, Hughes Aircraft, Mantech International, Montgomery Donuts/Tiers of Joy, Pizza Movers and Hecht Co.-Tysons Corner.

I am confident that the members of "Kids" board of advisors share my sentiments in commending all those participants, volunteers and sponsors who gave so freely of their time, energy and financial support in order to make this such a special event.●

#### EGG RESEARCH AND CONSUMER INFORMATION ACT

● Mr. FOWLER. Mr. President, I rise today to thank my colleagues and to express my pleasure that the Senate passed legislation last night to keep alive the American Egg Board.

Georgia is one of the Nation's leading egg producers. Throughout the mountainous regions in the northern part of my State, there are thousands of henhouses spread out in the valleys and nestled into the hillsides. Some are owned by large outfits like Arbor Acres. Others are owned and managed by families of moderate means, who may rely on the income of a single chicken house to maintain their traditional home in the mountains.

The egg industry in north Georgia—and I'm sure the situation is similar in other States—makes important contributions to the economy, at every level. It makes important contributions to the social stability and continuity of the region, providing families with a way to make a living in the small towns and countryside, so that they do not have to join the exodus to the cities in order to provide for their children and improve their standard of living.

And, of course, it goes without saying that egg producers make an important contribution to our Nation's food supply.

But the egg industry is in the midst of a difficult period of adjustment—as it adapts to major developments affecting sales and production, ranging from cholesterol concerns to serious droughts. In the past 18 months, 20 percent of egg producers have gone out of business.

The legislation passed last night by the Senate will allow the egg industry, through assessments paid by producers to the American Egg Board, to address its own problems and work to solidify its own position in the market. It will allow egg producers to employ methods that have already proven suc-

cessful in similar situations for the beef, pork, and dairy industries.

We have given egg producers the means they sought to help themselves. I am confident that, using this tool, they will manage to correct these temporary problems. Again, I am happy to see that the Senate has taken this course of action, knowing how important it is to families, small businesses and communities throughout north Georgia and many other parts of our Nation.●

#### CONTRACTS FOR RESIDENTIAL CONSTRUCTION

● Mr. DECONCINI. Mr. President, I would like to call my colleagues' attention to an issue of great importance to the homebuilding industry in this country. As many of you know, I previously introduced a bill, S. 2694, which clarifies that contracts for residential construction, which are completed in less than 12 months, should be exempt from the requirements to use the percentage completion method. The urgency of this proposal has increased in light of provisions in the House-passed technical bill.

In both the 1986 Tax Reform Act and in the 1987 Budget Reconciliation Act, we legislated cutbacks in the completed contracts method of accounting. I think all of us believed that these cutbacks would primarily affect the long-term contracts of defense contractors, not contracts for the construction of homes. Nevertheless, the Internal Revenue Service issued a notice, Advance Notice 88-66, earlier this year which took actions previously inconceivable.

The cutbacks in the completed contracts method of accounting contained in both the 1986 and 1987 tax bills were aimed at forcing the governments contractors, who often receive substantial progress payments from the U.S. Government, to pay a fair share of tax on these progress payments as they are received. It was thought that requiring these contractors to pay tax based on a "percentage of completion" of the contract would more correctly match the economic benefits of the Government payments with the taxes required to be paid.

The homebuilders were caught in the definition of "long-term contract," because they often receive a small deposit to build a home in one taxable year, but do not complete a home until the following taxable year. Unlike the defense contractors, however, the homebuilders receive very small down payments and usually incur significant costs to develop the land and finish the home before receiving the final payment for it. The homebuilder does not receive progress payments, and the small deposit is kept in an escrow account and cannot be used to offset

the construction costs or the tax payments. If the prospective home buyer decides not to purchase the finished home, the deposit may even have to be refunded. Thus, the homebuilder assumes all the risks of holding the completed and unsold home.

The House technical corrections bill contains a provision to totally repeal the completed contracts method of accounting. Such an action would further exacerbate the problems of the homebuilders. Thus, I would urge my colleagues on the Senate Finance Committee who will be conferees on this bill that if total repeal is seriously considered, they agree to the clarification which I have proposed in S. 2694.●

#### S. 1600, FEDERAL AVIATION ADMINISTRATION INDEPENDENT ESTABLISHMENT ACT

● Mr. BUMPERS. Mr. President, before the Senate adjourns sine die and the 100th Congress comes to a close, I want to bring to the attention of the Senate a bill which has been reported by the Senate Commerce Committee but will not likely be acted upon in this final week of legislative activity. S. 1600, introduced by Senator Ford, would establish the Federal Aviation Administration [FAA] as an independent executive agency charged with the task of ensuring the safety of our Nation's airways. I am pleased to be a cosponsor of this bill, and am disappointed that the Senate did not approve the measure this year.

Aviation safety is an increasingly important issue to airline consumers and the public at large, and it is clearly a priority concern for those who travel the airways. The number of passengers who traveled on airlines in 1987 was more than 450 million, and will double by the year 2000. The present structure and resources of the FAA will clearly be unable to handle this increased workload. This expanding industry, which by necessity is a heavily regulated and controlled portion of the transportation sector, will require an expanded Federal role in order to improve safety.

A second important and related issue is the need to maintain our Nation's aviation infrastructure. The administration and Congress have, over the last few years, allowed a more than \$7 billion surplus to amass in the airport and airways trust fund. The recent reports of crowded airways in our Nation's larger airports shows that if we are to prevent this problem from compounding in the next few years, we must act soon.

Now I know that an independent FAA will not solve all of our Nation's aviation needs. The aerospace industry must also do its part to meet the challenge. But revitalizing and streamlining the FAA is urgent, and separating

the agency from the Department of Transportation should allow it to operate in a manner that gives commercial aviation the attention it deserves. S. 1600, by elevating the responsibility of the FAA and reforming the decisionmaking structures within that agency, goes a long way toward meeting the challenges we face in this important area.

I commend Senator Ford for his efforts on the Aviation Subcommittee to address this issue. His legislation is sound, and I hope that once the 101st Congress convenes, the Senate will consider a bill similar to S. 1600 and act on this issue promptly.●

#### THE SUPERCONDUCTING SUPER COLLIDER

● Mr. WILSON. Mr. President, I rise today to express my continued support for the Superconducting Super Collider [SSC]. More than any other project, the SSC signals the rest of the world that the United States intends to remain at the forefront of scientific research. Our strong commitment to the SSC is vital if we are to maintain our leadership role.

The SSC will allow scientists to explore the fundamental structure of matter and energy. This basic knowledge will enhance the technological and economic competitiveness of the United States by offering likely benefits in the physics, business, medical energy, education, and governmental areas.

Within the next 6 weeks, the Secretary of Energy will announce the preferred site for the SSC. The West offers two superior sites, Arizona and Colorado. I join Governor Deukmejian and the Western Governors' Association in endorsing a western site.

Locating the SSC in the West offers several unique advantages. A western site would allow cooperation with the existing Federal laboratories at Los Alamos, Sandia, Lawrence Livermore, and the National Center for Atmospheric Research—Boulder.

The western sites offer a quality of life conducive to attracting the best scientists from all over the world. Moreover, the environmental impact statement indicates that construction at the western sites would be the least disruptive of the environment, and both sites offer reduced construction and operating costs.

The western universities and associated centers have joined to establish the Western States SSC coalition, which is dedicated to maintaining the SSC as a national priority, establishing regional scientific research centers, and providing additional resources for the SSC through their institutions. The Western Interstate Commission for Higher Education has endorsed a western site and will assist

the coalition in establishing cooperative programs.

In closing, Mr. President, I hope that I can count on my colleagues' support for this important project.

Mr. President, I ask that a letter addressed to President Reagan from the Western Governors' Association, dated September 29, 1988, on the super collider be printed in the RECORD.

The letter follows:

WESTERN GOVERNORS' ASSOCIATION,  
Denver, CO, September 29, 1988.

HON. RONALD REAGAN,  
President of the United States,  
The White House, Washington, DC.

DEAR MR. PRESIDENT: In January 1987 you committed the United States to a leadership role in scientific research with the announcement of your support for building the Superconducting Super Collider (SSC). The SSC and associated technological advances signal the rest of the world that this Nation intends to remain at the forefront of high energy physics research.

The Department of Energy in January of this year, after reviewing the National Academies of Science and Engineering recommendations, selected seven sites from thirty nationally for further study. Two of these sites are in western states, Arizona and Colorado. The governors of both Colorado and Arizona have worked extremely hard at bringing the SSC to the West and have supported continued funding of the program by Congress.

The Western Governors believe the West offers two superior sites for the SSC and want you to know their position. In 1987 the Western Governors passed a policy resolution supporting the location of the SSC in the West. That position and commitment is reaffirmed by this letter.

As a fellow westerner, you are aware that locating the SSC in the West offers several unique advantages to the Department of Energy and the Nation. The western sites would allow the federal government to build on the existing commitments to advanced scientific research in high energy physics and superconductivity at the federal laboratories at Los Alamos, Sandia, Lawrence Livermore, and the National Center for Atmospheric Research—Boulder.

The western universities and associated centers of excellence have joined to establish the Western States SSC Coalition. The Coalition is dedicated to establishing regional cooperative research centers for scientific research and to provide additional resources for supporting the SSC through their institutions. The Western Interstate Commission for Higher Education in a rare action endorsed the location of the SSC in the West and committed to work with the Western States SSC Coalition in establishing cooperative research and educational programs.

The western states, due to their environmental settings, offer both the quality of life and the amenities needed to attract and retain superior scientists. The western sites also were judged in the environmental impact statement as being the least disruptive of the seven in terms of environmental impact. Additionally, both sites were found to offer extensive monetary savings in terms of construction and operating costs over the life of the facility.

As Western Governors we urge you in preparing your recommendation to the Con-

gress for funding to select one of the two western sites under consideration.

Sincerely,

George Deukmejian, Governor of California, Chairman; George Sinner, Governor of North Dakota, Vice-Chairman; Steve Cowper, Governor of Alaska; Rose Mofford, Governor of Arizona; Roy Romer, Governor of Colorado; John Waihee, Governor of Hawaii; Cecil Andrus, Governor of Idaho; Ted Schwinden, Governor of Montana; Richard Bryan, Governor of Nevada; Neil Goldschmidt, Governor of Oregon; George Mickelson, Governor of South Dakota; Norman Bangerter, Governor of Utah; Booth Gardner, Governor of Washington; and Michael Sullivan, Governor of Wyoming.●

#### IN PRAISE OF CITIZENS OF SACO, MT

● Mr. BAUCUS. Mr. President, a train derailment near Saco, MT, last summer could have been much worse, had it not been for the efforts of that community's citizens. Saco residents opened up their homes and donated their time in helping the victims of that accident.

Many of the train passengers were on their way to a convention of the National Association of Letter Carriers in Portland, OR. At the convention, some of the members told about their experiences in Saco. Clarence Van Elsberg, president of the Montana State Association of Letter Carriers, sent a letter to the residents of Saco expressing the gratitude of the accident victims.

Mr. President, I ask that Mr. Van Elsberg's statement may be printed in the RECORD.

The letter follows:

#### STATEMENT OF CLARENCE VAN ELSBERG

Citizens of Saco and surrounding area: My name is Clarence Van Elsberg. I am President of the Montana State Association of Letter Carriers. I have just returned from the 56th Biennial Convention of the National Association of Letter Carriers which was held in Portland, Oregon.

The Amtrak train that derailed in your area was carrying many delegates and their families who were on their way to the National Convention in Portland. On the convention floor, with 6,125 delegates in attendance representing all 50 states, delegates from the North East and North Central United States praised the citizen's of Saco and the surrounding area for the support and services provided them.

The experiences that they related, being taken into private homes, the use of phones to call families, school buses for transportation, and just over all helpful and friendly attitude, were very much appreciated. Their praise of the citizens of Montana was totally complementary.

