SENATE—*Tuesday, September 26, 1989*

(Legislative day of Monday, September 18, 1989)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain Very Rev. Peter C. Chrisafideis, of the Greek Orthodox Church of the Holy Trinity, Lewiston, ME.

PRAYER

The Very Rev. Peter C. Chrisafideis offered the following prayer:

As we begin this morning's legislative session, let us raise our hearts and minds to God for prayer.

O Almighty God of the universe and of all space, we pray that You be with us this day, as we gather in Your name. How dependent we are upon You for our very being and mere existence.

Man's temporal systems and civil parties have appeared and vanished, but Your emanant wisdom was and is forever.

Truly, nothing has sustained our planet and world more than our sternest belief in Your omnipotent protection, love, and compassion. Continue, O Lord, to sustain and direct our great Nation in Your way, for we are truly a genuinely God-fearing people.

We pray for our President, for Senator WILLIAM S. COHEN, Senator GEORGE MITCHELL, and our Congresswoman OLYMPIA SNOWE and for the Members of this respected body of Congress, the Senate. Grant them health first and then the strength to continue programs, initiatives, and directives in the interest and well-being of their fellow men, notwithstanding their age, color, creed, or religious espousal.

Assist those in great need, who suffer bodily from malnutrition and live in unhealthy and inhuman surroundings of the world.

Preserve, O Lord, the cornerstone of democracy and freedom that flourishes in our Nation so that we may continue and remain the land of the free and the home of the brave, the torch and example of all peoples of the world.

Let all people from the rising and dawning of the Sun cry aloud and praise Your holy and sublime name. We ask this in Your name. 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. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 1989.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

THE JOURNAL

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

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

SCHEDULE

Mr. PRYOR. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 5 minutes each.

The Senate, Mr. President, will then resume consideration of the DOD appropriations bill at 10:30 this morning, at which time there will be 2 hours of debate remaining on the Nunn amendment, No. 844, the time to be equally divided with a vote occurring relative to that amendment at 2 p.m. today.

The Senate will then recess upon completion of the debate on the Nunn amendment, reconvening at 2 p.m.

Mr. President, the majority leader has asked me to state for the record—I hate to make this announcement, Mr. President—that he expects the Senate to be in very late tonight, with votes occurring throughout today's session and well into the evening. Senators are on notice of the likelihood of a long legislative day today.

RESERVATION OF LEADER TIME

Mr. PRYOR. Mr. President, I ask unanimous consent that the time for the two leaders be reserved.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Maine.

FATHER CHRISAFIDEIS—RESPECTED MEMBER OF THE LEWISTON-AUBURN COMMUNITY

Mr. COHEN. Mr. President, it is my pleasure to introduce this morning Father Chrisafideis, who is the pastor of the Greek Orthodox Church of the Holy Trinity in Lewiston, ME.

Father Chrisafideis has served parishes in Pittsburgh, Baltimore, and Marlboro, MA. He had the privilege of delivering the invocation at the homecoming ceremony for Dwight Eisenhower at the completion of his Presidency and more recently, he performed the marriage of Maine's Governor, John McKernan, to its senior Member of the House of Representatives, OLYMPIA SNOWE.

Father Chrisafideis is a respected member of the Lewiston-Auburn community and an admired spiritual leader throughout our State. During his years in Maine, he has blessed many of us with his wise counsel, his warm friendship and his abundant generosity.

I am honored today to welcome this distinguished guest to our Chamber. I am sure my colleagues will enjoy Father Chrisafideis' special invocation.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

(The remarks of Mr. GORE pertaining to the introduction of Senate Joint Resolution 206 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

SELF-PROMOTION OR TREATMENT?

Mr. WILSON. Mr. President, yesterday two things happened of importance to the American people that were perhaps little noted. The first and the far more important is that once again, as occurs day after day, more than 1,000 children were born addicted. These are the so-called crack babies, Mr. President, who experience child abuse through the umbilical cord and who, as a result, can look forward to a life of diminished capacities. They can look forward to mental retardation, physical deformity, susceptibility to emotional disability so severe that it prevents learning and normal human functioning.

That happens day after day, Mr. President, because pregnant women abuse alcohol and abuse drugs and most typically, giving rise to the term "crack babies" in a way that is producing an incredible burden, an incalculable burden to taxpayers and a far more acute burden in terms of innocent suffering to those innocent addicted infants.

The other thing that happened yesterday, Mr. President, was that the House of Representatives voted 2 to 1 to instruct conferees to accept the verdict of the Senate at the time it comes to put behind us self-serving congressional newsletters, which are all too often thinly veiled campaign literature sent at the taxpayers' expense, and to instead reallocate those tax dollars that we have spent on self-promotion to try to expand the treatment for those mothers who are in such need of rehabilitation in order to come clean and to avoid the kind of substance abuse that can mean a lifetime of misery to their children.

The Senate voted 83 to 8 to divert that money that we had not already obligated in terms of what had been sent, and to take the unallocated and unobligated portion and redirect it into the rehabilitation and the treatment of substance-abusing pregnant women.

Mr. President, can there be any doubt in anyone's mind that it is more important to serve that need than to send self-serving congressional newsletters?

Evidently there is doubt in the minds of the House of Representatives, doubt in the minds of the House conferees, who, in this morning's Washington Post, are quoted as being unable to accept two other conditions of the Senate's reform on the mailing of congressional newsletters. They do not want it known what the House spends. They do not want reporting by individual Members of how much tax money is being spent by each Member to send out these newsletters.

We do that in the Senate. It is a matter of public record. It should be. The way to get rid of that problem, if the House finds it embarrassing, is to quit sending those newsletters and spend the money instead for something that will achieve real good.

Mr. President, the other thing that they are unhappy about is that they do not want the post office to quit sending those newsletters even when the cost of doing so to the post office exceeds what Congress has allocated for that purpose to reimburse the post office.

In other words, they want the public to go on footing the bill far beyond what we have appropriated for that purpose.

Mr. President, there is no doubt how our taxpayers, citizens, and voters would feel. They would feel that this body, the Congress, elected by the citizens to set and keep priorities in the spending of their tax money has decided that our first priority is ourselves, getting reelected with their tax dollars. And unhappily they would be right in that conclusion.

They would have to conclude that because there is no other inference we think it is so terribly important to send out multicolored, multiphotographed newsletters that we are willing to say, as indeed the chief of the House conferees did, that the money is now allocated for the purpose of treating crack babies is sufficient. It is not sufficient. It is not remotely sufficient. It does not come close.

We spend $4.5 million, which by these standards, congressional standards, is a paltry sum, and in comparison with the need it is supposed to address it is grossly insufficient, and grossly inadequate.

By contrast, the compromise agreed on by the conferees, stuffed down the throat of the Senate by the House conferees, was to allocate a total of about $80 million in the 1990 election year for the purpose of sending congressional newsletters.

Mr. President, that is a disgrace. Young people today, who do not remember Watergate and could not tell you what it is all about, young people to whom Vietnam means little or nothing, will read about this if it comes to their notice and decide that their first priority of Congress is congressional avarice.

Mr. President, I hope that Congress will give the public reason to think otherwise, but we have not to date. This is a disgrace.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR].

SENATE RULES

Mr. PRYOR. Mr. President, last week on two separate appropriation bills, the managers of the legislation, the majority leader, and the minority leader stood on this floor begging and urging Members of the Senate to come and offer their amendments.

On one particular bill, Mr. President, the manager begged his colleagues to come and offer amendments for over 3 hours.

Senator DANFORTH and myself, in August 1987, offered a change to the rules of the Senate which would have required bills to be amended by section. Once this section was closed, it would have then been impossible, except by unanimous consent, to revisit that section.

Mr. President, that was Senate Resolution 277. Mr. President, yesterday Senator DANFORTH and myself resubmitted that particular resolution. I call the attention of my colleagues to the CONGRESSIONAL RECORD at page S11767, where last session's Senate Resolution 277 is now Senate Resolution 184.

Mr. President, there is no question. We have the finest group of men and women in the world in the Senate, all of them well-meaning people. But if I might observe as a layman about the rules, the process, the procedure, and the precedents—and certainly there is no greater layman than myself; I am not an authority, Mr. President, on the rules—in fact the whole process that we operate under, I would have to say that the theory or the philosophy underlying the Senate procedure might be summarized in one word: accommodation, accommodation to individual Members of the Senate without individual responsibility on the part of those Senators.

Mr. President, yesterday I met with several people who are wise in the area of parliamentary procedure and the rules of the Senate. After discussions with these sage individuals, I am offering another approach to how we might make the operations of the Senate more efficient.

Mr. President, I urge my colleagues to look at Senate Resolution 184 placed in the RECORD yesterday, submitted by the Senator from Missouri [Mr. DANFORTH] and myself. This resolution is simple. It does not address amending legislation by section. It does not affect germaneness which some Senators have questioned saying we have no right to restrict upon this privilege.

This proposed rule change is so simple, and so direct. But I think it will cause discipline. Here is what it would do.

A bill is laid down before the Senate. It becomes the pending business of the Senate. Both managers complete their opening statements relative to the pending legislative business. At the time both managers complete their opening statements, either the managers or the clerk would say the bill is now open for amendment. At that time the clerk or the Parliamentarian

would press a button on a clock and if no Senator came to this floor to offer his or her amendment to that particular bill within 15 minutes, the clerk would automatically announce that the bill is up for third reading and final passage. It would automatically go to third reading and final passage.

What would this do to the operation of the Senate?

First, Senators would be here to offer their amendments. Second, the staffs of the Senators who want to offer amendments to particular pieces of legislation would have to keep their Senator informed as to the general timeframe when their amendment might be in order. Staffs would have to come here, consult with the managers and their staffs to see when their Senator might come to the floor and offer their amendment. However, if no one comes in that 15-minute window and time had run out, then the bill goes to third reading and final passage.

Let us say I walk in that door after 16 minutes, 1 minute after the 15 minutes had expired, do I get to offer my amendment? No. The bill will have moved to third reading.

If I get there after 13 minutes and walk in that door, presumably during a quorum call, we would call off the quorum call, and I could offer the amendment. After we vote on an amendment and the manager gets up and says, "I move to reconsider," and the other manager says, "I move to lay that motion on the table," the clerk will then say, "The bill is open to further amendments," and the 15-minute clock starts ticking. I think this would create some discipline in the Senate.

We are getting ready to go into one of the greatest legislative gridlocks the U.S. Senate has ever seen—budget reconciliation, a decision on Ollie North's pension, desecration of the American flag, capital gains, catastrophic health insurance, section 89, a continuing resolution, and extending the debt ceiling. All of this is going to be done in a matter of a few short weeks, and currently there is absolutely no leverage to get a Senator to come over here in a disciplined fashion and offer an amendment. So what can we expect? We will see managers wasting more time sitting on this floor waiting, waiting, and waiting. While a lot of people say this relates to the quality of life, I believe it has nothing to do with the quality of life.

Mr. President, it is the quality of work, the work that this Senate must produce before we adjourn sine die, some time before Christmas. Mr. President, my proposal—and Senator DANFORTH and I will be discussing this in the Rules Committee tomorrow—would expire at the end of this session of this Congress. And then in January we can come back, and ask, did that change work or did it not work? Did it cause more problems than it attempted to solve? Do we need to go back to the old system, or can we move to this system and adopt this process of the 15-minute tolling?

Mr. President, I submit to you that this is a worthwhile change that I hope the Senate will look at during the next 2 or 3 days, because we are going to try to bring this to the floor and make a decision on this matter. We are getting ready to see if our fellow Senators are interested in change, interested in efficiency, or just want to continue talking about it.

Mr. President, I thank the chair, and I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator DOLE.

Mr. DOLE. Was the leader's time reserved?

The PRESIDING OFFICER. The leaders' time was reserved.

Mr. DOLE. I yield 5 minutes to the Senator from Kansas [Mrs. KASSEBAUM].

The PRESIDING OFFICER. The Chair recognizes Senator KASSEBAUM.