The 14 delegates representing the State of Montana at the National Convention were the proudest delegation on the floor of the convention. It was because of the unselfishness of the citizens of Saco and the surrounding area.

This letter is our way of expressing our gratitude for the assistance provided our

Brothers and Sisters and their families in this emergency.●

#### GOMPERS SECONDARY SCHOOL SAN DIEGO, CA

● Mr. WILSON. Mr. President, it is with great pride that I rise today to honor the remarkable achievement of a team of students from Gompers Secondary School of the San Diego Unified School District in San Diego, CA, who together were victorious in the 1988 National Bicentennial Competition on the Constitution and Bill of Rights, a newly created educational competition funded by the U.S. Congress and cosponsored by the National Bicentennial Competition on the Constitution and Bill of Rights.

These San Diego students won first place in a demanding competition of knowledge and application regarding our American Constitution. Over 1,000 students from 43 States across our country participated in the national finals in Washington, DC. With their victory, the Gompers team gained the distinction as the first winner of this prestigious national competition. Their achievement brings credit to them, to their teacher and coach, David Vigilante, to their school and certainly to all California. They proved that with dedicated effort, hard work, and unified quest for excellence, they could succeed in this educational competition, and succeed brilliantly.

It is with deep respect that I salute the achievement of these bright young Californians in this Chamber of the U.S. Senate. I know my Senate colleagues join with me in congratulating them and in wishing each of them every success in all their future endeavors.●

#### THE SUMMIT HOTEL

● Mr. LAUTENBERG. I rise to call my colleagues' attention to an historic hotel in Summit, NJ, that is celebrating its 120th year of hospitality. I am referring to the Summit Hotel.

The hotel began in the 1860's as the Blackburn House, a country resort with elegant charm and European service. Guests enjoyed this wonderful resort so much, that many came to Summit, NJ, and settled.

In 1929 it was time to expand due to the resort's popularity. The present structure standing today was built on the original site and the result was the Summit Suburban Hotel. It was opened just before the Great Crash and today is listed in the New Jersey Historic Preservation Sites Inventory and Union County Inventory of Historic Sites.

The hotel's rich history continued as it thrived and attracted guests, by its location, amenities, and dedication to excellence.

In 1984 the Summit Suburban was bought by new owners and renamed the Summit Hotel. A massive renovation completed in 1986 continues a tradition of gracious hospitality.

Mr. President, I would like to recognize the Summit Hotel's present owners, chairman of the board Marshall F. Weinerman, president Robert S. Gelber, and vice president and general manager Franz V. Eichenauer. I extend my best wishes for continued success in the future.●

#### TO FIGHT DRUG ABUSE

● Mr. DANFORTH. Mr. President, at long last, the Senate is about to begin consideration of bipartisan legislation to fight drug abuse. Let us act quickly on this important initiative.

The terrible, deadly black market engaged in the production and distribution of narcotics has become a large, costly part of our Nation's economy. In 1983, the last year for which figures are available, the IRS estimated that the retail value of cocaine consumed in the United States was anywhere from \$3.2 billion to over \$8 billion per year. The retail value of all narcotics consumed in 1983 may have been as high as \$33 billion.

This spring, Fortune magazine stated that, worldwide, the trade in narcotics may be \$500 billion per year—a figure which is twice the value of all U.S. currency in circulation.

There can be no doubt that many hundreds of millions of these dollars left the United States for other countries. Likewise, there can be no doubt that every dollar spent in this deadly drug trade was a dollar not spent or invested in legal commerce.

The resources drained from legal trade and investment by narcotics consumption is not the only impact upon our economy. An even greater toll is exacted from our society in terms of death, injury, disease, property loss, and lost productivity.

A 1984 study released by the Research Triangle Institute estimated that the direct cost of illegal drug use to our country exceeds \$60 billion per year. The cost of crimes directly related to drug consumption made up one-third of this total. Lost productivity, injuries, and damage to property accounted for a \$33 billion loss to our economy. Hidden costs, including increased welfare costs, were responsible for the remainder.

Sixty billion dollars is an enormous sum of money. It is more than the 1987 gross sales of IBM. Sixty billion dollars is almost twice the 1987 gross sales of DuPont. Moreover, this staggering figure reflects 1983, not 1987 or 1988 sales of illegal narcotics. The Justice Department estimated the 1987 U.S. narcotics trade value as closer to \$100 billion—almost equal to gross

sales of General Motors, the No. 1 company on the "Fortune 500."

There are other burdensome costs related to illegal narcotics use. Drug abuse in our country adds at least \$50 billion annually to the cost of life insurance, workman's compensation insurance, health insurance, auto insurance, and other types of insurance coverage. Every American is affected by the increasingly high cost of insurance. It is just one price we pay for illegal drug use.

I am committed to ending this drain on our legal economy. The first step is to require mandatory random drug and alcohol testing in those portions of the workplace directly affecting our health and safety. Of critical importance is public transportation, where our health, safety, and property are always at stake.

The Senate's omnibus anti-drug initiative contains a Hollings-Danforth provision calling for random testing of safety sensitive aviation and rail workers, and truck and bus drivers.

I urge my colleagues' support. Let us rid ourselves of the insidious burden illegal drug use places on us all.●

#### A WORLD DESPERATE FOR WATER

Mr. SIMON. Mr. President, I recently saw an article in the Chicago Sun-Times, "Libya pushes vast Gadhafi irrigation project," written by Frances D'emilio of the Associated Press.

It is talking about a multibillion dollar project that will bring water to a desert area in Libya.

There are similar projects elsewhere, perhaps not on this scale, but areas desperate for water.

That problem is going to grow and not diminish as the world's population grows.

The answer, ultimately, is not simply piping water from one area that has fresh water to another area that does not.

What we have to do is much more research on finding an inexpensive way of converting salt water to fresh water. That would provide a better answer, not only for Libya, but for the Middle East in general, for northern Africa, for the Southwestern United States, and for much of the world.

My colleagues will be hearing much more from me on that in the future, but I wanted to point this out.

I ask to have the article printed in the RECORD. The article is meaningful only in that it is one small indication of what we are going to see much more of in the future, a world desperate for water.

The article follows:

[From the Chicago Sun-Times, September 18, 1988.]

#### LIBYA PUSHES VAST GADHAFI IRRIGATION PROJECT

(By Frances D'emilio)

BREGA, Libya—Col. Moammar Gadhafi still insists that his Great Man-made River Project will transform a nation that is 95 percent desert into a "Garden of Eden" abloom in fruits, vegetables and grain.

Despite sagging oil revenues, Libya is pushing ahead with Gadhafi's dream of piping fresh water from deep under the Sahara Desert to the shores of Tripoli and other thirsty coastal areas.

One underpinning of the project is U.S. technology, reportedly in place before January, 1986, when the Reagan administration ordered American companies to stop doing business in Libya on the ground that Libyans were behind terrorism aimed at Americans and other Westerners.

Gadhafi went to Brega on Aug. 26, 1986, to inaugurate the factory that makes the concrete and steel pipes for the "river." Since then, workers have laid about 280 miles of the planned 12,500 miles of pipeline.

The first stage, estimated to cost \$4.5 billion, calls for 1,180 miles of pipeline to carry half a billion gallons of fresh water daily from wells in east central Libya to a reservoir at Ajdabiya near the coast on the Gulf of Sidra for distribution to areas near Sirte and Benghazi.

Factory manager Osman Jaouda recently estimated that this stage would be finished in 1991.

A South Korean construction company, Dong-Ah, is cranking out the pipes and digging through the desert to lay them. Jaouda said the Koreans' inexperience with desert terrain and weather has caused delays.

The pipeline slices through bleak terrain, broken only occasionally by brush and date palms near oases where camels and goats graze.

With current lower market prices, Libya's oil revenue is sharply down—from \$22 billion in 1980 to \$6.6 billion in 1987.

Diplomatic and business sources in Tripoli say Libya has cut back drastically on such projects as highway, school and hospital construction and is concentrating on its oil industry, the military and the Great Man-made River.

"Every single Libyan is waiting for water," Jaouda said, leading a tour for journalists flown on a government plane from Tripoli to Benghazi to see the project.

He said Gadhafi visits frequently to check on progress.

The U.S. order against American operations in Libya caused a few hectic months without consultants but did not delay the project, Jaouda said.

The firm of Root and Brown Inc., of Houston, Texas, turned over its duties to its subsidiary in England, and Britons and Canadians have taken the place of the estimated 300 Americans who were working on the project.

He said the first water to flow will irrigate 247,000 acres of farmland near the Mediterranean city of Benghazi, Libya's second largest city.

Other stages call for water to be tapped from wells in central west Libya and be delivered to Tripoli and for a pipeline to connect the Libyan capital, Tripoli, with Sirte. Eventually, a pipeline is to run out to wells in Kufra, deep in the south, and the final phase will pipe water as far east as Tobruk, near the border with Egypt.

Businessmen and technicians here, including those who have worked on irrigation projects, express doubts that the project will guarantee that Libya can grow all it needs to eat. They cite the competing demands by major cities, where most of Libya's population lives, for more and better drinking water.

Jaouda estimated that the Great Man-made River's water, pumped from natural wells 1,150 feet underground, will last 50 years.

The pipe segments, each weighing 72 tons and measuring 23 feet long and 13 feet in diameter, probably will outlast the water, he said.●

#### IN APPRECIATION OF JOSEPH M. McGRAIL

● Mr. LAUTENBERG. Mr. President, I want to take a few moments to call the Senate's attention to the singular contributions Joseph M. McGrail has made to the work of the Subcommittee on Transportation of the Committee on Appropriations. Joe has been assigned to the subcommittee from the General Accounting Office since March 1987. He will be returning to GAO at the end of this Congress. His special talents will be sorely missed.

Joe has brought to the subcommittee an exceptional combination of: broad experience across a wide range of governmental functions; solid analytical skills; and expertise in aviation policy. He began his Government service in the Navy as a hospital corpsman and physical therapist from 1952 to 1956. His career in GAO began in June 1960, after completing his bachelor of science at LaSalle college in Philadelphia under the GI bill.

Six months later the Kennedy administration was inaugurated. President Kennedy had a high regard for public service. For him, and for the generation that came of age at that time, Government and politics constituted a special calling which demanded excellence and deserved respect. The uniformly high quality of Joe's work and his deep dedication to the value of public service bear witness to the continued strength of that ideal.

Joe's assignments at GAO have spanned a diverse array of programs and agencies. He has investigated the financial management of Office of Economic Opportunity projects, audited military payrolls and materiel stockpiles, and evaluated EPA water pollution programs and the Navy's Aegis air defense system.

For the last 8 years, Joe's work has been concentrated primarily in the aviation area. One of his most significant accomplishments in this regard is the 1986 survey and analysis of the air traffic controller work force. He was the manager and principal author of that study which, to no small degree, has set the agenda of FAA staffing issues for the Government and the aviation community for the remainder

of this decade and beyond. And this is true not just in relation to controllers. Subsequent and ongoing GAO investigations of the safety inspectors work force and of generic FAA training and recruitment problems owe much to the 1986 controller study. In fact, Joe's work has been instrumental in expanding GAO's effort and capabilities in the analysis of important questions across the entire spectrum of transportation programs and policies. In recognition of these achievements, Joe received both the Regional Manager's Award and the Comptroller General's Meritorious Service Award in 1986.

I, of course, have always had a strong interest in aviation policy. And aviation is a major element of the portfolio of the Transportation Subcommittee which I am now privileged to chair. Joe's expertise and professional experience have thus been invaluable assets, not just for me, but for the members of the subcommittee and, indeed, for all Senators and their staffs. But above and beyond his purely professional abilities, Joe has provided the kind of seasoned perspective, mature judgment, and tough-minded integrity for which there is no substitute. I know, and other Senators know, that we can depend on Joe for objective analysis and for sound, sensible advice.