Mrs. KASSEBAUM. Mr. President, I certainly thank the Republican leader very much for yielding me some time.

I would like to speak for just a moment in response to some comments made by the majority leader last week on the floor, which I thought were extremely interesting, in that he addressed some important foreign policy issues.

CRITICISM OF PRESIDENT BUSH'S SOVIET BLOC POLICY

Mrs. KASSEBAUM. Mr. President, the majority leader's recent criticism of President Bush's policy toward the Soviet bloc has sparked a new round of debate on how the United States should respond to the dramatic changes taking place. It is an important debate. Such a debate at this turning point in our postwar foreign policy is absolutely essential, and I am sure that I am joined by many of my colleagues in welcoming Senator MITCHELL's review.

One of the strongest tenets of our democratic system is that open debate is necessary for developing a foreign policy that will have broad-based support. As we have learned at both triumphant and sad points in our history, no foreign policy is ultimately successful, unless its goals are clearly understood and widely supported by the American people.

While I share Senator MITCHELL's enthusiasm for the changes taking place, I do not agree that the president's policy has been timid, passive or ambivalent. On the contrary, I think he has thoughtfully confronted the dynamic foreign policy challenges before us. The President has presented economic and arms control proposals which are tailored to manage the dynamic change in a stable, peaceful and prosperous direction. I believe the President has effectively demonstrated confident leadership here at home and abroad.

No one can deny that the election of a non-Communist government in Poland, the opening of Hungary's borders and the reform efforts in the Soviet Union, are significant changes. They present important demands for the rethinking of our postwar foreign policy away from one of containment. But the pace of change in Europe and the Soviet Union in 1989 is very different from the pace of change we faced in 1949.

Forty years ago, the Soviet Union had emerged from World War II as a rival superpower with tight economic, political and military control over Eastern Europe. The threat was broadsweeping and our response was a wholesale containment policy. We funneled massive financial support and military aid into Western Europe. The high priority we place on freedom and democracy in Europe is clearly evident in the defense appropriations bill that we will be debating later today. Over 60 percent of that bill continues to be dedicated to the defense of Western Europe.

Today, the pace of change in Eastern Europe and the Soviet Union is much slower and not happening across the board. Poland and Hungary are outpacing reforms in countries such as East Germany for example. Consequently, these changes demand not a wholesale response but a retail, or case by case, response. Formulating such a policy is much more difficult because unlike 40 years ago, the evolving change today does not lend itself to broadstroke solutions and slogans such as declaring a cold war.

An important responsibility in fashioning a foreign policy responsive to the changing dynamics in Europe, is to ensure that we do not raise false expectations either at home or abroad. A difficult task lies ahead before economic prosperity and political freedom can ever be fully implemented in Eastern Europe and the Soviet Union and its Republics. The challenge before us is to help encourage and manage this change without bloodshed and without prematurely declaring the world safe for democracy.

So far, I believe our response has been timely and tailored to encourage the concrete transformation of Europe away from the split of the cold war. Last May, President Bush unveiled new proposals for conventional force reduction in Europe which have given those arms talks an important boost. They have demonstrated to the Europeans and the Soviets that we are willing to move forward to shape a new world order.

On the economic front, there have been calls for a Marshall plan for Eastern Europe similar to the aid we provided Western Europe at the end of World War II. To proceed with a massive infusion of aid into Eastern Europe at this time would be a grave error. Unlike the Western Europe of the 1940's, we would not be infusing aid into economic systems based on free market principles. As we have seen just recently with the massive infusion of food aid into Poland from around the world, we need to structure our aid carefully and coordinate with our allies so that it does not create bottlenecks and corruption.

The purpose of our aid must be to encourage the economic and political reform which those economies badly need. It has become clear from our experience with our foreign aid program over the years, that simply throwing money at a problem does not solve it. It may actually make it worse. With our own resources diminishing and with the growth of other economic power centers, it is essential that our efforts in Eastern Europe be coordinated, creative, and paced to the evolution of reform. They must look at the broad range of options including debt relief, trade and aid. I believe this is precisely what President Bush is doing.

I am also supportive of the President's policies toward the Soviet Union. The President has continued to build on the progress in the superpower relationship begun under President Reagan, while also continuing to hammer away at the still unresolved problems. Over the past 9 months of the Bush administration, we have seen concrete progress not only in the conventional arms talks but also on the tough issues which were blocking progress on START.

I also believe that President Bush's offer yesterday to eliminate 80 percent of our chemical weapons stockpiles before the completion of the multination accord if the Soviets join us, will also enhance the chances of an agreement on limiting this dreaded technology. Furthermore, even before President Bush's first year is over, there has been an announcement of a superpower summit. Mr. President, I would argue that we have not seen this type of positive movement in the United States-Soviet relationship during the first term of a new Presidency in many years, if ever.

Mr. President, I believe that the challenges we face today, equal, if not exceed the challenges we faced after World War II. Dramatic changes are happening. What the future will hold is far less clear than it was in 1949 as the world was breaking into two hostile blocs. But, it is also much more promising. As President Bush has stated, it is incumbent upon us to help steer Europe beyond containment. I believe we can only achieve this goal with thoughtful and tailored policies to specific challenges. This is precisely the policy I believe President Bush is following.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Senator DOLE is recognized.

CONFERENCE ON THE FISCAL YEAR 1990 LEGISLATIVE BRANCH APPROPRIATIONS BILL

Mr. DOLE. Mr. President, I am outraged at so-called compromise that emerged from the conference on the fiscal year 1990 legislative branch appropriations bill yesterday. How can the conferees ignore an 83-to-8 Senate vote in favor of the Wilson amendment, and a 245-to-137 House vote on a motion to instruct conferees to support the Wilson amendment?

This agreement continues the accounting gimmicks that hide the real cost of franked mail. A privilege that we all know is abused by incumbents in election years.

The conference chairman claims that the reduction in the number of unsolicited franked mass mailings and the significant reduction in the money appropriated for congressional franked mail is a real reform. I disagree.

Without three key reforms that are included in Senate Joint Resolution 98—introduced by the distinguished chairman of the Senate Rules Committee—and contained in the Senate-passed version of the fiscal year 1990 legislative branch appropriations bill, these so-called reforms are nothing more than empty gestures.

The first essential provision prevents the U.S. Postal Service from absorbing the cost of franked mail in excess of the amount appropriated for a given fiscal year. Members abuse this privilege, year in and year out, and no one really knows how much the taxpayers spend on franked mail in a given year because of this loophole.

In the 1989 fiscal year, Congress appropriated $53.9 million for franked mail, but that was not enough. The fiscal year 1990 appropriations bill earmarks $31.7 million to pay the U.S. Postal Service for franked mail Congress spent beyond that appropriation. It is time we settled our accounts with the Postal Service and the American taxpayers on this issue.

A second requirement would establish disclosure requirements for the mail costs of each individual Senator and Representative. Public disclosure is essential if we are serious about limiting the abuse of this privilege.

And to make sure that this situation does not resurface, I support a requirement that would charge a Member's official office expense account for the costs of official mail in excess of his or her individual allocation.

Mr. President, it seems to me one way we might want to resolve this indirectly. Since 245 House Members voted to instruct the conferees and I assume they all voted to instruct the conferees in good faith, perhaps they could abide by the Wilson amendment and the Senate could abide by the Wilson amendment and put enough pressure on the other 137 on the House side to produce some reform. So I would call on the 245 House Members who voted to instruct the conferees, to abide by the Wilson amendment.

It seems to me that this would be one way to set an example and to underscore the commitment we made with this vote.

I ask unanimous consent that the names of those Members who voted in favor of the Wilson amendment be printed in the RECORD at this point.

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

YEAS—245

Andrews, Applegate, Archer, Armey, AuCoin, Baker, Ballenger, Barnard, Bartlett, Barton, Bateman, Bennett, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Boehlert, Boggs, Borski, Bosco, Brennan, Broomfield, Browder, Brown (CO), Bryant, Buechner, Bunning, Callahan, Campbell (CA), Chandler, Clarke, Clinger, Coble, Coleman (MO), Combest, Condit, Conte, Costello, Coughlin, Cox, Coyne, Craig, Crane, Dannemeyer, Darden, Derrick, DeWine, Dickinson, Dicks, Dornan (CA), Douglas, Dreier, Duncan, Early, Eckart, Emerson, English, Erdreich, Evans, Fawell, Fields, Fish, Flippo, Frank, Frenzel, Gallegly, Gallo, Gekas, Geren, Gillmor, Gilman, Gingrich, Glickman, Goodling, Goss, Gradison, Grandy, Green, Gunderson, Hall (TX), Hammerschmidt, Hancock, Hansen, Hastert, Hayes (LA), Hefley, Henry, Herger, Hiler, Hoagland, Holloway, Hopkins, Houghton, Hunter, Hutto, Hyde, Inhofe, Ireland, James, Jenkins, Johnson (CT), Johnson (SD), Jones (GA), Jones (NC), Kasich, Kennedy, Kennelly, Kildee, Kolbe, Kyl, Lagomarsino, Lancaster, Laughlin, Leach (IA), Lent, Lewis (CA), Lewis (FL), Lightfoot, Livingston, Lloyd, Long, Lowery (CA), Lowey (NY), Luken, Thomas, Lukens, Donald, Machtley, Madigan, Marlenee, Martin (IL), Martin (NY), Mavroules, McCandless, McCollum, McCrery, McDade, McDermott, McMillan (NC), McMillen (MD), McNulty, Meyers, Michel, Miller (OH), Miller (WA), Montgomery, Moorhead, Morrison (WA), Murphy, Neal (MA), Nielson, Nowak, Olin, Oxley, Packard, Pallone, Panetta, Parris, Pashayan, Patterson, Paxon, Payne (VA), Penny, Petri, Pickett, Pickle, Porter, Poshard, Price, Pursell, Quillen, Rahall, Ravenel, Ray, Regula, Rhodes, Ridge, Rinaldo, Ritter, Roberts, Robinson, Rogers, Rohrabacher, Ros-Lehtinen, Rostenkowski, Roth, Rowland (CT), Rowland (GA), Sangmeister, Sarpalius, Saxton, Schaefer, Schiff, Schneider, Schroeder, Schuette, Schulze, Sharp, Shaw, Shays, Shumway, Shuster, Sisisky, Skaggs, Skeen, Skelton, Slattery, Slaughter (NY), Slaughter (VA), Smith (NE), Smith (NJ), Smith (TX), Smith (VT), Smith, Robert (NH), Smith, Robert (OR), Snowe, Solomon, Spence, Spratt, Stallings, Stearns, Stenholm, Tanner, Tauke, Thomas (CA),

Thomas (GA), Thomas (WY), Traficant, Udall, Upton, Valentine, Vander Jagt, Vento, Volkmer, Vucanovich, Walker, Walsh, Watkins, Weber, Weldon, Whittaker, Wise, Wolf, Wyden, Wylie, Young (FL).

DRUG NEGOTIATIONS

Mr. DOLE. Mr. President, for the past 1½ weeks, 18 of our colleagues have been meeting for hours on end, well into several nights, in an effort to negotiate an acceptable level of spending on antidrug abuse programs, as well as determining a method to finance that spending and to explore a workable framework for the Senate to consider further legislation to combat illicit drug use in our Nation.

I want to first state very clearly that these negotiations were undertaken following the initiative of President George Bush and his Drug Control Director Bill Bennett by the submission of the President's drug control strategy. As I have stated previously, the President's strategy is sound, will be effective, and deserves bipartisan support.

The President, Bill Bennett, OMB Director Dick Darman, Chief of Staff John Sununu, Defense Secretary Dick Cheney and others in the Cabinet including Attorney General Dick Thornburg and Treasury Secretary Nick Brady deserve our highest respect and admiration for the countless hours they spent in preparing the strategy as well as assisting with the successful negotiations here in the Senate.

THE AGREEMENT

The President called for increasing antidrug and crime activities by the Federal Government by $2.7 billion over last year's level, to a total of about $8.4 billion. The agreement adds another $410 million in outlays to the President's coordinated effort against drugs and crime. This additional increase will be paid for by taking an across-the-board reduction in all discretionary domestic and international accounts by three-tenths of 1 percent. A further cut of thirteen-hundredths of 1 percent would also be charged to these accounts, with the appropriations subcommittees given discretion to apply this further reduction as they best determine.

An identical cut of point 3 and point 13 would apply to defense accounts, for a total of forty-three hundredths of 1 percent. This would result in a transfer of $1,318 million from defense to the war on drugs, a significant reduction for defense and increase in anti-drug funding.

Additionally, three matters contained in the President's drug strategy would be offered to the Transportation appropriations bill—increased accountability and data assimilation by treatment providers, requiring drug-free school plans in all elementary, secondary, and higher education institutions as well as a waiver of two provisions of current law to permit the Andean cocaine reduction initiative to go forward.

While the negotiators were unable to agree that the final two requests of the President—a transfer of $136 million to the Drug Control Director's Office for use primarily for high-intensity drug areas and a requirement that all State and local arrestees, prisoners, and those on probation and parole be drug tested—the agreement contemplates a future drug bill for consideration of those and other antidrug amendments. I believe it is essential to, at the very least, provide the funding for high-intensity drug areas.

Mr. President, the tentative agreement also calls for consideration of the President's crime bill this year. We simply cannot adjourn for the year without addressing the fact that the drug problem in our country is also a crime problem, that violent crime increases are directly attributable to drug activity, and that it's well past time to get tough on drug manufacturers, traffickers, dealers, and users. We should also insist that the House also take action on the crime bill. We can offer no hope to those being terrorized by drug dealers and users, unless both Houses act on this overdue legislation. The Senate is funding the crime bill, it's now time to give police, prosecutors and the courts the additional tools contained in the crime bill which do not require money.

As I said, the agreement is tentative, several items remain to be worked out. These include timing for consideration of the drug bill and the crime bill, as well as determining what amendments will be offered to those measures. We should also come to some agreement on future supplemental appropriations, so we do not experience similar "policy-on" amendments in later supplementals.

However, I remain hopeful that the majority leader and I can follow the lead of our negotiators in coming to an agreement.

I would like to pay tribute to the Republican negotiators—Senator MARK HATFIELD, who served as the Republican chairman, Senators STROM THURMOND, TED STEVENS, JOHN WARNER, PHIL GRAMM, WARREN RUDMAN, PETE DOMENICI, ORRIN HATCH, and AL D'AMATO along with their Democratic counterparts, led by Appropriations Committee Chairman ROBERT BYRD. They did a remarkable job on a very difficult and wide ranging set of issues which are of paramount importance to the American people. The Senate has been well served, but more importantly, so have the citizens of our country.

A TRIBUTE TO WILBUR WALKER BY HOWARD H. BAKER, JR.

Mr. DOLE. Mr. President, I am pleased to ask unanimous consent that a statement prepared by our distinguished former majority leader, Howard H. Baker, Jr., be printed in the RECORD concerning the passing of Wilbur Lee Walker. Forty years of service to the U.S. Senate, with an unblemished record, is indeed worthy of high commendation. I, too, wish to extend my sympathy to his wife, Edwina, and to his sons Wilbur and Welford.

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

A TRIBUTE TO WILBUR WALKER

(By Howard H. Baker, Jr.)

A good man has died, and attention must be paid.

Wilbur Walker was a long-time employee of the Senate who drove important people around Washington, heard forty years worth of state secrets and grade-A gossip, and never considered betraying a confidence.

Such a man is remarkable in our time, and so are the other qualities which distinguished Wilbur Walker; a steady dependability, a devotion to duty, a mastery of his profession, and a personal modesty almost unknown in this city today.

Wilbur Walker was helping make Washington work when even retired politicians like me were very young men and women in the far corners of America.

When Senator Alben Barkley of Kentucky was leader of the Senate in 1947, just before becoming Harry Truman's vice president, Wilbur Walker was his driver.

When "Mr. Republican," Robert Taft, Sr., of Ohio, made what can only be described as a royal progress around the nation's capital, Wilbur Walker was his fine coachman.

On the day William Knowland of California left office as Republican Majority Leader of the Senate in 1955, Wilbur Walker drove him home. When I became the next Republican Leader of the Senate—twenty-six later—Wilbur Walker drove me to work.

And in the intervening years, he squired the likes of Everett Dirksen of Illinois and Bob Griffin of Michigan around the capital city and into the annals of history.

Wilbur Walker left the Senate on the same day I did, after serving the institution nearly twice as long as I did. He became an institution himself, and with his passing, we have lost an important link with our own past—not only the political past, but an era in which courtliness, which Wilbur Walker raised to a fine art, was the most cherished of personal characteristics.

I extend my deepest sympathy to his wonderful wife Edwina, to his sons Wilbur and Welford, and their families. Their loss is truly the nation's loss, but we are thankful, as they surely are, for the 72 years of Wilbur Lee Walker.

TERRY ANDERSON'S 1,655TH DAY OF CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise once again to remind my colleagues that today is the 1,655th day that Terry Anderson has been held in captivity in Beirut.

Charles Glass, a journalist who became a hostage in Lebanon in June of 1987, had written an editorial for

the Spectator earlier that year. This editorial, later reprinted in the Los Angeles Times, discussed the hostage situation and particularly Terry Waite's predicament. I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Los Angeles Times, June 19, 1987]

HOSTAGES AND KIDNAPERS ARE PAWNS—THE REAL GAME IS THE GREAT STRUGGLE BETWEEN U.S. AND IRAN

(By Charles Glass)

(Charles Glass became the 9th American being held hostage in Lebanon when he was kidnaped Wednesday in Beirut along with Ali Osseiran, son of Lebanon's defense minister. A veteran Middle East journalist now on leave from ABC News to write a book, Glass became familiar to tens of millions of television viewers when he covered the June, 1985, hijacking of a TWA airliner held at Beirut airport. It was Glass who interviewed the TWA crew while a Shia gunman put a pistol to the pilot's head. This article is adapted from a piece that appeared in a British publication, The Spectator, in February.)

A day may come when the full story of the hostage affair in Lebanon will be told. Historians will dispute the events that led to the release of some hostages and, possibly, the kidnaping of others. When the day for dispassionate reflection comes, the most poignant aspect to the tale can only be that Terry Waite and his fellow hostages will be remembered as minor players in a dramatic struggle between two nations, Iran and the United States. The two countries are united at this moment in history by their mutual dependence in political and strategic terms and their mutual hostility for domestic propaganda reasons. Between them, as pawns in a game of chess whose rules prohibit checkmate, stand not only the foreign hostages but the Lebanese kidnapers as well.

Since the autumn of 1984, the focus of attention has been on Terry Waite, a good man who began to play his role as Hostage mediator on behalf of the Archbishop of Canterbury before most of those now being held had been kidnaped. Waite revealed himself at a press conference at the Inter-Church Center in New York on Sept. 24, 1984, 10 days after the release of the Rev. Benjamin Weir in Muslim West Beirut. It was Weir's American Presbyterian Church that had called on Waite's good offices, already amply demonstrated by the release of British nationals held in Iran in 1981.

"When Mr. Weir was released several days ago," Waite told reporters, "it was decided to go public in the hope that a new breakthrough might be experienced in the situation." Waite revealed that he had "established through an intermediary a contact with the captors in Beirut and (I) have been in communication with them on a regular basis for the past six months." He then appealed to Islamic Jihad (Islamic Holy War), a fundamentalist pro-Iranian group that had held Weir and was still holding three other Americans: "I asked them to let me meet with them face-to-face and hear clearly their requests for myself."

This call to the kidnapers was the beginning of the road to, as now seems certain, his own detention. The public demand of Islamic Jihad was for the release of 17 men convicted of complicity in the December, 1983, suicide truck bombing of the American and French embassies in Kuwait, in which five people died. Two Iraqis and a Lebanese had been sentenced to death, while the other 14 received sentences ranging from five years to life. Neither the United States, which had suffered great loss of life through earlier bombings of the American Embassy and Marine headquarters in Beirut, nor Kuwait was willing to consider freeing convicted murderers.

It was at this time, according to Robert C. McFarlane, then President Reagan's national-security adviser, that Israel approached the United States with the idea of selling arms to Iran. According to McFarlane, Reagan came to share the Israeli view "that we try, over time, to move away from hostility with Iran and back toward some condition of normalcy, if we could find anybody that was normal."

While the United States began to deal with Iran, Waite, who in his earlier negotiations had never entered Lebanon, flew to Beirut on Nov. 13, 1985. There were several journalists, including myself, on the plane with him. He told us that the Druze (a secretive, independent and militant Muslim sect) would protect him, and their militia were at the airport on Beirut's southern edge when we landed.

Typically, all was confusion when Waite arrived, a harbinger for much that was to follow. Militiamen belonging to the Shia Amal (a sometime Druze ally known for their anti-Palestinian fervor) picked him up and drove him away, much to the fury of the Druze. I learned the next morning that Amal had moved him to the Bristol Hotel but then the Druze found him during the night and took him, much to the fury of the Amal, to the vacant apartment of one of the hostages whose freedom he was seeking, Terry Anderson.

Within a short time, Waite appeared to make contact with the kidnapers. Later he told journalists at the Commodore Hotel. "They are taking a risk in meeting me, just as I am taking a risk in meeting them. That's why I say, please, everyone, give me a chance to do that. A wrong move and people could lose their lives, including myself."

(Between December, 1985, and September, 1986, while the U.S.-Israeli initiative toward Iran was proceeding, Waite did not return to Beirut. On Nov. 2, 1986, another American hostage, David Jacobsen, was released, and immediately thereafter what has become known as the Iran-contra affair began to unravel.)

Waite refused to abandon what was from the beginning a humanitarian effort to set innocent men free. He planned to travel to Beirut to be with the hostages at Christmas, but Druze leader Walid Jumblatt, who would guarantee his security, was out of Lebanon. When he returned, Waite arranged to make his first trip to West Beirut ("a place that gives anarchy a bad name") in more than a year, arriving on Jan. 12, 1987. For a week Waite held public meetings with individual Sunni and Shia Muslim politicians and occasional press conferences. He looked as optimistic and confident as ever, strolling with his Druze bodyguards along the corniche in front of the Riveria Hotel, where he was staying. He revealed that he'd had two short meetings with his "secret contacts," presumably the captors or their representatives. Then, at 7:30 on the evening of Jan. 20, he set out for more secret meetings, asking his Druze security men, as always, to leave him while he met with Islamic Jihad.

Meanwhile, the pace of kidnaping foreigners escalated, with Americans, West Germans and Saudis being dropped down with David Hirst, the Manchester Guardian correspondent who narrowly avoided the same fate, called "that black hole." Rumors flourished that Waite had been kidnaped, that he was held in the Bekaa Valley, that he was imprisoned in the Shia slums of southern Beirut. A senior PLO official, Abu Iyad, told reporters in Tunis that Waite had delivered $2 million for the release of David Jacobsen. A diplomat warned me, "If Waite's negotiating for anyone at this stage, its probably for himself."

No one knows where it will all lead, any more than we know for certain where Terry Waite and all the hostages he had hoped to set free are. What we do know is that the whole affair has been badly handled and that the countries whose nationals are held in Lebanon—the United States, France, Italy, West Germany—have all busily engaged in pursuing secret, separate arrangements with kidnapers who now have every reason to want to go on kidnaping.

CRISIS LOOMS IN SCIENCE

Mr. KENNEDY. Mr. President, because of my continuing interest in science and engineering education, I ask unanimous consent that this pertinent article be inserted in the RECORD. It addresses not only issues of the teaching of science and math in the classroom but also the increasing involvement of private industry in the education arena. Furthermore, it sounds a well balanced warning, regarding a crisis in science education which will effect our country's future competitiveness in the global marketplace.