So, Mr. President, I want to extend to Joe my personal appreciation and to thank him on behalf of the subcommittee for his assistance. And I know my colleagues join me in wishing him every success in the future. ●

#### PROCLAMATION OF POW/MIA RECOGNITION DAY IN MONTANA

● Mr. BAUCUS. Mr. President, Montana Gov. Ted Schwinden proclaimed September 16, 1988, as POW/MIA Recognition Day. This was to honor the 21 Montana servicemen, along with the 2,414 other Americans, who are still unaccounted for as a result of the Vietnam War.

My heart goes out to the families and friends of those Americans. I hope we can resolve soon the haunting questions concerning their fate.

Mr. President, I ask that the proclamation by Governor Schwinden be printed in the RECORD.

The proclamation follows:

#### PROCLAMATION

Whereas, today, over 15 years since the end of active U.S. involvement in the Vietnam War, 21 Montana servicemen are among the 2,435 Americans still unaccounted for in Indochina; and

Whereas, the family and friends of the missing must live with uncertainty until the fate of all our POWs and MIAs is known, and

Whereas, Montanans have not forgotten the sacrifice our missing or captive country-

men have made for their state and the nation; and

Whereas, we will continue to remember them long after this day is over; and

Whereas, in memory of our fellow Montanans, the POW/MIA flag will be flown at the Capitol in Helena on Friday, September 16, 1988.

Now, therefore, I, Ted Schwinden, Governor of the State of Montana, do hereby proclaim Friday, September 16, 1988, as POW/MIA Day in Montana. ●

#### THE STRUGGLE TO RESTORE LEBANON

● Mr. SIMON. Mr. President, I rise to draw attention to one of the most poignant events in the Middle East today: The struggle of the people of Lebanon to restore peace, independence and prosperity to their beautiful country after a decade and more of strife.

I am proud today to join a number of my colleagues in cosponsoring Senate Concurrent Resolution 145, submitted by my good friend, Senator GEORGE MITCHELL of Maine, one of this Nation's most distinguished Lebanese-Americans. Americans of Lebanese heritage, thought relatively few in number, have made a disproportionately large contribution to the success of this country. Philip Habib in diplomacy, Senator MITCHELL himself in politics, Danny Thomas in entertainment, and my distinguished constituent Bob Abboud in business are only a few of the names that immediately come to mind in the rolloff of contributions made by these active and talented citizens.

I share the deep pain they feel at the tragedy that has befallen the land of their forefathers. Like them, I share a desire to do all I can to contribute to ending the cycle of violence, destruction and suffering which has reduced the famed "Paris of the Middle East" and its lovely countryside to a living nightmare.

Because any little improvement counts for so much in Lebanon, I have worked over the last several years to preserve United States Government funding to support the work of the YMCA of Lebanon, which is providing humanitarian services for individuals and communities of all religious and political beliefs. Noteworthy among its accomplishments is a day camp program for some 6,000 children affected by war. This organization also has provided needed clothing, food, and medical treatment to over a quarter of a million victims of the fighting.

Great as the need is for humanitarian assistance, there is an even greater requirement for political solutions to the conflicts which have all but destroyed Lebanon as an independent country. This was clearly brought home to me in a talk I had last week with delegates to the first conference of the American task force for Lebanon, a group of distinguished Leba-

nese-Americans who are working to restore peace and stability to that land. I was impressed with the seriousness and sincerity of my visitors, who made a strong appeal for the United States to use its considerable influence and prestige to create a situation in which the Lebanese people could determine their own fate, free from outside interference.

They stressed that the first need is to get foreign military forces out of Lebanon and to ensure that the Lebanese people themselves are given an opportunity to choose their own political leaders and institutions without intimidation.

I have written directly to Secretary to State George Shultz to urge that the United States remain fully engaged in the weeks ahead to work for a free and democratic Lebanon dedicated to a peaceful life for all of its confessional communities. It is my hope that the next administration will move on this problem, and move quickly.

Mr. President, we need to send a strong message of support and friendship to those in Lebanon who are striving to rebuild their country in peace. I commend Senator MITCHELL, on his leadership in behalf of Lebanon, and I urge that this concurrent resolution be adopted. ●

#### RABBI ARNOLD SHER

● Mr. DODD. Mr. President, it is my deep honor to call to my colleagues' attention the accomplishments of Rabbi Arnold Sher, the leader of Congregation B'nai Israel in Bridgeport, and a man who has touched the lives of many in my State of Connecticut.

Rabbi Sher is a man of warmth and humor, who does not shy from holding or expressing views on national and international affairs. In addition to his spiritual leadership, he has proven himself again and again a civic leader by rolling up his sleeves and tackling the most difficult yet most rewarding work there is: that of volunteer in one's community.

He has been a tireless champion of civil rights and positive race relations in Bridgeport, and he has been recognized for his considerable accomplishments in the field of low-income housing. Currently, he is chairman of the Bridgeport Rotary Housing Corp., which serves more than 200 elderly residents. The list of his involvements, Mr. President, is distinguished both by its length and its diversity.

Since 1980, Rabbi Sher has also held the title of Attorney Sher, a member of both the Connecticut and American Bar Associations. He teaches law at the University of Bridgeport and religious studies at Fairfield University. In May of this year he earned yet another academic distinction, the doctor

of divinity degree from Hebrew Union College-Jewish Institute of Religion.

I have already mentioned how the rabbi has touched many lives. Let me assure you that he has touched mine. Since I came to know him early in my career, Rabbi Sher has taught me much with his words and deeds. Mr. President, I appreciate having the opportunity to praise his 20 years at Congregation B'nai Israel. I know that you and my colleagues will join me in paying tribute to this man who, with his family, brings such credit to his congregation, his city, and his State.●

#### AMERICAN SOCIETY OF NAVAL ENGINEERS

● Mr. McCAIN. Mr. President, I rise today to extend my congratulations to the American Society of Naval Engineers in honor of their 100th anniversary which occurs this year. This professional organization, which was founded in 1888 to advance the technology and general knowledge of American naval engineering, currently derives its membership from the Coast Guard, the naval aviation community, the naval electronics community, the Marine Corps, the Maritime Administration, the merchant shipping community, the Army, and the naval weapons community. The society has been dedicated to advancing the technology of naval engineering to ensure quality in all the maritime services, while at the same time promoting professionalism of its members and naval engineering as a career field.

Their list of accomplishments is impressive and deserves our recognition. Vital contributions from the ASNE have been made in the transitional development from sail to steam, and from diesel to nuclear power. The members of the society have continually proven themselves to be leaders in the development of mechanical, electrical, and electronic systems that are aboard U.S. ships in support of ship aviation and missile launching installations. In addition, members of the society have augmented the great strides made in ship design, construction, operation, maintenance and logistic support of surface and subsurface ships, ship-related aviation and space systems, and shipboard weapons and electronic systems.

The society also deserves to be commended for its professional communication between civilian sectors including civilian Government engineers, industry engineers, shipbuilders, ship operators, and designers of engineering services and equipment. The work of the American Society of Naval Engineers has furthered the knowledge that exists in this field and has been of vital importance to our Nation.

Again, I congratulate the American Society of Naval Engineers for its achievement and progress in the ad-

vanced technology of the Navy, Coast Guard, Marine Corps, Merchant Marine and the entire Nation.●

#### MINNESOTA'S AVIATION PROFESSIONALS

● Mr. BOSCHWITZ. Mr. President, I rise today to express my appreciation to Minnesota's aviation enthusiasts.

During the past year I have worked closely with the general aviation community about issues important to them. Because I fly a great deal, and because my son is a licensed private pilot, I have developed a great deal of interest in aviation issues.

In the course of my work, I've developed a great deal of respect and admiration for the men and women involved in general aviation. I have found these Minnesotans to be professional in their approach to aviation, strong supporters of aviation safety, and supportive of programs to upgrade pilot proficiency and knowledge.

On Monday, October 10, I had the opportunity to address the first Annual Minnesota Aviation Symposium, and it's with a great deal of pride that I mention that they awarded me the "1988 Minnesota Aviation Award." This award was presented to me by the following aviation organizations:

- Minnesota Office of Aeronautics.
- Minnesota Council of Airports.
- Minnesota Aviation Trades Association.
- Minnesota Community Colleges.
- Minnesota Business Aircraft Association.
- Minnesota Chapter, Ninety-Nines.
- Minnesota Aviation Association.
- Minnesota Seaplane Pilots Association.
- Minnesota Sport Aviation Association.
- Minnesota Confederate Air Force.
- Minnesota Aviation Museum and Hall of Fame.
- Aircraft Owners and Pilots Association.
- Minnesota Wing, Civil Air Patrol.
- Minnesota Aviation Advisory Council.
- Federal Aviation Administration.
- University Aviation Association.
- Aerospace Education Association, North Central.
- Experimental Aircraft Association.
- Local Airline Service Action Committee.

Mr. President, while I looked at my efforts as just doing my job, I must tell you that it is very gratifying to have my work so richly recognized. While I have already personally thanked these organizations for this award, I wanted to publicly thank them for this award, and let them know that I hope to continue to be a strong voice in the Senate on behalf of general aviation enthusiasts.●

#### MISOPROSTIL PROCEEDINGS AT THE FDA

● Mr. HUMPHREY. Mr. President, every woman of child-bearing age in this country should be concerned about the recent behind-the-scenes decision within the Food and Drug Administration. The FDA's Advisory Committee on Gastrointestinal Drugs met to consider whether a new drug—misoprostil, which can be used to treat ulceration under certain circumstances—should be marketed.

In addition, the advisory committee considered whether the marketing of the drug should include a mandatory contraindication for women of child-bearing age. For misoprostil has potent abortifacient properties. That description comes from Assistant Secretary of Health Robert Windom in a memo to the HHS chief of staff dated September 28.

In other words, when administered to a pregnant woman, misoprostil is likely to cause an abortion. Under those circumstances, if the drug is to be marketed at all, surely its accompanying medical literature would have to contraindicate the drug for women who might be pregnant. Just think of the human tragedies that otherwise would occur.

Anyone familiar with drug handbooks like, the Physician's Desk Reference [PDR] knows that contraindications are commonplace, especially during pregnancy and lactation. There are literally hundreds of drugs that are so contraindicated because they might cause harm to the baby before birth or through breast feeding.

The Assistant Secretary of HHS admits, in writing, that misoprostil is one of those dangerous drugs. And yet, the FDA advisory committee does not recommend contraindicating its use in women of child-bearing age, preferring instead an "intensive educational campaign to properly inform patients of the risk." That's remarkable. We can only speculate as to the reason for the committee's unconscionable neglect. Could it be to limit the legal liability of physicians who prescribe the drug to women who might be pregnant? Could it be to lay the groundwork for common usage of the drug to provoke abortion?

Mr. President, all Senators should examine carefully these curious proceedings within FDA. I ask that Assistant Secretary Windom's memo of September 28 be printed in the RECORD.

The memorandum follows:

#### MEMORANDUM

To: Chief of Staff.  
From: Robert E. Windom, Assistant Secretary for Health.  
Subject: Morning mail for September 28.  
Items of interest to the President:  
None.  
Items of interest to the Secretary:

*Misoprostil*

The FDA Gastrointestinal Drugs Advisory Committee met to discuss the efficacy of the drug misoprostil to treat non-steroidal anti-inflammatory drug induced ulceration. This drug has potent abortifacient properties and has been the subject of heated debate over the past few years.

The committee identified a group of high risk patients (for example, elderly patients with concomitant debilitating diseases or a history of duodenal ulcer) as especially in need of an effective prophylactic drug like misoprostil. Because there is no effective drug available to treat non-steroidal anti-inflammatory drug-induced gastric ulcer, the Advisory Committee recommended 9 to 1 to approve misoprostil for use in high risk patients. The committee did not recommend contraindicating use of the drug in women of child-bearing age, but instead recommended an intensive educational campaign to properly inform patients of the risk.

Right-to-Life groups have strongly opposed clinical trials of this drug and will continue to oppose its marketing.