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

[From Time magazine, Sept. 11, 1989]

A CRISIS LOOMS IN SCIENCE

(By Susan Tifft)

Moon landings. The computer chip. Genetic engineering. The artificial heart. The achievements of American scientists are known and admired throughout the world. But whether American supremacy in research and technology will continue into the 21st century is far from certain. Thirty-two years after the Soviets launched Sputnik, setting off a frantic race to produce more and better U.S. physicists, chemists, mathematicians, aeronautical engineers and medical researchers, the scientific pipeline is drying up. The reason for this crisis: American science education is a shambles. Items:

In an Educational Testing Service study of five countries and four Canadian provinces, American 13-year-olds ranked last in math and nearly last in science.

In a survey of 17 countries published last year by the International Association for the Evaluation of Educational Achievement, U.S. ninth-graders tied with Singapore and Thailand for 14th place in science.

In 1988 fewer than 1% of college freshmen said they intended to major in math, compared with 4% two decades ago. Physics and chemistry concentrators fell from 3% to

1.5%; 1 out of 3 Ph.D.s awarded in the natural sciences and engineering last year went to foreigners, compared with 1 in 4 a decade ago.

Beyond these grim statistics lurks a web of equally disquieting trends: the imminent retirement of aging scientists, a shortage of new students because of the "baby bust," the homeward migration of many U.S.-educated foreigners and the burgeoning numbers of minorities and college-educated women—two groups that have generally shown less interest in science than white males. The result could be a critical shortfall of American scientists and mathematicians as the world becomes more reliant on technology. By the year 2000, the U.S. will need between 450,000 and 750,000 more chemists, biologists, physicists and engineers than it expected to produce.

The science deficit threatens America's prosperity and possibly even its national security. Economically, the nation will be unable to compete with rising technological giants like Japan, South Korea and West Germany. "After the war and Sputnik, we were the pre-eminent economic power in the world," says John Fowler, executive director of the Triangle Coalition for Science and Technology Education. "We aren't any longer." The U.S. may also be in grave danger if its scientists cannot match those of the Communist world in developing advanced weaponry and intelligence-gathering devices.

How did America—birthplace of Thomas Edison, the Wright brothers, Jonas Salk and Sally Ride—come to such a pass? One reason is lack of consistent financial support for science education. After Sputnik, funding for the National Science Foundation, the leading federal sponsor of scientific research, shot up from $18 million to $130 million in 1968. By 1982 financing for NSF's education division had plummeted to zero, and Congress had to fight to revive it over the protests of the Reagan Administration.

Even now, federal support for the NSF has yet to match the level of the go-go '60s when measured in constant dollars. For fiscal 1990 the NSF is expected to get $210 million, of which $147 million will go for science and engineering education from kindergarten through high school. The amount does not begin to approach the magnitude of the problem. "We are devoting less than half the resources today to precollege educational support that we did at the post-Sputnik peak," says Bassam Shakhashiri, he NSF's assistant director for science education. "Yet the crisis is fully as great, if not greater."

Some experts—through probably a minority—argue that funding is not the critical problem. "Much of the needed investment has already been made," says U.S. Secretary of Energy James D. Watkins, one of the most active education advocates in the Bush Administration. "We have the technology. We have the teachers, and we have the organizations that know what works."

Fickle funding, to be sure, is only one reason why U.S. scientists are becoming a scarce commodity. Telegenic Carl Sagan aside, the image of scientists today is less lustrous than it was in the '50s and '60s, when men and women in lab coats were seen as national heroes helping the U.S. beat the Soviets to the moon. In the money-mad, me-first '80s, the country's best and brightest aspire to be bankers and lawyers, not chemists or rocket designers.

Elementary and secondary schools reflect these trends. In inner cities and rural areas, dilapidated or out-of-date equipment is the norm. Last year, for example, chemistry students in Chicago's DuSable High School had to make do with a 1962 periodic table that contained only 103 elements, although six more had been discovered in the intervening 26 years.

Capable science teachers are also difficult to find, in part because public school salaries are no match for the incomes to be made at Monsanto, Procter & Gamble, and Exxon. As a result, the men and women who do choose the classroom over the corporate lab are often poor role models for potential young scientists. According to the landmark 1983 study A Nation at Risk, half of the country's newly employed math and science teachers are not qualified to teach their subjects.

Many worried educators and business executives have concluded that America's shrinking scientific capital is too important a problem to be left to state legislatures and local communities. "In most other countries, this is a national issue and dealt with at a national level," says Bryn Mawr physics professor Peter Beckmann.

The American Association for the Advancement of Science agrees. In 1985 it launched Project 2061, named for the year that Halley's Comet will next come close to the earth, and assigned it the task of designing models for a national science curriculum. With the help of working scientists and 150 teachers, principals and curriculum specialists in six locations across the country, the A.A.A.S. and other scientific organizations hope to develop an approach that will blur the boundaries between traditional subjects such as geography and math.

A basic premise of this campaign is that schools could teach science better if they emphasized concepts rather than rote memory. Today most children are subjected to unimaginative, mind-numbing approaches that cause them to decide by the fourth grade that science is not for them. "It's one of the earliest decisions they make in school," says Michael Minch, a chemistry professor at the University of the Pacific.

In the absence of adequate federal funding or a national curriculum, private industry has been working with educators and scientists to boost the level of teaching. Companies have become increasingly alarmed at the number of workers, many of them high school graduates, who are unable even to add or subtract. "I have kids in ninth grade who can't read a ruler," says Rick Ivik, a middle and high school teacher in McFarland, Wis.

Across the country, private businesses are involved in some 100 projects to improve the level of science and math instruction. In Pennsylvania, the Phladelphia Renaissance in Science and Mathematics program, supported by firms such as ARCO Chemical Co. and SmithKline Beckman Corp., provides elementary school teachers with prepackaged science kits—small bags of familiar items, like a flashlight and a ball—to demonstrate heat, gravity and other concepts. Such hands-on experiences whet youngsters' appetites for learning. "Kids have a lot of natural curiosity," says Denis Doyle, a senior fellow at the Hudson Institute. "But somehow it gets squelched. That's a failure of instruction."

For women and minorities, the failure has been acute. Although female science majors represent 15% of undergraduates on U.S. college campuses, women constitute only 11% of all employed scientists and engineers. Minorities, especially blacks and Hispanics, are less visible. In 1987 blacks earned only 2.6% of the bachelor of science degrees awarded in the U.S. and 1.8% of the science and engineering doctorates; Hispanics earned 2% and 1%, respectively. With white males expected to become a minority of the work force by the turn of the century, more women and minorities must be persuaded to enter these fields if the nation is to sharpen its competitive edge.

Too often, however, women are discouraged from pursuing math and science before they even dissect their first frog. Many teachers and parents tell them, in ways subtle or direct, that they simply "can't do" physics or calculus. Women's colleges offer a striking exception to this trend. Nearly 27% of the undergraduates at Smith and 30% of those at Bryn Mawr major in science, compared with Dartmouth, where only 14.2% of the women elect to concentrate in the field. Some coed schools, however, are actively grooming female scientists. More than 35% of M.I.T.'s freshmen class is now female; at Cal-Tech the figure is 30%.

Minorities, like women, are handicapped by low expectations. But they also suffer from declining federal student aid, a scarcity of minority faculty and inadequate academic preparation. In Houston, where 82% of the public-school students are black or Hispanic, Baylor College of Medicine has worked hard to bolster early science instruction. The school now offers 16 science programs for teachers and students. It also helps operate the country's first comprehensive high school for health professionals.

Baylor's programs, and hundreds like them around the country, give some modicum of hope to those who fear for the nation's scientific competitiveness. But there are other reasons for cautious optimism. Since 1980, 42 states have toughened math requirements for high school graduation, and 36 states have raised science requirements. At least twelve states have established special science and math schools for gifted students.

Washington too seems to be getting the message. Earlier this year lawmakers in the House and Senate introduced resolutions calling for a high priority to be placed on science and math education. Later this month President Bush will convene an "education summit," intended to open a national dialogue on ways to improve education. Science instruction is sure to be a major topic of discussion.

However, such tokens of high-level concern will mean little unless they are backed up with concrete programs and hard cash. If decisions are not made soon to replenish the country's scientific stock, America may one day find that it is a caboose being pulled behind an international economy led by such countries as Japan and West Germany. "Science and math are the substance of this age, just as exploration and warfare were the substance of other ages," says William Baker, former chairman of AT&T Bell Telephone Laboratories. "Science is the way to prepare Americans for the 21st century."

DEATH OF MRS. TESS ALEXANDER

Mr. THURMOND. Mr. President, Mrs. Theresa (Tess) Alexander, the founder of the Society of Military Widows, was the epitome of the military widow. Her husband, Lt. Cmdr.

Hugh Alexander, died December 7, 1941, aboard the U.S.S. *Oklahoma* at Pearl Harbor. Mrs. Alexander passed away on March 23, 1989, at her home in California.

Mrs. Alexander was a champion in behalf of military widows for more than 40 years. She led the way to help forgotten widows through her tireless and relentless efforts to provide a nominal annuity for widows, whose husbands had 20 to 40 years of service, but who died before there was a reasonable survivor benefit plan [SBP] for widows.

After her husband's death, Mrs. Alexander received a $38 monthly pension for herself and an additional $10 monthly payment for her 7-year-old daughter, Gloria. To make ends meet, Mrs. Alexander took a job with the Federal civil service. She was struck by the gross and inequitable difference between civil service survivor benefits and the military service benefits.

In 1948, she began her efforts to improve the plight of military widows across America. Mrs. Alexander was the first president of the Society of Military Widows, created in 1968. The group has grown from the original 32 charter members to 6,154 members today.

Mr. President, with the help of Francis Nelson, Theresa Alexander petitioned Representative Clinton McKinnon of the House of Representatives to introduce a bill in Congress that would base a military widow's pension on the spouse's pay grade. Although Congress never took action on this particular bill, a Select Committee on Survivor Benefits was formed in 1954, headed by Congressman Porter Hardy, a Representative from Virginia.

Two years later in 1956, President Eisenhower signed into law the Dependency and Indemnity Compensation [DIC] Act to provide a nominal annuity for widows whose husbands died on active duty, or as a result of a service-connected disability. This first official act increased a survivor's DIC benefits to $112 a month, plus 12 percent of the husband's pay. In addition, a War Orphans' Educational Assistance Act was created through contributions to Social Security. Mrs. Alexander played an important role in this successful effort, including her testimony before the House Armed Services Committee.

In the years that followed, Mrs. Alexander worked continuously to help those widows known as forgotten-widows to receive a small SBP annuity. Mrs. Alexander brought this problem to my attention over 10 years ago. My legislative efforts the past 10 years to help achieve Mrs. Alexander's goal have not yet been totally successful. I believe it is appropriate that we pay tribute to her compassion and tenacity.

Mr. President, we are grateful for her insight and contribution to the Society of Military Widows and to all military widows. I urge my distinguished colleagues to help carry on the legacy she left for us in behalf of our forgotten widows.

TRIBUTE TO CHALLENGER SCHOOL

Mr. HEFLIN. Mr. President, I rise today to pay tribute to the Challenger schools which will be dedicated in Huntsville, AL, on October 1, 1989. Both Challenger Elementary and Challenger Middle School opened at the start of this school year and offer state-of-the-art facilities for this rapidly growing part of southeast Huntsville.

As most of you know, the NASA facilities at the Marshall Space Flight Center have placed Huntsville on the cutting edge of our space program. The entire community has a great amount of pride in the many accomplishments which have come through Huntsville's involvement in the space program. People from the community had an opportunity to submit suggestions for naming the school and many suggested the name Challenger. It was this pride combined with the Huntsville Board of Education's desire to honor the seven astronauts who died in the space shuttle disaster on January 28, 1986, that led them to name the schools after the *Challenger.*

The Challenger schools follow the precedent set by the naming of Chaffee Elementary School, Ed White Middle School, and Grissom High School. I am confident that the Challenger schools will live up to the standards set by these outstanding schools.