Required action or follow-up:

None.●

## UNANIMOUS-CONSENT REQUEST

Mr. BYRD. Mr. President, may we have the attention of all Senators? Mr. President, the able Republican leader and a large number of Senators, those Senators who were appointed to the working group on both sides by the two leaders, including the cochairs of those two groups, Senators NUNN and MOYNIHAN, RUDMAN, D'AMATO, WILSON, and GRAMM, have met on numerous occasions throughout the day, sometimes in one group, sometimes in more than one group, on which occasions groups were meeting concurrently. Many hours have gone into the effort, today, to attempt to draw up an agreement which would enumerate the amendments that would be called up, and I am prepared, now, to present a request that would limit the amendments to those that I shall enumerate.

Perhaps I should say that we can pass a drug bill. I talked to the Speaker earlier today. I had heard that the House might go out until next week and come back, waiting on the Senate to pass a drug bill.

I suggested to the Speaker that it was my hope that the Senate would pass a drug bill tomorrow, or no later than sometime Friday, but tomorrow if we could get this agreement, in which case he said that he would have his membership here Friday. He said he could not very well call his people back Friday if we were going to wait until next week to pass a drug bill.

So we left our understanding by my saying that I would give him a reading tonight as to whether or not we were able to get the agreement. So, if I can call the Speaker and let him know that the Senate has reached an agreement, which hopefully would see us act, finally, on the drug bill by late tomorrow or early Friday, then he would have the House back on Friday. Oth-

erwise, he would have them back next week.

Mr. President, we have the opportunity within our reach to pass a good drug bill, a drug bill that has every mark of bipartisanship on it, a drug bill which has been crafted by Democrats and Republicans who have spent days upon end with staffs from both sides at the direction of the two leaders, and those task force members could not have been expected to be asked to be more faithful in trying to carry out their assignments.

I hope that we understand if this agreement is reached, we will stay here until we get this drug bill completed, and we can get it done tomorrow, no later than Friday. Now, a single objection, of course, will mean we have no agreement, and a single objection may mean that we will have no drug bill. Every Senator has his right to object. That is understood by all. But I hope that we will also understand the burden that an objection carries with it. If this were a Democratic bill, one might expect an objection. If it were a Republican bill, one might expect an objection. But this is a bipartisan bill, and I hope that Senators will not object.

I do not know of any problem that is gnawing at the minds and troubled hearts of the American people any more than the drug problem. So having said that, I am going to indicate now what the agreement would be.

First of all, I would call up the House bill, and it would be the intention of the joint leaders and all those on both sides of the aisle who are on the task groups, and any others who wish to join, to offer the Senate core drug bill as a substitute for the House bill, and the core bill would be that bill which has been laboriously developed by the task group plus a package that would be jointly offered by the two leaders and the cochairs, and that package would contain circa 30 amendments in the package. There would be a vote on it at some point. We would have a vote up or down. But that would be a single amendment offered en bloc, and the agreement would be that the package would be subject to a vote up or down or a tabling motion.

But that would in itself contain 30 amendments, and those 30 amendments would be offered by several Senators on both sides of the aisle. They would deal with child pornography; exclusionary rule; habeas corpus; alcohol warning labels; penalty for threats against former Government officials; National Commission on Uniform State Laws; drug free United States by 1995 statement; make a drug czar a member of the NSC; Federal agencies' participation in Uniform Crime Reporting Program; GAO study on impact of criminal penalties; deportation; health amendment; drug free

work place suspension; mental health study; drunk driving; program for children of alcoholics; sense of sentence on the UN; technical amendments; S. 2793, the Anti-Corruption Act amendments; ADAMHA; customs reauthorization; penalties for anabolic steroids; National Guard; protection for Colombian officials; technical transfer financial records to DOJ; mental health study; and increased mandatory sentences.

That list of amendments appears to be a very formidable list, but I think that with an explanation by the cochairs of any one of those amendments, Senators would see and better understand what is meant, and before a Senator would object, I would hope that he would discuss the particular amendment in that group that he may have some problem with and hope he will discuss that with the task force members on his side and understand just what it involves. I think that would hopefully remove objections.

In addition to that package of amendments, the following amendments would be subject to being offered: An amendment by Mr. LEVIN on death penalty modifications; Mr. KENNEDY on racial justice modification to the death penalty; Mr. SIMON, death penalty related; Mr. KERRY, money laundering; Mr. WILSON, random testing for driver's license; Mr. GRAMM, loss of Federal benefits; Senators DOMENICI and GRAMM, imposition of civil penalties; Senators HATFIELD, EVANS, and LEVIN, substitute mandatory life sentence without parole both the 20-year minimum and death penalty maximum presently in the bill; Mr. DODD, expedited procedures.

Those amendments, which I will refer to as being in category 3 are the amendments that would be offered. Amendments could be offered to those amendments only if such amendments were germane and relevant to the amendment that it is being offered to.

Let me say that again. There are eight amendments that belong in that category. I will call that category 3, amendments to be offered. Those amendments would be subject to amendment only if the amendment offered is germane and relevant to the underlying amendment.

I had mentioned an amendment by Mr. DODD on expedited procedures as having been in category 3. That amendment is in category 2. Let me explain category 2.

I understand Mr. DODD wants it on both. For the moment, it will be on both.

Mr. DOLE. We did not agree to that. We are going to have an objection immediately.

Mr. NUNN. List 3.

Mr. BYRD. That will be on list 3.

Mr. NUNN. I am sorry, list 2.

Mr. BYRD. That will be in category 2.

Category 2 contains 18 amendments. Category 2 consists of amendments under review. What do we mean by that? Amendments under review would be amendments that starting tomorrow morning would be under review by a joint bipartisan working group made up of the cochairs. It would be set off here in the Vice President's room or another room here, to which Senators would go who are listed in a category 2 and see if that working group of cochairs had cleared the amendment. If the cochairs clear the amendment, then it would be called up. If the cochairs do not clear the amendment on category 2, what was the understanding? That the two leaders—

Mr. NUNN. The understanding was that if the cochairs did not clear the amendment on category 2, they would not be agreed to, they would not be eligible to come up. But we did discuss a fallback position on that depending on the leadership so that the leadership, if the cochairs did not clear the amendment, would be able to jointly agree to bring up the amendment.

Mr. ARMSTRONG. Mr. President, will the leader yield? I do not think we understood over here what we just heard because I am confident that the leader did not propound, or did not discuss what seemed to be under discussion. He is not suggesting that the Senate enter in to a unanimous-consent agreement under which a group of two Senators would go off in another room and decide what was in order to be offered.

Mr. BYRD. That is what I was about to propose.

Mr. ARMSTRONG. Mr. President, I heard the Senator from Georgia say there was some thought of a fallback position. I am relieved to hear that because I am confident that would not meet the test of fairness in the minds of many Senators.

Mr. BYRD. All right, Very well. Let us put it this way then. I will list the amendments that would be subject to review by the joint chairs, and if those joint chairs—I hope that Senators will not come in at the moment and hand me these amendments. Let us talk about those we have been working over for hours. The amendments under review subject to agreement of the leadership, those amendments I think would be screened by the joint cochairs, by the joint chairs, and it is possible that those amendments could be worked out and agreed to. They may not be very difficult to resolve. But they are listed, and if they cannot be agreed to upon, then the fallback would be that the two leaders would decide if they could be called up.

Mr. DOLE. Both of us would have to agree.

Mr. BYRD. Both would have to agree. Let me say to the Senator I have no objection to calling any one of them up.

Mr. ARMSTRONG. Mr. President, I do not want to interrupt the train of thought of the leader, but this does not sound to me like an agreement that is fair in the slightest. Now, there is not one of those amendments that has my name on it. I may have an amendment that I wish to offer, but I have not indicated that to anybody.

Mr. President, we are all eager to pass a drug bill, but there are at least some of us who are skeptical that that cause is advanced by entering into any kind of a unanimous-consent agreement. There are some of us who think that the expeditious way to do it is to call up the bill and begin to debate the bill and let people offer amendments. Had we done that, say, at 10 o'clock this morning, we might be well toward passage of a bill at this point. Now, we might not. But, Mr. President, whether any amendment is called up should not be, in my opinion, the subject to some off-the-floor discussion.

Personally, I am not disposed to grant any unanimous consent agreement tonight. I would like to see a list of the amendments. I would like to see where we are going, and I would like to have some discussion of the leadership of the schedule under which all this would be considered.

But in any event, I would be dumfounded if we would enter into the kind of agreement that is under discussion tonight.

Mr. BIDEN. Will the leader yield for just a comment?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BIDEN. Will the leader yield for a brief comment?

Mr. BYRD. Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, let me, before the majority leader makes a request, indicate what has been transpiring the last several hours—in fact, the last several months, start it that way. I was not on the core group. We have had I think a total of 20-some Senators involved on both sides of the aisle over a period of 4 months working on the drug bill.

We have had at least six on our side: Senator THURMOND has been very active, Senator DOMENICI has been very active, along with Senators WILSON, GRAMM, RUDMAN, and D'AMATO—we think a pretty good cross section on this side of the aisle. And so for the past 3 or 4 months, particularly the last 3 or 4 days and all day today, they have been trying to make judgments on all the amendments. There are 80-some amendments. Eighty-some amendments have been offered. Nobody can claim surprise; that they did not know we were talking about a drug bill the last several

months. We brought it up in our policy luncheons and everywhere and now we are being told we want to offer several amendments.

The only point I would like to make is this. I would like to have a week and a half on the drug bill, and maybe we are going to have a week and a half on the drug bill, maybe the rest of this week and maybe all of next week. And if that is what Senators want, that is all right with me. I am not running this year and I will be right here. But I would say there may be objection, maybe from either side. I am not saying there should not be. But I would say on the list that we have agreed to there are 30 amendments, minor amendments generally. There are 11 Republican, 10 Democrat and 9 bipartisan amendments. I think we could explain each one of those amendments and nobody would object, at least say, OK, they ought to be in the package, it ought to be a leadership amendment.

I think where we are having difficulty and where I think we would agree with the Senator from Colorado and others, on page 3, the hot buttons Republicans have, the hot buttons the Democrats have, we have agreed on an equal number of amendments that each side would offer, and those amendments have not been drafted and they have not been seen by anybody on either side, and so nobody has suggested there should not be second-degree amendments, nobody suggested, except we just limit that list.

I would hope at that point we could have an up or down vote on each of the amendments rather than a tabling motion. They are solid amendments. Imposition of civil penalties, that is one that Senator DOMENICI and Senator GRAMM have been working on; testing, Senator WILSON and others; and Senator HATFIELD, for example, Senator EVANS and others I think on the death penalty.

I guess what I would suggest is that we—the majority leader can move to the bill right now under an agreement. He could have done it this morning during the morning hour, and it was agreed that he could do it anytime later in the day.

Mr. BYRD. Anytime later.

Mr. DOLE. Anytime later, and it is not a debatable motion. But I would hope that if we cannot agree on anything else, we could at least agree that we would add to this package those amendments where there has been total agreement by everyone in the room. There were a dozen of us at one time in that room, Republicans and Democrats, and we were well represented and we have been working on these with staff.

I would say that on page 2—those are sort of the purgatory amendments—they do not know where they

are going, and they may not be going anywhere. But you have to have an agreement by the core group. That is the core group of Senator GRAMM, Senator RUDMAN, Senator D'AMATO, and Senator THURMOND. And if they get an agreement and they are worked out—I do not think there is going to be any big objection on the floor, but if they should have some disagreement, then maybe the Senator from Colorado is right, but we thought, well, if both leaders agreed, they could at least have a vote on it. But it only takes one leader to say no, there was not any agreement on that, that is off the table.

Now, I know that may not be as deliberative as some would like, but it is Wednesday. Many of us hoped to be out last week. We would like to be out at least by Friday. I would hope we could get some agreement tonight. I do not quarrel with anybody's right to see the amendments as they are all written out. But I think you have to have a little confidence in some of us who have been working for hours and months and weeks.

If we can get some agreement on part of it, or all of it, if we cannot get any agreement on any of it, I would encourage the majority leader to go to work on the bill, maybe all of us on the committees who have been working on this can agree to table amendments, get this bill passed or decide not to pass it, and wrap up our business this week.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The leader has the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator.

Mr. BIDEN. Mr. President, I will just take a minute or so.

I think this notion that there is somehow suspended disbelief that we would yield to the leadership the decision of whether or not certain amendments would or would not be voted on is in fact a ludicrous statement. The Senate has to run on some sense of comity. The Senate has to run on some sense of trust.

That room, for the past weeks, and I was not in there most of the time having just arrived back here, has been represented by every political hue and stripe within both the political parties. It seems to me that, if we all want a drug bill, at some point there has to be the willingness of those of us who were not in there all the time to have a little bit of trust, a little bit of trust in the fact that the people who represent the political stripe that we represent within our own parties in fact are representing our interests if we want to get a bill within the time limits.

So, quite frankly, Mr. Leader, I do not think it is so crazy for us to say that the page 2 amendments should be ones in which the leadership on rec-

ommendation of the cochairs on both sides of the aisle would in fact make a judgment of whether or not they warrant a vote or do not warrant a vote.

I do not know why that is so crazy. It seems to me that if the Government, this body as well as the Government, worked a little more like that, that we would get a whole lot more done. But now we treat everything as if somebody had a secret agenda, attempted to pull the wool over somebody's eyes, when, in fact, on that committee Senator GRAMM, who has never been accused of being a liberal—it runs the gamut across all political spectrums.

So I hope my friends who consider those page 2 amendments listed will work toward getting a bill and have a little bit of trust and a little bit of faith in people who are in fact honorable people. We have no reason to mistrust, and they represent all the political views in this body.

I do not think there is anything so crazy about that. I think it is about time we do more of that instead of being a body of 100 individual egos who in fact have to have every one of their amendments all of the time up before the U.S. Senate.

We might get a heck of a lot more done. I for one am willing in light of the way it was arrived at to trust the judgment of the two leaders, and quite frankly prior to this process beginning I do not think there is anybody here in the last 15 years that has spent any more time than the Senator from Delaware with the drug issue. I am chairman of the committee. I have no reluctance to yield to the group of 12 or 15 men and women who in fact have been dealing with this for a long time.

We would get a lot more done if we trusted just a little more.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Delaware.

Mr. President, I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I would just add briefly that I agree with the Senator from Delaware. I agree with the majority leader, and the minority leader. I hope we can get an agreement tonight; if not tonight, tomorrow morning.

The Senator from Colorado observed that if we had started at 10 o'clock this morning we would be far along now. I can say to the Senator—and I know he is very sincere in his remarks—that we would not be anywhere at all. We have gone through some 100 amendments.

This list represents—even this list No. 2, the purgatory list, which was probably appropriately labeled by the minority leader—even these amend-

ments, amendments that we believe we can get an agreement on. We may not.

But we simply have not had time to go through each one of them and agree on them. But what we have tried to do is drop all sorts of amendments that were not directly related to the drug bill, and some of them were believed to be very important by the offerers of the amendment. Of course, we could not have had any agreement. I will give one example.

The Senator from Ohio is here on the floor. We had a 7-day waiting period for handgun purchases. That is not on any list here. If that amendment comes up, we all know it is going to be debated quite a while. I do not know what would happen to it. Maybe there would be a substitute, and maybe something else. That is not on the list.

We have an amendment that was very strongly felt to be important by the Senator from Florida on special forfeiture. We had an objection. It did not look like it was going to be agreed to at any point.

So what we have done here is we have this list No. 3, and these are all relevant to this drug bill. They are all germane to the drug bill, and they are all controversial.

So these were the amendments that we felt people felt were so important that they had to be dealt with on this bill. This list No. 2 is the list of amendments, the so-called purgatory list, of which we hope at least 80 percent of them will be agreed to. They may not be. Then we had a fallback so that those that are not agreed to—let us say one member of the cochairman group objects, or two—the leadership will get together in good faith, and see if they can both agree that they would be able to be brought up.

The list No. 1 is the result of literally weeks and weeks and weeks of negotiations, and being able to put this list into the core bill.

So that is where we are right now. There are all sorts of amendments that are not on here.

We are really down to the point, I think we will be tonight—if not tonight, tomorrow morning, or sometime by about noon tomorrow or 3 o'clock tomorrow afternoon—where if we do not get a unanimous consent I believe we just will not get a drug bill this year. I hope we do not reach that. But I think those who object should look at it in that light, if they are going to object because we may very well be blocking a drug bill.

I would say to everyone here, and I believe the Senator from New Hampshire will completely agree with me on this, that 95 percent of the good that is going to come out of this bill, both in education and treatment, and law enforcement and interdiction, is in this core package. We are really fight-

ing over the margins. If people want to fight over the margins for the next several days, we will probably end up going home with nothing. But that is a pretty large responsibility for those who take that position.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia.

I yield to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I thank the distinguished majority leader. I will be very brief.

I want to recount some history here so everybody understands it. This task force was put together 4 months ago by the two leaders. I did not volunteer for it. But I have served on it with some very good people from both sides of the aisle.

We have had literally hundreds of hours of meetings. We have circulated to every Member of the U.S. Senate the fact that we were doing this.

If anybody is surprised tonight, they must have been sleeping for the last 3 months. We have had literally hundreds of proposals. We have negotiated many of them. We finally came down to the situation in the last 3 days where we felt it was vital that there were certain key amendments on this side of the aisle that must be offered to this core package—two of them, one by Senator WILSON dealing with testing, one by Senator GRAMM dealing with user sanctions.

Now the other side has agreed to that. As a matter of fact, to be perfectly fair about it, some of the more, in our view, egregious amendments which were going to be offered from that side are not being offered. I know there are people here who wonder why their amendment is not on this list. It is not on the list because somebody in this body has said that there is going to be extended debate on the issue, or there will be no vote on the issue. That may not be very polite, but that is the way the Senate works under the rules.

So we have finally come down to this list. I want to say that I agree with Senator NUNN completely. I think 95 percent of it is in the core bill. But I do think the amendments, particularly the ones I mentioned, are extremely important to, I think, the people on both sides of the aisle in a bipartisan way.

Let me finally sum up by saying this: Everyone who has worked on this in the last 4 months tried to incorporate in the core bill anything we could that we could say would not meet with a great deal of objection on the floor. We have done that. We are now down to these amendments.

I think it would be a shame if we did not pass a drug bill because we could not get unanimous consent.

As to those on our side whose amendments are not on the list, I will

explain to them, and I will tell them who did not want them, and they can talk to those Senators. We have real problems with all the amendments that are not on the list.

Mr. BYRD. I thank the distinguished Senator from New Hampshire.

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

Mr. BYRD. I yield to Senator ARMSTRONG.

Mr. ARMSTRONG. Mr. President, I am grateful for the leader yielding to me, but I think in some sense it would be better if Senators could gain recognition to address the Senate directly.

Mr. BYRD. I say to the Senator that I am holding the floor so that I can propound the request. I have not propounded it yet. When I propound the request, I will not lose the floor merely because an objection is lodged.

Mr. ARMSTRONG. The leader knows full well that there is no danger at any time, day or night, around the clock, that he will find it difficult to gain the floor. Under the traditions of the Senate, he can gain recognition at any time.

My point was, simply, and it is a point the leader has often made, that it is better for Senators to gain their own recognition rather than making speeches by yielding from another Senator.

I said that we would be further along if we started at 10 o'clock. The truth is that we would be further along if we had started a week ago or a month ago on this bill, but people had other priorities. They want to take up the parental leave bill, the minimum wage bill, and leave windows in the Senate so Senators could attend events off Capitol Hill. I am not complaining about that. That is their right.

It is even the right of Senators to pursue legislation I may not agree with; even to pursue, for purposes of their own choosing, legislation at great length which few Senators, if any, think has a real chance of passage, even if the result in doing so is to bring us down, days after the announced outline of the end of the session, to the consideration of one of the most important pieces of legislation we are going to take up. I do not quarrel with any of it. But I do not agree with the notion that because, at the very last minute, we finally get down to business on this important piece of legislation, a Senator who wants to have the right to offer an amendment or to know what is on the list of amendments that will be considered is prejudicing or jeopardizing the passage of the bill. I am not one of those Senators. I do not have an amendment to offer on this bill. But I do not agree with the procedure and I do not agree with the fact that 10 or 15 days after we have scheduled for adjournment, we are taking up this legislation, after

we have fiddled around and wasted time, in my judgment, on legislation of lesser priority; that at this moment we should compromise the better procedures and traditions of the Senate.

I congratulate the leaders and the task force and the chairmen and the other Senators who worked on this. I am disposed to support the legislation, even though I do not like the process and have been waiting around all day and am being asked to buy into a unanimous-consent agreement, the procedure of which I do not agree with. I am, nonetheless, disposed to support the substance of the bill.

I compliment the two leaders for getting us to this point, though belatedly. We have spent a lot of time on legislation that is a dead cat and a dead dog, that has been drug through the Chamber with no chance it was ever going to be passed.

I say to the majority leader that I think the wiser course would be to take this list of proposed amendments, have them duplicated, and proposed at 9 o'clock tomorrow morning the unanimous-consent request, at which time I think it would have a better chance of being accepted.

I further suggest that it would have a better chance of being accepted if it did not contain this unusual page 1, page 2 arrangement, which many of us who do not have a stake or interest in the particular amendments find a troublesome precedent and a troublesome idea.

The Senator from Delaware thinks it is a matter of trust. I do not think that at all. I think Senators are here to vote on amendments and make up their own minds. It is not a reflection on any other Senator, least of all the leaders, the chairmen, or the cochairmen of some task force, to say what these amendments are, and not have somebody sitting in the Vice President's room making that decision for us. I say qualify all those amendments and let them be voted on.

Third, I say to the majority leader that it seems to me that a properly framed unanimous consent-request in the daylight that contains some discussion or some representation as to what the schedule for consideration would be, would be favorably received.

It seems to me that this is far too important an issue to prejudice it by offering a unanimous-consent request under circumstances and under a format that mitigates against it.

Mr. BYRD. I yield to Mr. METZENBAUM.

Mr. METZENBAUM. Mr. President, I say to the majority leader that I have made it clear for some time that I intended to offer the 7-day waiting period with respect to the purchase of handguns, and I feel very deeply about it. I am not at all certain that it would pass, but I feel that I wanted to make

a battle for it. But I am a realist; and when I look at what I want to offer and when I see what effort has gone into trying to produce a drug bill, I recognize that I might be selfish or more concerned about one amendment than the totality.

So, although I strongly regret the fact—I will not say that I resent it, but I am moderately unhappy that I will not have an opportunity to offer such an amendment, and I would not object because I wanted my amendment to be heard.

I commend those who have spent many hours trying to put together this drug package. It would be a sad day if we went home without a drug bill because John, Joe, Pete, Howard, or Bill, or somebody else just wanted to get their amendment adopted.

I think that those who have been working on it represent a good cross section of the Senate, and we should let them proceed.

Mr. BYRD. I thank the distinguished Senator from Ohio [Mr. METZENBAUM].

I yield to Mr. LEAHY.

Mr. LEAHY. Mr. President, I would not want to have the impression left that we might have gone earlier on this legislation and that during the last couple of weeks the majority leader has had matters that did not count. That is not the situation, and it should not be the record.

Just as water finds its level, legislation finds its time, and that is the case we have here.

I have taken part in a number of those negotiations in the majority leader's office, along with the distinguished Republican leader. There are some items that I do not like in this bill, and there are some items I wish were in the bill that will not be in the bill. But I am one Senator; and if we are going to have a bill, each of us—as the distinguished Senator from Ohio said and as the distinguished Senators on the Republican side have said—will have to wait for another day. I will come back with the things I want in the 101st Congress.