The Challenger school will relieve the burden from the Mountain Gap and Farley Elementary schools and the Mountain Gap Middle School. The 230,000 square-foot school has ample space for the 350 middle students and 630 elementary students. It was designed with room to teach about 700 middle school students and about 900 elementary students.

This spacious school offers many amenities including computer rooms, two computerized libraries, an audio-visual room seating 250, and two gymnasiums.

Mr. President, the students at the school have already had the opportunity to shape the school's image. This past summer, students who would be attending the new school submitted suggestions for the school mascot and colors. The two principals, Mr. John Calvarese for the middle school and Mrs. Ellen Marks for the elementary school, selected from these suggestions the eagle as mascot and the school colors—red, white, blue, and silver.

I am confident that Mr. Calvarese and Mrs. Marks will provide these schools with the leadership that will enable these schools to produce well-educated children far into the 21st century. One day this school may well produce an astronaut to carry on our exploration of space and the many opportunities it offers.

Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business, H.R. 3072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Inouye amendment No. 825, to provide funds for conventional force improvements; and

(2) Nunn amendment No. 844 (to committee amendment on page 18, beginning on line 10), to strike certain restrictions on the obligation of funds from the Defense Closure Account.

Mr. INOUYE. Mr. President, am I correct there are 2 hours of debate set aside?

AMENDMENT NO. 844

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided and controlled on Nunn amendment 844, with the vote to occur in relation thereto at 2 p.m.

Mr. INOUYE. Mr. President, may I yield myself 3 minutes?

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

Mr. INOUYE. Mr. President, as we begin in earnest our debate and consideration of the fiscal year 1990 Defense appropriations bill, I take this time to recognize the staff member sitting on my left, Mr. Richard L. Collins. Mr. Collins is the staff director for the Subcommittee on Defense, and he has put in tireless hours working on this bill and the committee report, and in assisting with our committee's 31 hearings this year.

Mr. Collins has been a trusted assistant at my side for many years, having joined the Appropriations Committee staff in 1974. Prior to taking over the Defense Subcommittee, he served as my staff director for the Appropria-

tions Subcommittee on Foreign Operations.

Richard Collins earned his position as staff director of this subcommittee through hard work—and through a long association with national security programs and the Department of Defense. He was born in Connecticut, nearby the U.S. naval submarine base. He worked in the shipyard there. He served in the Army in Germany.

Richard Collins is an example of the positive impact that our Defense education programs can have on our soldiers. He completed his high school education while serving in the Army. After leaving the Army, Richard went on to become a Phi Beta Kappa graduate of the University of Connecticut, once again with Army assistance, and then he completed extensive course work at the Johns Hopkins University School of International Studies.

Through our years on Foreign Operations, I have come to know Richard Collins as a dedicated professional who truly cares about people. Accordingly, he spends a lot of time viewing first hand the implementation of the programs we discuss in committee and here in the Senate. It was common to find Richard at a refugee camp on the Cambodian border investigating medical and educational assistance to Cambodian and Vietnamese children. Or to find him in the remote provinces of the Philippines discussing economic development with community leaders.

Now that he is working with the Defense Subcommittee, I have noticed this same attention to people programs. Mr. Collins can be found sharing lunch with the troops at the Fulda gap or visiting a B-52 maintenance crew at Minot, ND, in January.

I also think it is appropriate to recognize his lovely wife, Sheridan, and his two daughters, Elizabeth and Julia. It takes a very special family to understand the long hours and late nights that are required in the Senate.

The executive branch has many programs to recognize excellent performance. Unfortunately, we in the Senate do not. Since today is Richard Collins' birthday—and I have been asked not to mention his age—I thought it appropriate to recognize his outstanding contributions to the Senate, the Committee on Appropriations, to the Subcommittee on Defense Appropriations, and to me personally.

Mr. President, I have been asked to yield 15 minutes to the distinguished Senator from Illinois.

Mr. DIXON. Mr. President, I thank my colleague and friend, the distinguished senior Senator from Hawaii, for yielding me time on this amendment concerning base closures in the Department of Defense appropriation bill. I thank my friend from Hawaii and the members of the Appropriations Committee for recognizing that mistakes can be made in the Government and that when a mistake is made you ought not to persist in the mistake. You ought to try to correct your errors.

Mr. President, what is being done in the Department of Defense appropriation bill is that the members of the Appropriations Committee, some of the finest and most senior Members of this Senate, are saying let us look at some mistakes that were made in the base closure report concerning 86 bases in the country to see whether mistakes and errors clearly made ought to be rectified.

This Senator led the fight against the Base Closing Commission. I made a major speech on the floor of the Senate against it. I fought it in the committee. I fought it in the conference. I said then that faceless, nameless members of a commission would be dealt this authority that ought to be exercised by the Congress and I said, beyond that, when we look at domestic bases we ought to also close some foreign bases that cost the taxpayers of America $30 billion last year.

As we stand here now, Mr. President, talking about correcting errors impacting upon domestic bases in this country, this Senator receives long-distance telephone calls from all over the world every day to try to build a new base at Crotone, Italy, that would cost the American taxpayers billions of dollars.

So while we are talking about closing domestic bases, people in this administration, many of them still, are committed to expanding the expenditure of American taxpayers' hard-earned dollars for foreign bases.

As a member of the Armed Services Committee, I attended all five hearings on the results of the Base Closure Commission's efforts—two in the full committee, three that I chaired, Mr. President, in my Subcommittee on Readiness, Sustainability and Support. We spent a month trying to take the classified top secret label off of what that Base Commission had done so that the American public could at least know what happened. We finally were successful in that. Incidentally, there was considerable opposition to that. And when we were ultimately able to look at the report, the report made it clear that a great many errors had taken place.

Mr. President, the evidence is beyond contradiction that Chanute Air Force Base at Rantoul, IL, which was ranked fifth among Air Force technical training bases, should have been second, at the worst third. The evidence is beyond dispute that Fort Dix in New Jersey, ranked seventh, should have been not seventh, not sixth, not fifth, not fourth, not third, not second; it should have been first.

Now, why would the Government insist on embracing those errors? Some say that if you do something here, you unravel the whole thing. Mr. President, by correcting mistakes and errors you do not unravel a conscientious result.

Of the 86 bases intended for closure, a case can be made concerning 4 or 5. Should not the Government do the right thing as all of us as individuals are expected to do the right thing?

Do you realize that there is language in that report where the staff are talking with one of the Commission members and the Commission member says to staff, "Chanute does not meet the criteria for closing" and one of the staff then says, "we will alter the arrays." That is political language for saying, we will cook the numbers. And they cooked the numbers.

Mr. President, it is beyond dispute that bases will be closed, if we persist, out of human error or out of intentional distortion of the record.

Mr. President, while I receive calls as the chairman of a subcommittee—right now in conference, as I am talking here, my friend, the Senator from Colorado, TIM WIRTH, is chairing the subcommittee I chair in the conference with the House where one of the issues is Crotone, Italy. And yet they would close a base in my State next to a little town called Rantoul with 22,000 people.

Mr. President, everybody in Rantoul works at Chanute or depend on their income on people that work at Chanute. There are 3,300 houses in the town. A fourth of them are occupied by people at Chanute. The Base Closure Commission said they did not have adequate hospital facilities. I took all the media in America, the Secretary of Veterans Affairs Ed Derwinski and others to Chanute, with Congressman ED MADIGAN, Congressman TERRY BRUCE, and Senator PAUL SIMON. The third floor of the hospital is empty. They have a whole floor to expand. They said not adequate housing—more than enough; not adequate recreational facilities. The General Accounting Office found more than enough. Not adequate bachelor officers quarters. I appropriated the money and authorized it for the building they are building there now that will cost $4½ million that opens next month.

Here is the report from the General Accounting Office. I ask unanimous consent, Mr. President, that this report be printed in the RECORD at this point.

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

CHANUTE AIR BASE REPORT

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 7, 1989.

Hon. ALAN J. DIXON,
U.S. Senate.

DEAR SENATOR DIXON: This is in response to your request that we report on the accu-

racy of data used by the Secretary of Defense's Commission on Base Realignment and Closure in its analysis of two categories of training bases. As agreed with your office, this letter summarizes our work on Air Force technical training bases, and we will provide a separate letter covering Army basic training bases in mid-August. This work is part of a larger effort requested by the Chairmen and Ranking Minority Members of the Senate and House Committees on Armed Services to evaluate the work of the Commission on Base Realignment and Closure.

Before discussing our observations, let me briefly describe the Commission's process. It used a two-phased approach to evaluate bases for realignment and closure. The phase I analysis grouped bases into a number of categories, and then focused on determining the military value of bases within each category and each base's capacity to absorb additional missions and forces. The Commission then worked with the services to identify and rank bases warranting further review. The base or bases at or near the bottom of the ranking in each category were generally then moved into phase II. The phase II analysis focused on assessing the cost and savings of base realignment and closure options.

The key points concerning the Air Force's technical training bases are summarized below. Details are provided in the enclosure.

There were five bases in this category. The Commission's phase I analysis resulted in Chanute, AFB being ranked number five. It was then selected for phase II analysis. Service data shows that another base that was ranked higher in this category was also selected for phase II analysis. Chanute AFB was ultimately selected for closure.

We found data errors that significantly affected the ranking of the five bases in the phase I analysis. For example, certain facilities requirements data were overstated. When this error was corrected, the ranking of four of the five bases changed.

We also found that the initial scoring of the bases did not adequately account for deficiencies in facilities at the bases. For example, a base with a 4-percent deficiency in its requirement for bachelor housing was given the same score as a base with an 18-percent deficiency in its requirement for bachelor housing. We believe it is more accurate to use the actual percent of facilities deficiencies as a basis for scoring. Using this approach and corrected data changed the ranking of all five Air Force technical training bases.

Other factors, such as the number of missions at a base, were considered by the Commission in selecting base closure candidates during the phase I analysis. Therefore, it is uncertain what effect the corrected data may have had on the Commission's deliberations.

We will continue to keep you advised as our work progresses. If you have any additional questions, please contact Donna Heivilin, Director, Logistics Issues, on 275-8430; or Dave Warren, Assistant Director, Logistics Issues, on 275-8431.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

OBSERVATIONS ON THE COMMISSION'S RANKING OF AIR FORCE TECHNICAL TRAINING BASES

This enclosure provides more details on our observations on the Commission's ranking of Air Force technical training bases during its phase I analysis.

COMMISSION METHODOLOGY AND RESULTS

The Secretary of Defense's Commission on Base Realignment and Closure used a two-step process to select bases for realignment or closure. The first step (phase I) was to calculate a numerical military value score for each base. The second step (phase II) was to calculate the cost of various realignment or closure options for candidate bases. To calculate the military value for the Air Force's technical training bases, the Commission defined important military value attributes in five major categories. It assigned relative weights to each military value attribute and devised a method of rating each attribute.

In evaluating Air Force technical training bases, the Commission considered on-hand facilities at a base plus validated military construction projects for the base as requirements. According to the Commission staff, if the on-hand facilities met the requirement, a green rating (four points) was given. However, if military construction projects were needed in addition to the on-hand facilities to meet requirements, we were told that a yellow rating (two points) was given, regardless of the size of the deficiency. Table 1 shows the various weights.

TABLE 1.—*Weights used to evaluate Air Force technical training bases*

Category and attribute:	*Weight*
Mission suitability:	
Training facilities	30
Administrative facilities	20
Bachelor housing	20
Recreation facilities	15
Medical and dental facilities	15
Availability of facilities:	
Buildings	1
Maintenance	1
Liquid fuels storage	1
Explosive storage	1
Warehousing	1
Vehicle pavement	1
Utilities	1
Land area	1
Quality of facilities:	
Condition	1
Technology	1
Configuration	1
Quality of life:	
Family housing	1
Community support:	
Work force	1
Distance to airport	1
Distance to train	1
Distance to interstate	1
Infrastructure	1
Industry	1
Total weights	118

The Commission's military value ranking of the five Air Force technical training bases, with number one having the highest value, is shown in table 2.

TABLE 2: COMMISSION RANKING OF BASES

	Commission ranking
Rank order:	
1	Lowry, AFB.
2	Goodfellow, AFB.
3	Keesler, AFB.
4	Lackland, AFB.
5	Chanute, AFB.

RESULTS OF REVIEWING AIR FORCE TECHNICAL TRAINING BASE RANKINGS

During our April 12, 1989, testimony [1] before the Subcommittee on Readiness, Sustainability and Support, Senate Committee on Armed Services, we stated that we had two concerns with the Commission's methodology for ranking bases. First, we were concerned that the ranking included several projects that were to replace existing facilities. As replacement facilities rather than new facilities, they should not have been counted in requirements computations since this overstated the requirements. Second, the ranking did not adequately account for facilities deficiencies because it used a broad range measure instead of actual data.

We reranked the Air Force's technical training bases by eliminating double-counting of facilities. Because of the large amount of data and the limited amount of time, we only considered data in the mission suitability category to rank bases after eliminating double-counting of facilities. This accounted for 100 of the possible 118 points, or about 85 percent. We then used this refined data to score the bases by considering actual data on facilities deficiencies. These adjustments resulted in significant changes to the Commission's ranking.

RERANKING BY ELIMINATING DOUBLE-COUNTING

We found that the Commission had double-counted facilities in establishing unmet facility requirements at the five Air Force technical training bases. For example, at one base the Commission included military construction projects to build 23,300 square feet of replacement bachelor housing when the 23,300 square feet had already been counted in the on-hand facilities. This overstated the requirement and made the unmet facility requirements appear larger than it actually was. Table 3 shows that when double-counting is eliminated the relative position of four of the five bases changes.

TABLE 3: RANKING AFTER ELIMINATING DOUBLE-COUNTING

	Commission ranking	Revised ranking
Rank order:		
1	Lowry, AFB	Lowry, AFB.
2	Goodfellow, AFB	Chanute, AFB.
3	Keesler, AFB	Goodfellow, AFB.
4	Lackland, AFB	Keesler, AFB.
5	Chanute, AFB	Lackland, AFB.

RERANKING CONSIDERING THE SIZE OF THE DEFICIENCY IN FACILITIES

The Commission gave a yellow rating to an attribute if it failed to meet the requirement, regardless of the relative size of the deficiency. We believe that it is more precise to use actual data since relatively small deficiencies would have less of a negative impact on military value than relatively large ones. For example, one base had a 4-percent deficiency in its requirement for bachelor housing. However, it was given the same score for this attribute as a base that had an 18-percent deficiency in its requirement for bachelor housing. We reranked the five Air Force technical training bases by computing a score based on the percentage of the facility deficiency, after eliminating double-counting projects and the attribute's assigned weight. Table 4 shows that when

[1] Base Realignments and Closures," (GAO/T-NSIAD-89-24, Apr. 12, 1989).

these changes are made the relative position of all five bases changes.

TABLE 4: RANKING BASED ON FACILITIES DEFICIENCIES

	Commission ranking	Revised ranking
Rank order:		
1	Lowry, AFB	Lackland, AFB.
2	Goodfellow, AFB	Keesler, AFB.
3	Keesler, AFB	Chanute, AFB.
4	Lackland, AFB	Lowry, AFB.
5	Chanute, AFB	Goodfellow, AFB.

OTHER CONSIDERATIONS

Other factors, such as the number of missions at a base, were also considered by the Commission in selecting base closure candidates. Therefore, it is uncertain what effect this revised data may have had on the Commission's deliberations.

Agency officials stated that even if corrected data changes the relative ranking of the Air Force's technical training bases, Chanute, AFB is still the most logical base closure candidate because it is a single mission base and the other bases have missions that would be more difficult to move. The Commission estimated that closing Chanute would save $68.7 million annually and have a 3-year payback period. Our latest estimate indicates annual savings of $60.3 million and a 5-year payback period.

FORT DIX REPORT

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, August 17, 1989.

Hon. ALAN J. DIXON,
U.S. Senate.

DEAR SENATOR DIXON: This letter completes our response to your request that we report on the accuracy of data used by the Secretary of Defense's Commission on Base Realignment and Closure in its analyses of two categories of training bases. As agreed with your office, this letter summarizes our work on Army basic training bases. We provided you with a separate letter covering Air Force technical training bases on July 7, 1989. This work is part of a larger effort requested by the Chairmen and Ranking Minority Members of the Senate and House Committees on Armed Services to evaluate the work of the Commission on Base Realignment and Closure.

Before discussing our observations, let me briefly describe the Commission's process. It used a two-phased approach to evaluate bases for realignment and closure. The phase I analysis grouped bases into a number of categories, and then focused on determining the military value of bases within each category and each base's capacity to absorb additional missions and forces. The Commission then worked with the services to identify and rank bases warranting further review. The base or bases at or near the bottom of the ranking in each category were generally then moved into phase II. the phase II analysis focused on assessing the cost and savings of base realignment and closure options.

The key points concerning our review of the Army basic training bases are summarized below. Details are provided in the enclosure.

The eight bases in the Army's basic training base grouping were Forts' Benning, Bliss, Dix, Jackson, Knox, Leonardwood, McClellan, and Sill. The Army's Training and Doctrine Command (TRADOC) had primary responsibility for assisting in the phase I analysis of the eight bases.

During phase I, the bases were assessed and scored for their mission-related military value for each of 22 physical attributes. This analysis resulted in Forts' Dix and Jackson being ranked lowest of the eight bases. The Commission subsequently selected both bases for phase II analysis. It ultimately recommended a realignment of Fort Dix's training functions and that Fort Dix be placed in a semi-active status.

Inaccurate data was used by TRADOC in assessing military value and scoring errors were made by the Commission. Specifically, we found that five of the eight bases would have been ranked differently if data used by the Commission had been accurate and properly calculated. For example, Fort Dix would have ranked second if (1) TRADOC had used accurate data to assess the condition of Fort Dix's facilities; and (2) the Commission had properly calculated data measuring Fort Dix's support to reserve component training.

The Commission's phase I analysis considered other factors, such as base capacity and opportunity for more efficient operations, in selecting base closure candidates. Therefore, it is uncertain what effect the corrected data may have had on the Commission's deliberations. However, Commission and Army officials stated that the Commission's selection of phase II candidates would probably have been the same regardless of the rankings because of the limited size and mission of Forts' Dix and Jackson compared to the other six bases in the category. The Assistant Secretary of Defense (Production and Logistics) has supported this position.

We will continue to keep you advised as our work progresses. If you have any additional questions, please contact Donna Heivilin, Director, Logistics Issues, on 275-8412; or Dave Warren, Assistant Director, Logistics Issues, on 275-8431.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

OBSERVATIONS OF THE COMMISSION'S RANKING OF ARMY BASIC TRAINING BASES

This enclosure provides more detailed observations related to the Commission on Base Realignment and Closure ranking of Army basic training bases during its phase I analysis.

COMMISSION METHODOLOGY AND RESULTS

The Commission used a two-phased approach to determine which bases have the potential to be realigned or closed. The first step (phase I) established a complete inventory of military installations for each military service and assigned them to categories of bases havings similar missions. The bases were then evaluated to measure their military value and their ability to absorb additional activities. At the completion of these evaluations, a number of bases were selected for more detailed review. These were usually the bases that ranked lowest in military value. In the phase II process, the Commission evaluated various alternatives for relocating the activities of bases identified as candidates for closure or realignment. This evaluation used a cost-estimating model to determine costs and savings associated with each relocation option.

In evaluating the eight Army basic training bases, the Commission established five major categories that relate to military value and the key attributes of each category. It then judgmentally assigned weights that reflected the attribute's relative importance to the missions of the basic training bases. To calculate the military value of these bases, the Commission devised a method of scoring each attribute. This method used criteria developed by the Army to assign rating codes to each attribute. The measurement of each attribute was characterized by one of three ratings—green if the attribute was judged fully satisfactory to accomplish the base's missions, yellow to indicate the attribute was acceptable for accomplishing the base's mission, and red to denote marginal capabilities. These ratings were then converted to numeric scores for the ranking process. Table 1 shows the major categories, military value attribute, and the various weights assigned to each attribute.

TABLE 1: *Attributes assessed for Army basic training bases and weights assigned*

Category and attribute:	*Weight*
Mission Suitability:	
Unique location or mission	149
Encroachment (commercial or residential)	67
Land for training maneuvers	41
Firing ranges	33
Support to reserve component training	30
Water availability	7
Mobilization capacity	3
Availability of facilities:	
Training and instructional facilities	119
Vehicle maintenance facilities	22
Administration facilities	12
Paved roads	8
Utility systems	7
Quality of facilities:	
Real property maintenance backlogs and costs	67
Military construction backlog	28
Percent of facilities that are temporary	24
Quality of life:	
Unaccompanied personnel housing	53
Family housing	39
Community facilities	9
Medical facilities	6
Community support:	
Population density	3
Transportation network	3
Utility systems	3
Total	733

The Commission's military value ranking of the eight Army basic training bases is shown in table 2. Forts' Dix and Jackson ranked lowest and were selected by the Commission for phase II analysis. Ultimately, the Commission recommended a realignment of Fort Dix's training functions and that Fort Dix be placed in a semi-active status. The Commission's decision was endorsed by the Secretary of Defense.

TABLE 2: COMMISSION RANKING OF BASIC TRAINING BASES

	Base
Ranking order:	
1	Fort Sill.
2	Fort Knox.
3	Fort Leonardwood.
3 [1]	Fort Bliss.
4	Fort Benning.
4 [1]	Fort McClellan.
5	Fort Dix.
6	Fort Jackson.

[1] Tie.

RESULTS OF REVIEWING ARMY BASIC TRAINING BASES

During our April 12, 1989, testimony [1] before the Subcommittee on Readiness, Sustainability, and Support, Senate Committee on Armed Services, we expressed our concern that the Commission may have used incomplete and inaccurate data. We cited the category of training bases as one area where we identified problems.

We rescored and reranked the eight bases in the Army basic training bases category by reviewing selected military value attributes within the five major assessment categories. We reviewed 12 of the 22 attributes shown in table 1 and these attributes account for about 92 percent of the total weight points. We performed our work at (1) the eight Army training bases, (2) the Army Training and Doctrine Command (TRADOC) in Fort Monroe, Virginia, and (3) the Commission.

Our analysis shows that (1) TRADOC used inaccurate data in assessing military value; and (2) the Commission made errors during the scoring process. Our review of the Commission's assessment of 12 attributes for each of the 8 bases showed that every base had at least one attribute that required adjustment. Specifically, we found that five of the bases are ranked differently when the errors are corrected. Table 3 shows these rerankings.

TABLE 3.—*Reranking of bases*

Commission ranking:	
Base:	*Rank order*
Fort Sill	1
Fort Knox	2
Fort Leonardwood	3
Fort Bliss	[1] 3
Fort Benning	4
Fort McClellan	[1] 4
Fort Dix	5
Fort Jackson	6
Corrected ranking:	
Base:	*Reranking*
Fort McClellan	1
Fort Dix	2
Fort Leonardwood	3
Fort Bliss	3
Fort Sill	[1] 3
Fort Benning	4
Fort Jackson	5
Fort Knox	[1] 5

[1] Tie.

Some of the problems we found in reranking the Army's basic training bases are discussed in the following examples.

Fort Benning's original ranking was incorrect because they sent inaccurate data on support of reserve training to TRADOC.

Fort Bliss sent erroneous data to TRADOC concerning the amount of temporary facilities at the base.

Fort Dix provided TRADOC with inaccurate data concerning the backlog of real property maintenance and repair at the base. Fort Dix's revision to the data several days later was not considered by TRADOC and, as a result, Fort Dix's score for this attribute was lower than it should have been. In another example, Fort Dix was assessed based on accurate reserve component training data, but the Commission made a computational mistake and scored the attribute too low.