We have debated long and hard the question of habeas corpus. I think we have worked out a reasonable compromise. It means that I have given something and others have given something.

The distinguished Senator from West Virginia has given on some issues he would like in the bill that are not in the bill. I am sure that if he had written the agreement by himself, there are items that would not be there. He is protecting both Democrats and Republicans.

The fact is that we have reached the time. If we are going to have a piece of legislation, it is going to be in the area we are talking about. Those amendments may or may not be agreed to. My amendment may be agreed to and

it may not. Someone else's amendment may be agreed to or it may not.

This is really the time, and this is really the agreement. I support the majority leader.

Mr. BYRD. I thank the distinguished Senator from Vermont.

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

Mr. BYRD. I yield.

Mr. STEVENS. Mr. President, I remember a story told me by former Senator Thurston Morton from Kentucky that I will share with my good friend, the majority leader, at some other time.

I find myself in a situation that story reminds me of.

I had an amendment listed on the list here that is at the desk of our assistants. I find it is not on list 1, list 2 or even the purgatory list.

That raises the question to me whether my amendment went to heaven or to hell. How do I find that out?

Mr. GRAMM. It went to hell.

Mr. STEVENS. I know the Senator from Texas might want me to go there, but where did my amendment go?

I find there are some amendments here that have sort of disappeared.

This Senator has great reservations about financing a real drug war out of the proceeds of forfeitures particularly when the forfeitures come on the basis of a bill that has no protection for the innocent owners of the vehicles involved. I had an innocent owner protection amendment as was in the House bill, and I do not find it in the bill, and I do not find it in list No. 1 or list No. 2 or in purgatory.

So this is not a hypothetical question.

Mr. DOLE. It is on list 4.

Mr. STEVENS. This is on list 4. That is the one. What happens to list 4?

Mr. DOLE. Nothing.

Mr. STEVENS. That is what I thought. I want to encourage the Senators who are working on it to examine very deeply into the issue of having a bill that proposes to finance the war on drugs on the basis of forfeitures that take place without an appropriate defense for those who own the vehicles to show that they had nothing to do with the circumstances.

I represent a State where a major industry is commercial fishing, and we have had such instances now arise in our State that worry me very deeply. I might say so far as I can determine each one of these vessels have eventually been released. But I question whether they would have been released if the motivation for sale was to continue the war on drugs, if the forfeiture became the means by which they obtained the money to keep the engine going that we all want to see started. And I am very serious.

I hope that we can find some way to resurrect a few of these amendments and to talk.

I congratulate the leader for the procedure that has been used, but I do think that somehow or other we ought to make sure what we are doing concerning the forfeiture issue vis-a-vis innocent owners.

Mr. BYRD. I thank the distinguished Senator from Alaska, and I yield to Mr. CHAFEE.

Mr. CHAFEE. I would like to ask a question if I might.

First of all, I have the same concerns as the Senator from Alaska has regarding the protection for innocent owners on forfeiture. I am not sure what happens on that.

But my particular question deals with the so-called purgatory list, the category 2 list.

As I understand that list, that goes to a group that is assembled somewhere. Who is on the group?

Mr. BYRD. The task group which is composed of—

Mr. CHAFEE. Six on this side and four from that side?

Mr. DOLE. Six and six.

Mr. BYRD. The entire number. Four on that side and two on this side.

Mr. CHAFEE. So they get in there and they go over this list. It looks like 12 or 14 amendments. Then, if there is a disagreement amongst them, then they fail.

Mr. McCLURE. They do not come up.

Mr. CHAFEE. They do not come up. Let us say there is agreement. Then what happens next?

Mr. DOMENICI. They are accepted.

Mr. CHAFEE. Do they come as a package or do they come before us for a vote? What happens? One at a time?

Mr. BYRD. They are called up just like any other amendment that is on category 3.

Mr. CHAFEE. They go in what we would call category 3. They come up for a vote.

Mr. BYRD. Yes.

Mr. CHAFEE. Now, so if you object, if one should object to something in the category 2 group they have to make an appeal to one of the members of the core group. Is that correct? That would be the procedure?

Mr. BYRD. Yes. The core group would be available. It could be right here on the floor. You could walk up to Senator NUNN or a couple Senators on your side, "How about this amendment?" It is yours. It is listed. I do not see any there listed by Mr. CHAFEE. But if there were one, "how about my amendment?" They may say "Fine, perhaps it could be worked out."

Some of those amendments on that list probably can be reconciled without too much trouble. Some of them probably will not be called up.

Mr. CHAFEE. OK.

Mr. BYRD. I know one amendment on there that is a very contentious one that will not be called up.

Mr. CHAFEE. I thank the leader for that.

Mr. BYRD. I thank Mr. CHAFEE, and I yield to Mr. McCLURE.

Mr. McCLURE. I thank the Senator for yielding.

I want to ask a question about process. I know we will get into more of that later. I wanted to do that before the unanimous-consent request was offered.

Reference has already been made to the question of gun ownership and the limitations on gun ownership, all of the waiting period.

The Senator from Ohio has a very different view from the Senator from Idaho in respect to that issue. That has been left off the list. I understand the reasons why the Senator from Ohio did that.

But there is, however, a provision in the House bill. In shorthand around here it is known as the McCollum amendment. The McCollum amendment in the judgment of the Senator from Idaho is not perfect but it is preferable to the other amendment.

If the Senate succeeds in passing this bill with the amendments, whatever they may be, it would then go to the House of Representatives.

Mr. BYRD. Yes.

Mr. McCLURE. It is my understanding we would take up the House bill and amend the House bill with whatever action we take and send it back to the House.

Mr. BYRD. Yes.

Mr. McCLURE. I assume that there is the expectation on the part of many that there is not time at this late date in the session to have the normal conference with the extended debate about all the provisions. However, I suspect the House at least has the capacity to say "We want a conference on this bill."

We would have then a Senate bill silent with respect to gun provisions and the House bill with the McCollum amendment.

While I realize that conferees are bound within the parameters of the conference, there sometimes is a rule that permits conferees to write a provision as they would like to write it.

What I am seeking here is some idea as to whether or not it would be the expectation of the conferees or the leadership to hold either to the silence of the Senate bill or the House provision in the McCollum amendment with no possibility of the conferees writing some other kind of language that the conferees might like on the question of purchasing handguns.

Mr. BYRD. Mr. President, there is no way to predict what action the House would take. The House could accept the House bill as amended by the Senate substitute without any

change and it would go to the President or the House could amend the Senate amendment to the House bill and send it back to the Senate. The Senate could add an amendment to that. The amendments are in two degrees between the Houses. Or the House could amend the bill and ask for a conference. So there are any number of options.

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

The PRESIDING OFFICER (Mr. GRAHAM). The Senate will come to order.

The Senate will come to order. Those who have conversations other than that before the Senate will please retire to the Cloakroom.

Mr. BYRD. So there are any number of options—not any number, but there are several options that the House would have.

Mr. McCLURE. There are certainly some options, but let me focus just on this one provision for just a moment to explain the reason why I asked before we get into the question of granting unanimous consent, and I hope that I will certainly be in a position to raise no objection, and that is that if I know that we will end up with either no provision or the McCollum amendment, I am quite disposed not to insist upon any amendment here.

If, however, I am faced with the possibility that the conferees will write an entirely new provision, then I would almost be compelled to insist upon the opportunity to offer the McCollum amendment so that it was not conferenceable.

If we have identical provisions in the House bill and the Senate bill, the conference cannot write a new provision. If there is a difference, the conference can.

I do not want to see the conference in this instance being given the opportunity to write language with respect to the purchase of firearms which is such an emotional and sensitive issue for so many people on all sides of that issue.

What I am really seeking here is assurance on the part of the leadership on both sides, the Senator from Kansas and the Senator from West Virginia, as our leaders, that they would expect that the conferees will either adopt the Senate position, which would be silence under this disagreement, no provision at all, or they would adopt the House provision with no change.

And I might say to the Senator before he answers that question that I discussed this matter with Senator METZENBAUM because I told him I was going to raise the issue and I wanted an assurance that we were not going to see a new provision written in conference. That is a risk this Senator does not wish to confront. And Senator METZENBAUM says I would under-

stand that if a Senate bill is silent and the House bill has the McCollum amendment in it, it would be one or the other, but it would not be a new provision written by the conference. And that is the assurance the Senator from Idaho is seeking at this time.

Mr. BYRD. Well, I cannot give the Senator any assurance, except to say that I would hope, likewise that it would be one or the other. But I am in no position to guarantee what the conferees would do with respect to this item or any other item in disagreement.

Mr. McCLURE. I understand the dilemma the Senator has. I am extremely concerned that we have a very clear understanding, before we go into this, as to whether or not the conferees are going to be free to write new provisions. And you know and I know they sometimes stretch the limits of the conference when they are disposed to do so. I know as a practical matter that if indeed they were to do that and they came back with a conference report with an entirely new provision that was totally unacceptable to me, I would not have very much luck in filibustering that conference report. The history of trying to stop it at that particular time is not a very good or encouraging history.

Mr. BYRD. Yes.

Mr. McCLURE. And if I cannot get some kind of assurance, then I want the opportunity to offer the provision in the Senate that is identical to the provision in the House, upon which I think we would prevail but certainly would provoke a long discussion. I would much rather have some means by which the Senator from Idaho and people who are concerned, as I am concerned on this issue, that the conferees are not going to be free to write a new provision that is different from either that which is in the House or the Senate.

Mr. BYRD. Well, I am not so sure that even if the Senator called up his amendment, I do not know what action the Senate would take on it.

Mr. McCLURE. I understand.

Mr. BYRD. And unless the Senate amended the bill so that it would be precisely as the House provision is written, there would be no guarantee that there would not be some change in the conference in order to bring the two Houses together and resolve the difference. So even if the Senator offered his amendment, if an amendment to the amendment were offered and agreed to, then the bill that went to the House would be different from the House bill and the conferees again might take it upon themselves to agree on something that neither house has agreed to and sent it back in the conference report or in disagreement.

Mr. McCLURE. Would the Senator yield then?

Mr. BYRD. Yes.

Mr. McCLURE. I thank the distinguished Senator for yielding.

Mr. President, if I might just comment just one word further. The reason I ask the question at this point—and certainly I recognize the truth of what the Senator is saying—but if I were to offer the McCollum amendment in the Senate and it is adopted, then there is nothing left for the conferees to talk about.

Mr. BYRD. That is true.

Mr. McCLURE. If, on the other hand, it were amended, then we would have whatever remedies we have with respect to the procedures in the Senate without limitation, which is a much better protection than is attempting to fight a provision in the conference report.

Mr. BYRD. I understand. I think I am probably on the Senator's side on this question. But there are many Senators who are giving up the opportunity to call up an amendment and they run the risk, the same risk, with respect to certain provisions of the bill that they may be particularly interested as the Senator from Idaho would be running.

Does the distinguished Senator from Pennsylvania wish me to yield to him?

Mr. SPECTER. I do. I think the Senator from Washington arose ahead of me.

Mr. BYRD. I yield to Mr. EVANS.

Mr. EVANS. I thank the leader.

I first would associate myself with the remarks of the Senator from Colorado. I think they were well put.

I have the greatest of admiration and respect for those who have worked very hard on this bill. From what I understand, at least to this point, many of the provisions in the bill that they have put together are infinitely better than some of the similar provisions which had been suggested in previous weeks.

But, frankly, this Senator is either slow or the proposal the majority leader was about to propound or would like to propound this evening is exceptionally complex, complex enough so that this Senator, at least, does not know whether I want to preserve a right to amend further. And, as I understand, in one section of the proposed amendment is you can amend; in another section they are in purgatory; and in the other section, they are going to be adopted all as one group. This Senator has not yet had a chance to look at all of those to determine what is in it.