Fort Jackson inappropriately counted firing range acres in data submitted to TRADOC by also listing its maneuver land acreage. Only maneuver land acres should have been considered.

Fort McClellan's on-hand assets for training and instructional facilities are higher than the figure used by the Commission.

OTHER CONSIDERATIONS

The Commission also considered other factors, such as base capacity and opportunity for more efficient operations, in selecting bases for possible closure or realignment. Therefore, it is uncertain what effect the corrected data would have had on the Commission's deliberations.

Commission and Army officials stated that the Commission's selection of closure candidates would probably have been the same regardless of the rankings because of the limited size and mission of Forts' Dix and Jackson compared to the other six bases in the category. The Assistant Secretary of Defense (Production and Logistics) has supported this position. He also stated that the decision to place Fort Dix rather than Fort Jackson in a semi-active status was logical and endorsed by the Secretary of Defense. The Commission estimated that putting Fort Dix in semi-active status would save $84.5 million annually and have a 3-year payback period. Our latest estimate indicates annual savings of $65.7 million and a 4-year payback period.

[1] "Base Realignments and Closures" (GAO/T-NSIAD-89-24, Apr. 12, 1989).

Mr. DIXON. "Dear Senator DIXON: This is in response to your request that we report on the accuracy of data used by the Secretary of Defense's Commission on Base Realignment and Closure in its analyses of two categories of training bases."

Now I skip a good deal of this.

The key points concerning the Air Force's technical training bases are summarized below. Details are provided in the enclosure.

There were five bases in this category. The Commission's phase I analysis resulted in Chanute, AFB being ranked number five. It was then selected for phase II analysis. Service data shows that another base that was ranked higher in this category was also selected for phase II analysis. Chanute, AFB was ultimately selected for closure.

We found data errors that significantly affected the ranking of the five bases in the phase I analysis. For example, certain facilities requirements data were overstated. When this error was corrected, the ranking of four of the five bases changed.

We also found that the initial scoring of the bases did not adequately account for deficiencies in facilities at the bases.

Then they talk for a couple of pages about the methodology and the results.

Here is a whole page, Mr. President, on the way they did this: "Mission suitability", five categories; "availability of facilities," one; "community support," six.

OK, the total weight. Here is the whole review by the General Accounting Office, the GAO, of what was done in connection with these five bases where Chanute was rated fifth. What is the finding? "Ranking, after eliminating double counting: Table 3 shows that when double counting is eliminated the relative position of four of the five bases change."

They double counted, Mr. President. They double counted.

Now, when we correct it, Lowry Air Force Base is still No. 1, Chanute Air Force Base, Mr. President, jumps from five to two; not fifth, second.

Here is a reranking, considering the size of the deficiency in facilities. They tell about how, for example, one base had a 4-percent deficiency in its requirement for bachelor housing. However, it was given the same score for this attribute as a base that had an 18-percent deficiency in its requirement for bachelor housing. They rank them based on facility deficiencies. The Commission ranked Chanute fifth, the revised ranking is third.

Mr. President, this General Accounting Office report and five hearings of the Armed Services Committee in its jurisdictional Subcommittee on Military Bases found that by every fair criteria employed, Chanute Air Force Base is no worse than third and most probably second and not dead last fifth, and should not be closed.

I only want to say this in conclusion, Mr. President. I am going to make a Xerox of this. The ruling has been it can be printed in the RECORD. I am going to print it in the RECORD.

Many of my colleagues persist in saying: Do not unravel this thing. I would say in conclusion, to my colleagues in the Senate: Never stick with a mistake, in your indiviudal life, or anything you do. Here we have a mistake. Here we have a clear case of where the Commission on Base Closing has erred, seriously erred, and we ought to correct that.

All this langauge does, all my friend from Hawaii is saying, all the Appropriations Committee people are saying is this: Let us look at the mistake. We are only saying let us review it. Let us give the Secretary of Defense and people in authority a chance to see whether an error can be corrected.

I think it would be an outrage if a fine community of 20,000 people in my State were torn asunder because of mistakes made by the Government, by faceless, nameless people who have nothing to answer to. They go home at night and forget about it. They are not like Members of the Senate or the House who have to go home and answer to their constituent groups.

This is a serious matter, affecting some of us very deeply. I would ask my colleagues to seriously consider this question and to support the committee result. The chairman of the Appropriations Committee and the Committee on Appropriations have done a decent job here and I ask we reject the amendment that has been offered by my colleague from Georgia.

I yield the floor.

The PRESIDING OFFICER (Mr. SHELBY). Who yields time?

Mr. INOUYE. I yield such time as is necessary to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in support of the Nunn-Warner amendment. Let me just point out at the beginning that the Commission that made these recommendations for base closures was not a faceless group. It included some of the most distinguished Americans who have dedicated so much of their lives to public service. I can think of no two individuals more distinguished or better qualified than the Honorable Abraham Ribicoff and the Honorable Jack Edwards. I know everyone in this Senate who had the privilege of serving with Senator Ribicoff would agree that he was one of the most thoughtful, intellectual, public spirited Senators who has ever graced these Halls.

Likewise, Jack Edwards, who served so many years on the House side, was known and recognized as a leader on military affairs. Mr. President, I could go through the whole list becuase it is, indeed, a distinguished group, including retired generals, who are certainly experts on defense matters. We also had on the Commission a very distinguished environmental expert, Russell Train, who one time served as chairman on the Council of Environmental Quality.

I want to repeat, the Commission was made up of distinguished Americans, Americans who have served this country well. There is no reason at this late date to repudiate their good work.

Mr. President, is it any wonder why this distinguished body has been unable to solve the deficit when it can't even bring itself to cut the most blatant examples of waste in its spending practices?

If an American family discovers that its spending exceeds its income, it economizes. And, of course, it first looks to cut the most obvious waste in the family budget—those things which can be cut without causing adverse impact upon the health and well-being of the family. Such logic is fundamental to good economy. It's fundamental to financial recovery.

And it should be a fundamental tool for this body to put its own financial house in order. But it's not. Instead, Congress resorts to smoke and mirrors—to forecasts and formulas and sequestrations—completely unable to follow this most obvious and commonly practiced financial strategy.

For example, last year, several Members of the House and Senate, including myself—managed to persuade both Houses to consider an equitable plan for realigning and closing some of the excessive number of obsolete military bases the U.S. taxpayer has been obliged to keep open. In a rational world, all of these unnecessary facilities—like waste in the family budget—would have been closed long ago.

However, as Congress is extremely fond of telling the military how to spend its budget, every time the Pentagon attempted to close unnecessary bases, it found the task difficult, if not impossible. The path to sound military spending—responsible financial management—was strewn with artificial barriers crafted here on the floor of this Senate and over in the House of Representatives.

Fortunately, last year, we finally managed to persuade the majority of our colleagues that this situation was simply intolerable. Senators NUNN and WARNER took up the provisions of the Roth-Armey base consolidation bill and incorporated it into the fiscal year 1989 DOD authorization bill.

The debate on the Senate floor was extended and vigorous, to say the least but, ultimately, the majority of the House and Senate was able to work its will. The Base Consolidation Commission was empowered to make its recommendations to the Secretary of Defense, who was empowered to act upon those recommendations, absent passage of a joint resolution of disapproval by the Congress.

The House of Representatives did consider passage of such a resolution, but the proponents of that resolution were soundly defeated. The majority had once again made its will clear.

Nonetheless, despite that fact that the majority has made its will so clear so often, we once again witness attempts to strew new road blocks in the path of the base closing procedure. The Appropriations Committee now wishes to draw the General Accounting Office into the process, requiring the Comptroller General to report that the costs of closing any base will be amortized within 6 years of any closure.

The most obvious question is why? The GAO already is heavily burdened. Does anyone in this body seriously wish to suggest that this Nation does not suffer from a ridiculous excess of military bases? Why do we need to require the GAO to confirm something which is patently obvious—that we need to shed the burden of unnecessary military facilities from the backs of the already overtired American taxpayer.

Perhaps, Mr. President, this attempt to bring the Comptroller General into the base closing process smacks of the old requirement for environmental impact statements prior to base closings, a requirement which so complicated the consolidation process as to make it worthless. This new wrinkle in the base consolidation process is unnecessary and it should not be supported by the Senate.

I should also point out that, as was stated on the House floor, the Secretary of Defense, the Attorney General, and Director of OMB would recommend to the President that he veto this bill in the event of the presence of a provision that would prohibit proceeding with any base closure or realignment pending GAO studies.

The Appropriations Committee amendment also raises a very, very serious constitutional problem. Making base closures subject to GAO review infringes on the constitutional separation of powers because it would make the executive branch action legally dependent on decisions by the Comptroller General. This provision is unconstitutional and directly contrary to the Supreme Court decision in Bowsher versus Synar which held that the Comptroller General is an officer of the legislative branch and cannot perform executive functions.

The Base Realignment Commission has done its work fairly and the Congress should step aside and allow the Nation's military to implement the budget savings which it has so often demanded. Mr. President, I respectfully request that my colleagues support the Nunn-Warner substitute and defeat the committee amendment.

I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I am pleased to yield 10 minutes to the Senator from Illinois [Mr. SIMON] who will speak against the Nunn amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. SIMON. I thank the Chair. Mr. President, I rise in strong support of the committee provision that was brought to the floor by the senior Senator from Hawaii in opposition to the Nunn-Warner amendment.

We had a meeting this morning in my office—Senator DIXON, Congressman MADIGAN, Congressman BRUCE, Senator LAUTENBERG, Senator DECONCINI, Senator MCCAIN—with the Secretary of Defense. We made a very basic point about what we ought to be considering here and that is, there ought to be a way of correcting mistakes that we make. The GAO report says—and obviously I have a provincial interest in Chanute Air Force Base; there are five training bases reviewed—the GAO report says that Chanute should not be fifth in terms of ranking. But if you were to do it correctly, it should be second in terms of ranking.

Do we just ignore the GAO report? Do we ignore the mistakes? The report of the commission says there would be minimal impact on the community. This is a community of 20,000 people in central Illinois. The University of Illinois study shows that community will lose 59 percent of its income. We already have from the Corps of Engineers a study showing that 800 of the 3,300 houses in this community are base personnel, not counting the indirect. Already, according to the Corps of Engineers, there has been a drop of

20 percent in real estate values in that community. Incidentally, under the law, the Defense Department would have to make up for those kinds of losses.

The report of the commission says recreational facilities are inadequate. It is very interesting because they have a brand new recreational building, probably the finest recreational building on any military base outside the military academies. They just had the international handball championships for the Armed Forces of the United States at Chanute base where they are not supposed to have adequate recreational facilities, according to the report.

The report says housing is inadequate. Obviously, it is based on a decade-old report. Housing is very fine on that base now and while we talk, they are finishing some new housing on that base right now.

They said the hospital has inadequate number of square feet. There is a whole third floor of that hospital that is not even being used. The report just does not make sense.

At Chanute, in the last 8 years, the U.S. Government has spent $160 million to fix up that base. If we go along and do not correct this mistake, we are just going to be wasting all of that money. It does not make sense.

I would like to quote—and to the credit of my colleague from Illinois, and a few others, Senator DIXON and some others, who finally got the Commission discussions that were classified secret unclassified, though they whited out the names of who the Commissioners were as they said various things. Let me quote from three different Commissioners during the course of this. One says:

I think anybody that would look at this exercise and say this is the way to manage your base structure is out of his gourd. I think its terrible public policy.

Another says:

Our ability to operate will circumscribe and that illustrates if this is at best a jury rigged and temporary procedure.

And another says:

And I hope my colleagues as they weigh how they are going to vote on this say, let's do not admit we have done a lousy job.

And my friends, they did a lousy job.

Here is another Commissioner:

We did no independent assessment of these cost figures, and we ended up making decisions based on numbers that I am convinced were contrived to build a case.