I would suggest to the leader that it would be better procedure for us to at least have the opportunity during the night and the early part of tomorrow morning to examine and to understand a little better some of the particularly troublesome provisions or potential provisions in this bill, at least to this Senator.

Maybe they are all worked out. Maybe I have no further concerns. Maybe I would enthusiastically join in the unanimous-consent agreement, even as it might be proposed tonight. But not tonight, because this Senator has simply not had a chance to examine the provisions to understand better what they are. I would hope that we might be able to put this proposed unanimous-consent agreement into a written form so that we could all have it in front of us and also have the opportunity between now and sometime late tomorrow morning to examine more carefully and with more precision the nature of some of those amendments which are being proposed by the joint leadership.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington.

I yield to the distinguished Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER. I thank the majority leader.

I believe that the unanimous-consent agreement should go forward at the earliest possible time, although this Senator has grave concern about the procedures which have been utilized and about the omission of certain amendments which this Senator has proposed.

I agree with the Senator from Colorado [Mr. ARMSTRONG], who has spoken about the preferability of having this bill called up at a much earlier date. A week ago Monday and a week ago the Friday before, I spoke at some length with the majority leader present about my concerns about the fact that we were talking up the drug bill when we were out of time and out of money, considering the high priority of the drug bill on the business of the Senate.

But I do believe that a drug bill is of great importance to the American people and that we ought to proceed as promptly as possible from this moment forward because, aside from raising certain concerns and certain objections to what has happened in the past, we cannot repurchase that time.

This Senator has proposed a number of amendments, after having worked on the drug issue for more than 20 years and after having recently made a trip to South America. I am a little perplexed at the listings which have sprung forth tonight which omit certain amendments which I have proposed, one amendment on an international court which is very similar to a sense-of-the-Senate amendment which was adopted in 1986 on terrorism. According to the word I have received from staff—and on this matter, this Senator was prepared to attend meetings today but was told that they were closed meetings and later found out that staff was present—some staff member objected to an amendment

which this Senator had proposed that had cleared everyone except the staffer of one Senator who had in the past spoken in favor of this issue or an issue very closely related to this issue.

Considering the importance of the drug bill, I do not intend to speak for longer in the aggregate than 3 minutes, and I am near that time now. So that, so far as I am concerned, I will continue to attempt to get a negotiation and arrangement to have the issues taken up which I have proposed in the amendments which I have filed.

But I think the realities of life are that the way this procedure has been arranged, a more conciliatory word than rigged, is to run pretty much roughshod over the procedures of the Senate and what are customarily the rights of Senators. Because, however much any of us may wish to assert those rights, we are more concerned with the welfare of the country and will not stand in the way of seeing the drug bill proceed.

So, having expressed those concerns and reservations, I would urge the majority leader to proceed forthwith. I can recall a night in 1982 when Senator Baker, then majority leader, stood on this floor at 11:45 and announced the presence of some 63 amendments. Senator DOLE was the chairman of the Finance Committee on the tax bill and Senator DOLE said that he wanted to proceed because amendments, like mushrooms, grew overnight. And by 6:30 the next morning, we had a tax bill.

As much as none of us likes that procedure, it is the way to move ahead. So I would urge that we proceed with this unanimous-consent agreement and do the best we can.

I thank the majority leader.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, there have been some good points made tonight and there have been some commonsense suggestions. Let me say, before I get to the bottom line, first of all we have been busy on other very important matters. It is not as though we have been doing nothing for 2 or 3 weeks and suddenly here, at this late date we have come up with the idea of pushing the drug bill. I realize we have been on some measures that some Senators do not consider important, or some Senators are opposed to and that is their right. But if the Senate waited around to call up measures that everybody agreed to, I am afraid that we would not be doing much of the people's business and most of us would not stay here very long.

Somebody has to make a judgment and I generally try to make my judgments based on a consensus of Senators who feel that we ought to go forward with the bill. And also with some

judgment as to what I think the country expects.

Second, as to our having indicated an adjournment date that was reached 2 weeks ago, I think I recall, and I am sure others will if I do not recall correctly, that I stated some several days ago, at least 2 weeks or longer after having notified the House leadership, in my judgment a realistic adjournment date would be October 15, give or take. And I think everybody in this Senate is aware of that because I took into consideration the fact that we had a tax technical corrections amendment bill, we had other important legislation, which many of us considered to be important, at least; profamily legislation and so on.

So I think it would suggest that Senators knew that I, at least, expected to be here until October 15, give or take a bit. And I notified the world of that by public statements.

Third, every Senator certainly has known that the two task force groups have been working on this matter for 4 months. Also, we put out hotlines on our side, I believe last Friday, asking any Senators who had amendments to the drug bill to let us know about them. And I believe that the other side did the same, put out a hotline, informing Senators if they had amendments they wished to be considered on the drug bill, that they let the leadership know.

I am not going to put the request tonight. I think it is a reasonable request on the part of Mr. ARMSTRONG, Mr. EVANS, and others, that they have an opportunity to see what the amendments are; to read them, read the list. That is not an unreasonable request and I will wait until the morning.

Mr. President, I ask unanimous consent that the amendments that were listed that would be included in the leadership package be printed in the RECORD at this point under that category heading, "Amendments Included in Leadership Package."

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

**AMENDMENTS INCLUDED IN LEADERSHIP PACKAGE**

Thurmond, Child Pornography. Leadership, Exclusionary Rule. Leadership, Habeas Corpus. Thurmond/Ford, Alcohol Warning Labels. Wilson, Penalty for Threats Against Former Government Officials. Domenici, National Commission on Uniform State Laws. Domenici, Drug Free U.S. by 1995 Statement. Cohen, Make Drug Czar Member of NSC. Bingaman, Federal Agencies Participation in Uniform Crime Reporting Program. Graham, G.A.O. Study on Impact of Criminal Penalties. Kennedy, Deportation. Durenberger, Health Amendment. Nunn/Warner/Gramm, Drug Free Workplace Suspension. Domenici, Mental Health Study.

Lautenberg/Danforth, Drunk Driving. Dodd, Program for Children of Alcoholics. Graham, Sense of Sentence on the U.N. Hatch/Kennedy, Technical Amendments. Hatch/Kennedy, Adamha. Leadership, S. 2793, Anti-Corruption Act Amendments.

Packwood, Customs Reauthorization. Biden, Penalties for Anabolic Steroids. DeConcini, National Guard. Chiles, Protection for Columbian Officials.

DeConcini, Technical. Kennedy, Technical. Leadership, Transfer Financial Records to D.O.J.

Domenici, Mental Health Study. Gramm, Increased Mandatory Sentences for Offenses With Minors. Levin, Death Penalty Changes.

Mr. BYRD. Mr. President, I ask unanimous consent that those amendments which were listed "to be offered," category 3, appear in the RECORD at this point.

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

**AMENDMENT TO BE OFFERED**

Levin, Death Penalty Modifications. Kennedy, Racial Justice Modification to Death Penalty. Simon, Death Penalty Related. Kerry, Money Laundering. Wilson, Random Testing for Driver's License.

Gramm, Loss of Federal Benefits. Domenici/Gramm, Imposition of Civil Penalties.

Hatfield/Evans/Levin, Substitute Mandatory Life Sentence Without Parole for Both the 20-Year Minimum and Death Penalty Maximum Presently in the Bill.

Dodd, Expedited procedures

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments in category 2 titled "Amendments Under Review "Subject to Agreement of Leadership," appear in the RECORD at this point.

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

**AMENDMENTS UNDER REVIEW—SUBJECT TO AGREEMENT OF LEADERSHIP**

Simon, Uniform Mandatory Data Collection.

Indian Affairs Comm., Treatment and Education for Native Americans.

Bradley, Tobacco Labeling. Helms, Minimum Sentence for Crack Possession.

Johnston, Grants to Insular Areas.

Kennedy, Authorize Additional Federal Judges.

Gramm, Funding Formula for State and Local.

D'Amato, Money Laundering/IRS. Simon, Hate Crime Statistics.

Heinz, Criteria to Determine High Density Drug Area.

Helms, Mandatory Revocation of Parole for Possession of Drugs.

Sanford, Coast Guard Navigation in North Carolina.

Biden, Sense of Senate on Funding. Kennedy, Certain Offenses on or Near Schools.

Warner, Nuclear Reactor Personnel. Helms, Sense of the Senate—Customs Service.

Levin, Death Penalty.

Dodd, Expedited Procedures (if Helms agrees) subject to agreement of 2 leaders with the recommendation of the co-chairs.

Co-chairs: Rudman, D'Amato, Wilson, Gramm, Moynihan and Nunn.

Mr. BYRD. Mr. President, all amendments now that were on the list, and which have been gone over carefully with the two leaders and with the members of the core group, are listed in the RECORD. And we will come in tomorrow morning at 9:30 and—come in at 9?

Mr. ARMSTRONG. Mr. President, is any Senator addressing the Chair?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. Mr. President, I would be happy to yield to the distinguished Senator.

Mr. ARMSTRONG. I would be grateful if the leader would yield.

Mr. BYRD. I yield.

Mr. ARMSTRONG. I want to congratulate the leader on his decision to lay over until tomorrow his unanimous-consent request. And I want to express, again, the motion that I expressed earlier that I came to work this morning disposed to support a drug bill. In fact, all through the day I intended to support a drug bill. In fact for weeks I have been intending to support a drug bill and I have watched with admiration the work that some Senators are doing to try to put together a bill that we can all agree to.

I know that everybody is not going to be satisfied. I never saw myself as an active participant in those negotiations and I do not want to become an active participant in those negotiations.

I have consulted from time to time over the last several weeks with a number of our Members, particularly the Senator from New Hampshire, the Senator from New Mexico, the Senator from North Carolina and others, who have emerged as experts on our side of the aisle. And I believe that we are going to get a good drug bill.

But somewhere during the course of the decisionmaking tonight the process began to deeply rankle me. And it dawned on me that, while I am for the drug bill, I am very much disturbed by the kind of process which brings us here on the 12th of October at 10:30 at night trying to make, on horseback, decisions about important amendments to a very important bill.

I do not want to dispute this matter at length but I do not want to let the matter quite rest yet. I pointed out earlier that we spent a lot of time on bills which no Senator that I know felt had a realistic chance of passage. I am not one to criticize any Senator, least of all the majority leader, for proposing legislation that he believes in. In fact, we all know that in many cases the predicate to passing legislation is to call it up and talk about it, some-

times at length, have votes on it, perhaps over and over again. And I do not criticize any Senator who does that.

If somebody wants to have us occupy a week or a month or 2 months on the textile bill, and on parental leave and minimum wage, that is their privilege.

But where I do draw the line, Mr. President, is the suggestion that then, on October 12, when we finally get around to the drug bill, that it is irresponsible or puts in jeopardy the ultimate passage of this important legislation if Senators want to see amendments or want to follow the regular procedure by which Senators may offer amendments to the bill. I am not saying to the leader that I intend to object to the request when he puts it tomorrow. I may or may not. I am going to get up tomorrow morning remembering how important this is and how I want to accommodate the leadership on both sides and how eager I am to go home and how little I want to object.

Let me say to the leader, I just do not buy the notion that it is my fault or the fault of the Senator from New Mexico or the fault of the Senator from North Carolina that we did not get to this until now. The majority leader sets the schedule and the majority leader is the one who called up and insisted we stay on the parental leave bill. I do not criticize that.

I do not think it is a family bill. I think the notion that that is a pro family bill is some spin doctor's idea. That is the furthest thing from a pro family bill. It is a bill I do not think anybody thought was going to pass, but that is not to say we should not get to it. But it is to say the reason we did not get to the drug bill is because the leader decided to call up the parental leave bill and stay on it for a long period of time, call up minimum wage and the tax bill, all of which are important matters, and others.

I am not going to come back to this I think tomorrow unless the leader does, or unless I get up in an extraordinarily cranky frame of mind or read something in the paper that sets me off again, but I want to point out to the leader if he again tomorrow tries to put someone like myself or others who want to protect the rights of Senators as they see them in the position of holding in jeopardy or hazarding the ultimate passage of a drug bill, then it is not going to enhance the prospect for a unanimous-consent agreement, in my opinion.

If I could have just one more word because I hope to come here tomorrow and not keep on this matter. I hope that whatever concerns I have will be resolved by tomorrow. So let me say my piece tonight. I hope that in addition to whatever other adjustments may be made in the UC the Senator will find a way to avoid this mysterious two-tier process. I say that not be-

cause of any concern about the particular amendment in that basket 2, or list 2, or page 2, or whatever it is, but because the process troubles me. I am concerned about the process.

I mentioned that earlier and one of my colleagues, one of the Members of this body who I admire and indeed who I love, a member of the Republican leadership, came up to me and said, "Well, that is something we worked out and we ought to back it because all the good guys are behind it. The Senator from New Hampshire is behind it, the Senator from Texas is behind it, and they all invented that idea."

Come to find out, that is not exactly the way it happened. I do not know if the Senator who jumped on me is listening to this proceeding, but if he is, let me put him on notice that all the guys he said thought up that did not think it up or at least he is not admitting to the parentage now. I do not care and I do not know what amendments are in the basket, but I care about the process and about the precedent.

Last, Mr. President, if I may have just a few seconds more of the leader's indulgence, I am to think over the recess, if there be a recess, over the Thanksgiving holiday and over the Christmas holiday and over New Years when I take my wife for a vacation and all of the things that I look forward to doing during what I hope will be a lengthy and uninterrupted recess, I am going to think about what a wonderful thing it would be if some Senator, not the Senator from Colorado, some Senator came here on the first day of the session and just announced, "Mr. President, without knowing what is going to come up, it will be my intention and purpose to object to all unanimous-consent requests propounded after 6 p.m."

I think it would be presumptuous for the Senator from Colorado to make such an announcement, but I am going to reflect on it. I might even hope that someone else who is brasher and less restrained than I might offer to do that.

I do not say that entirely idly. Once upon a time, I was the majority leader of the State senate in Colorado. On the first day that I became the majority leader of the State senate of Colorado, I put through a change in the rules which addressed itself to the practice that was prevalent in those days of night sessions. We used to have a lot of night sessions in the State senate of Colorado. They were not very productive. They were an embarrassment, and though they were not televised, they were an embarrassment to the members of the Senate because some of them showed up on the floor and occasionally were intoxicated and occasionally said things

they regretted and often passed legislation we wished we had not.

On the first day I became the majority leader, knowing that would be the zenith of my influence in the body, I put through a change in the rules in the Senate which simply said passage of any bill on second or third reading after 6 p.m. at night would require a two-thirds majority vote. That was the rule in the Senate for about 12 or 15 years, and it put a stop to the night sessions.

I do not think we could do that here. But some of us could get together and just say, "By gosh, henceforth, without prejudice to any bill, person or proposition, we are just going to object to anything that happens at night," and sometimes, especially nights like this, I think that would be a good idea.

I thank the leader for his patience, and I look forward to cooperating with him on a unanimous consent tomorrow.

Mr. BYRD. Mr. President, I look forward to cooperating with the Senator tomorrow. Any Senator may object to anything he wishes to object to in this body. I have been around quite some time, and I have listened to the complaints and suggestions and proposals and the requests and the admonitions and the importuning and beseeching of many Senators over the years. I have learned that the virtue of patience is possibly one of the greatest virtues.

If I followed my inclinations, I could very easily respond quite at length to the lessons that I am taught by the distinguished Senator from Colorado. I might have been offended, but I am not. He has a right to voice his opinion, and I have a right to voice mine. I also have a responsibility of being the leader, and I will fulfill that responsibility to the best of my ability.

If Senators wish to stand on the floor at 6 o'clock at night and object to any unanimous-consent request—I will not be the leader next year—but they had that opportunity while I was leader and there are ways to handle those situations within the Senate procedures.

I have heard it said tonight that this is outside the regular procedure. This is the regular procedure. It is not the procedure that is followed every day, but it is a regular procedure that we come to the floor and try to get a unanimous-consent agreement, and when we get a unanimous-consent agreement, there are Senators who give up certain rights which they otherwise have: The right to stand on their feet, talk at length, offer any amendment they wish, make any motions they wish. But for the sake of a unanimous-consent agreement, they give up some of those rights, but they do it by unanimous-consent. Any Senator can object. He not only protects

his own rights to stand on his feet, but protects everybody else's. But the business has to be done, and I have found it many times the better part of wisdom not to seek to retaliate and respond, just to let it go by, because in the morning, I think the Senator from Colorado will be in a different mood.

He has had his say tonight. I have not challenged anything that he has said. He can go on feeling good about it. It will be there in the RECORD for that fine grandchild of his to read, and the grandchild might interpret it that the majority leader took a good lecturing tonight. That is all right for a grandchild. I would take it that way if I were that grandchild, and I would feel proud of my granddaddy. "Boy, he put the majority leader down. He really told him."

Mr. ARMSTRONG. Whoa, now, Mr. President.

Mr. BYRD. "He gave the majority leader a good talking to because I note in this RECORD he mentioned the majority leader. He did not leave any inference to be drawn. He pointed to the majority leader. It doesn't show him pointing his finger at the majority leader, but I can just imagine, knowing his verbiage and his courage and determination and his moxie, I will just bet you he pointed his finger at the majority leader."

Mr. ARMSTRONG. Mr. President, will the majority leader yield?

Mr. BYRD. Yes.

Mr. ARMSTRONG. Mr. President, the leader surely jests because he knows full well the Senator from Colorado would not instruct the majority leader. The Senator from Colorado pointed out to the leader, which is a well-known fact, which all Senators, especially those on this side of the aisle, are keenly aware of and that is that the majority leader sets the scheduling. To some extent that is a participatory decision, but in the broad analysis, it is the majority leader who decides what bill comes up on what day and at what time. Other Senators can complain about it. Other Senators can grouse about it. Occasionally, there can be a vote on it if some Senator wants to push it.

The point the Senator from Colorado makes is that it is the majority leader who sets the schedule. And so if a bill comes up early in the session, that is because the majority leader has scheduled it then. If a bill comes up late in the session, it is because the majority leader has scheduled it that way. I think the leader will recall that the Senator from Colorado does not dispute that prerogative. He never has so far as I can recall. I have not always agreed with the priorities of the leader but I recognize, as do all Senators, especially on this side of the aisle, who makes that decision. We know that somebody has to make it. We know that some Senator has to take the lead

to decide in what order we are going to take things up.

Mr. President, I do not think the leader should try to shrug off the responsibility for that decision. The most important prerogative of the majority leader is to set the agenda, but having set it he should not complain when we are late in the session to get to the drug bill.

Mr. BYRD. I have no complaint, none. The Senator has not heard me complain. I know full well that the majority leader has that responsibility. I have it. I never shirked it. I never tried to pass it on to anybody else. I have no apologies for any decision I have ever made. I have no apologies for calling up what I considered to be the family package. I have no apology for that.

I have no hesitation at all in saying the Senator made a good point tonight. He persuaded me. If I had not heard from any other Senator, I would have been persuaded by the Senator that he was right, that he had a right to see these amendments, a list of them, and had a right to wait until tomorrow to agree. I thank him for that.

#### ORDER FOR RECOGNITION OF THE MAJORITY LEADER

Mr. BYRD. Mr. President, the Senate will come in at 11. I ask unanimous consent that following the two leaders I be recognized.

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

#### PROGRAM

Mr. BYRD. Mr. President, on tomorrow I will retain the same rights that I had today under the order of going to the drug bill upon consultation with the distinguished Republican leader. It will be my intention or hope at least to move to the House bill and then to offer at some point the substitute which will be the core bill containing—if we cannot get the unanimous-consent agreement, just write those amendments in that we agreed would be in the core bill. That would be a substitute.

Let me state to the Senate what the options are so that all Senators might understand.

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

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I ask the Chair to maintain order in the Senate without a Senator from the floor having to make a point of it.

These are the options: Call up the House bill, offer a substitute, offer a second substitute, offer a third substitute, stack the tree in accordance with the schematic drawing on page 70 of the Book of Senate Procedure. That can be done. The distinguished Repub-

lican leader did it. I did not like it, but he did what he could do under the rules and I did not question that. So that is one option. I do not want to do it that way, but that is an option.

Second, call up the House bill, offer a substitute to a substitute to a substitute, and let somebody else offer the perfecting amendment to the first substitute and top that with an amendment in the second degree, let somebody else offer a perfecting amendment to the bill and top that. There you are. Offer a cloture motion and see if we can get cloture. Maybe we cannot. If we do not get cloture, go home, the drug bill is dead because the Senate would not vote for cloture. Let those who vote for cloture assume the responsibility.

The next option is to call up the House bill and try to get an agreement. That is the way I want to go, try to get an agreement. We have listed the amendments that have been gone over very carefully and screened by the task group on both sides. They really did the work. I sat in part of the time. They sat in all the time. The distinguished Republican leader probably sat in more than I did. But it is the task force that we entrusted this responsibility to, and I think they have acted faithfully and have tried to represent all of their colleagues. We all know what the amendments are that have been discussed this evening.

The distinguished Republican leader will meet with a group of his people tomorrow morning. That is one reason we are not coming in until 11 o'clock. I am having a conference on my side at 10. Five minutes after the session begins, I could come on the floor and represent my party and leave someone else in charge of the conference. But inasmuch as the Republican leader feels that there is a need for him to have some discussion with his colleagues until about 11, we will not come in until 11.

Now, I hope that Senators will have an opportunity to study the amendments and that we can get an agreement tomorrow morning. I am about as pliable a Senator as there is in this body I think. I did not just come to this task yesterday. I have been at it a long, long time, and I have tried to demonstrate fairness, patience, and at the same time doggedness in an effort to get the work done. I am willing to continue to do that.

So tomorrow, I will propound the request again shortly after 11, after talking with the Republican leader, and I hope that we will be able to go forward and finish the bill. We can stay here into tomorrow evening; we can stay in here Friday; we can stay Friday evening; we can stay Saturday; we can come back in next week—that is another option—or we can try to get unanimous consent tomorrow. There

comes a time I guess when patience no longer is a virtue; we have done the best we can do; we go home without a drug bill.

Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, I have nothing further except to indicate we will have a meeting at 10 and see if we can resolve some of the problems. We will be contacting Senators who were on the floor this evening plus a few others who I think may have some concerns. I think the one problem we have is maybe a number as the Senator from Colorado pointed out—maybe if we did not have list 1, list 2, and list 3. It does confuse it a bit, particularly No. 2, and it may be in the morning that some of those amendments can be resolved between now and 11 or 9 or 12. I think some Members are reluctant to agree if they are in list No. 2 because if it is not agreed to, then they would not have an opportunity to offer it for a vote. But my view is we probably can get consent tomorrow. I

believe that once we start on this bill, it is going to go rather quickly. I do believe that there has been a lot of dedicated—I do not believe it. There has been a lot of dedicated work.

I am like the majority leader. I did not do it for 4 months, but I have been active through staff and briefings and things of that kind. It is a good cross section of this Senate who have been working on this bill. So no one point of view prevails. I would hope we could complete action on this bill, if not by late tomorrow night midnight, maybe midnight on Friday.

Mr. BYRD. Mr. President, I thank the Republican leader for his patience, his cooperation, and for the effort he has put forth.

I think we have had a good airing of the matter tonight. I believe it will help us tomorrow toward getting an agreement.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

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 tomorrow morning.

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

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. BYRD. Mr. President, if the distinguished Republican leader has any further statement or any other business, I would be happy to yield the floor.

Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and, the Senate, at 10:50 p.m., recessed until Thursday, October 13, 1988, at 11 a.m.