That is one of the Commissioners who was appointed.

At another point in the discussion, there is a referral to Chanute Air Force Base as an empty air base. The reality is there are 51 training programs there. Twenty-four thousand students a year graduate from this particular military base that is described by one Commissioner as an empty air base. Something is wrong with the process.

I am not here, none of us is here saying, "Do not close any bases," though I agree completely we ought to be reviewing foreign bases first. The reality is we have Armed Forces personnel stationed about 1,500 places overseas and we have the same number of obligations overseas when we are now 20 percent of the world's economy as when we had 40 percent of the world's economy. We ought to be reviewing what we do overseas. But let us not say that we do not correct a mistake. If we reject the recommendation of the Appropriations Committee, that is basically what we are saying. Clearly, in the case of Chanute, and I think this is the case of three other bases, a massive mistake was made. Let us not proceed with massive mistakes that the GAO says clearly is a massive mistake.

My hope is that my colleagues will not say let us just ignore, let us just throw this under the rug, nor do I hope you will listen to the argument that will be made that this is going to unravel the whole thing. No one is suggesting this. What we are saying is where major errors have been made by the Commission, and the Commission itself—and I see my distinguished colleague from Nebraska just came on the floor from the Armed Services Committee—when one of the Commissioners says in the meeting, "Let us do not admit we have done a lousy job," I think we ought to say at least let us let the GAO take a look at this thing where we have made significant errors, and in the case of four bases apparently significant errors have been made, let us correct the mistakes.

Let us go ahead and close bases where we can save money, where we can proceed in a sensible way, but let us not—and this is true for anything. Any time we make some mistakes in some procedure, let us correct the mistakes. That is all this amendment says. I hope we will support the Appropriations Committee in their endeavor. I yield back my time.

The PRESIDING OFFICER. Who yields time.

Mr. INOUYE. Mr. President, I am pleased to yield 5 minutes to the Senator from Nebraska [Mr. EXON] and the time will come from the proponents of the Nunn amendment.

The PRESIDING OFFICER. The Senator from Nebraska controls time on the other side.

Mr. EXON. I yield myself what time I need from the opponents' side.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I thank my friend from Hawaii, who is managing this bill. I have listened now for some time with keen interest to the arguments pro and con on this amendment. I rise only to try to put this in proper perspective.

The General Accounting Office and their reports I hope do not control the ultimate decision made by this body.

I simply point out what other Senators have addressed themselves to once again, that this issue has been debated on the floor of the Senate previously. The changes suggested by the Appropriations Committee were rejected. Likewise, a similar situation exists in the House of Representatives where the arguments have been made and the decision made to close the bases along the lines recommended by the committee.

I think it is rather interesting in that, as far as I know, the GAO found some possible shortcomings with the recommendations, but the GAO did not come forth with offsets in bases that should be closed if the bases specifically alluded to as passed by the Senate and House of Representatives are not forthcoming.

Therefore, I recognize and realize that if we accept the recommendation by the Appropriations Committee, we do not necessarily in and of that fact itself unravel the whole package. I simply say that unraveling has begun.

If we are making a mistake, which I suggest is not the case, in closing four of these bases, then let us err for once on the side of what is constructive, what is conservative, and what makes sense with regard to the dollars invested in our very important national security program.

Mr. President, the facts are we have far too many military bases to meet current needs. We have developed over a period of years a set of circumstances where it is impossible to knock out the broad scope of defense welfare, but military bases in and of themselves are an important part of defense welfare that may well be good when you look at it from the social impact of the areas that would lose their bases.

I do not mean that I am glad that has happened. I am only saying that is a necessary step if we are going to streamline our overall national defense policy and have a reduction in the total amount of taxpayer money going to that end.

I think it is rather interesting, Mr. President, right at this time when the authorizing committees and the House and the Senate have previously spoken in support of the proposition of closing these bases as recommended by the Commission and endorsed by two Secretaries of Defense and two Presidents of the United States, here we are worrying about this when we are trying to find some money principally out of the military budget to finance the all-out war on drugs.

As a strong supporter of national defense, which my record indicates, Mr.

President, I still feel that if we are going to continue to spend about $300 billion per year on national security, somehow, somewhere we could take one-half of 1 percent or 2 or 3 percent of that $300 billion annual appropriation for national defense and transfer it to the war on drugs. I think that kind of cut in national security policy and shifting it to the war on drugs is not only legitimate but is demanded under the circumstances.

Therefore, I think it is very proper that the defense budget take the hit, if you will, the very small hit in comparison to all of the other programs that we finance to eliminate these unnecessary military bases which can be justified only from the standpoint of defense welfare or social assistance to an individual community and not from the overall standpoint of what is best for the national defense of the United States of America.

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

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I am pleased to yield 5 minutes to the Senator from Indiana [Mr. COATS].

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. COATS. I thank the chair.

Mr. President, I stand here as one who has strongly advocated and supported the base-closing measure when it came through the House of Representatives as a Member of the House. It was an idea that made a lot of sense. I still think it does. I still support the idea of giving the Department of Defense the flexibility needed to bring about effeciency and savings in our expenditure of Federal tax dollars. It makes a great deal of sense and it is something we should have done a long time ago. Nevertheless, we are here today; we are moving forward; and we are making some tough choices. Tough choices have been faced and made. Many of us have to live with those consequences.

Having said that, I want to bring to the attention of the Senate and to my colleagues a fact that I think also ought to be examined and that is the case that not all of the decisions that were made are perfect decisions. I think the Commission has mentioned that. Statements have been made on the floor of the Senate to that effect. It is clear that in a few selected instances the criteria that were established by the Commission were not either correctly laid out or correctly applied to specific situations.

In one particular base closing announced for Jefferson Proving Ground in southern Indiana, we clearly face a dilemma. I am frustrated in my attempt to get the Department of Defense to directly address the dilemma that not only I face as a Senator representing my State and the people of the community who are affected but the Department of Defense faces because they have a problem on their hands that I think they would certainly privately acknowledge but are fearful of publicly acknowledging because they are afraid that the Base Closure Act might come unraveled and any deviation from the proposed plan will be seen as a chink in the armor, perhaps a political favor to someone, which is not the case at all, or some beginning of a process of unraveling the whole concept of base closure.

Mr. President, I want to tell you that the people of Madison, IN, in southern Indiana, do not object to the decision of the Department of Defense to bring about more efficiency, and if that means closing the base, they will accept that. What they are concerned about—and what they have every right to be concerned about—is the fact that we face a unique situation with Jefferson Proving Grounds. Since World War II it has been used as an area for testing of munitions. More than 23 million rounds of ammunition have been fired on this proving ground and the Department of Defense estimates that at a minimum 900,000 of those are unaccounted for, unexploded. We do not know exactly where they are.

Clearly, in an area of 55,000 acres of prime land in southern Indiana, littered with buried munitions approaching 1 million shells, you cannot turn it over to farmers and say go ahead, plant soybeans, plant corn, plant wheat; go ahead, use it as a nature preserve, use it as a hunting area, use it to develop industry. We have to close this base for efficiency purposes in the Department of Defense, and that may be true, but it is of no value to the community or for the State left in its current state. Nor are there funds available for cleanup of this facility. The funds available through the Department of Defense will not even begin to touch the cost necessary to address the cleanup of these 900,000 shells and make this land habitable.

So the community and the State are presented with a dilemma. Yes, they want to support good government, efficiency, and serve our tax dollars but they would also like the land back or like to do something with it. Simply throwing a fence around it, and posting a sign saying "no trespassing" is hardly a way of assuring the community that this closing of the base which is going to cost several hundred jobs in the community and devastates a rural area is an acceptable solution.

So we have been pleading with the Department of Defense and others to give us some relief, some basic program or formula in which we can move forward and address this.

I wonder if the chairman would allow me 3 additional minutes?

The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized for 3 additional minutes.

Mr. COATS. So we are today faced with a situation where there is a way to address clear mistakes that have been made by the Commission, by the Department of Defense in terms of a few selected bases that do not meet the criteria. In the case of Jefferson Proving Ground the 6-year payback period is ludicrous. It is based on the assumption that the land will be sold for farming. I have yet to find a farmer in the State of Indiana that is willing to run his plow over ground that has 900,000 unexploded shells. I doubt that we will. Therefore, the criteria that are established for a determination that this makes sense to close this base because we can get a payback in 6 years is criteria that just simply does not match the facts.

So I reluctantly come forward today to vote for the committee amendment and against the amendment of my chairman who I deeply respect because I think the overall purpose of what the Base Closing Act attempts to do and what the chairman's amendment attempts to do is the right purpose. It is the one that I wish I could support. I have gotten no answer from the Department of Defense. The General Accounting Office has given us an estimate that the payback period is more like 100 years, not 6 years. We have had no answers to what we can do with this land and what availability it will have for the community and for the State.

Until I get the answer, it is impossible for me to oppose a provision in the committee bill that says, look if the Commission made a mistake, if it is an egregious error, if it is clear that it does not fit the criteria, let us at least pull out these few exceptions and put them back on the drawing board.

I would be happy to accept the provision that said we can go ahead and close them as long as we can come up with an acceptable way to do it. I do not necessarily demand that this base be kept open if it does not meet the needs of the taxpayer and the needs of the military. Neither do the people of the community.

But they are saying at least give us something that makes sense in terms of our ability to close it and utilize the land for other purposes. We are a rural community. We need to be able to use it. It is devastating what is going to happen. We will accept it as good Americans, but at least give us the opportunity to take that asset and do something with it instead of having this albatross sitting at our hands for the next century.

So reluctantly I am going to go forward and support an amendment be-

cause that amendment is the only way that I can express my frustration and my indignation over the fact that I just cannot get anybody to give me any answer as to what to do with this. As I said privately, they will tell you, you are right. You are exactly right. We blew this one. But we cannot remedy it because it will send the wrong signal, and other people will come along and say, "You gave them a special favor, what about my base?"

Well, when you make a mistake, let us admit you made a mistake. Let us take the necessary steps to correct the mistake. Let us sit down and work together. Let us honestly lay the problem on the table, and let us find the solution. That is what I want to do. That is what the community wants to do. That is what the State of Indiana wants to do, and that ought to be what DOD wants to do. Until they are ready to do that and admit that, I am going to support the amendment. I thank the chairman for the time.

Mr. President, I yield.

The PRESIDING OFFICER. Who yields time? The Senator from Hawaii controls the time on one side.

Mr. WARNER. Mr. President, at such time as it is convenient, the Senator from Virginia would like to have further time, but I want to consult with the chairman of the committee so that our remarks are coordinated. As yet, we have not had that opportunity.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum, and I ask the time to be charged equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. 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. INOUYE. Mr. President, while we are waiting for another speaker, may I just comment on the measure before us?

Mr. President, there are 145 bases involved in this base closure; 86 are for closing and 54 for realignment. Of the 145, this U.S. Senate is discussing the possibility that this distinguished panel of American citizens made mistakes in four of them. The action suggested by the Appropriations Committee is not inconsistent with the action taken by the Armed Services Committee, the authorizing committee. The authorizing committee in action 331, because they had doubts about this Commission, directed the Comptroller General to analyze the findings of this Commission.

If the Armed Services Committee was so certain about the Commission's findings, why would they have the Comptroller General analyze it? We just went one step further. Under the Armed Services Committee bill, if the GAO analysis indicates that errors have been made—and GAO has already indicated that errors have been made—we do nothing about it. We just tell the folks in Chanute, in Huachuca, and Dix, "Sorry, folks, we made an error, but we are closing up the place anyways and you are all going to lose your work." What we are saying, if errors were made, let us rectify these errors. I think the taxpayers and the citizens of the United States would expect that much, that little bit from us.

And to listen to the Armed Services Committee, one may get the impression that the Congress has never acted against the Commission.

I would suggest that we inspect the bills that were passed by the Armed Services Committee this year and in past years. This year they have prevented the Secretary of Defense from reducing any Army brigades at Fort Carson. In 1988, they prevented the closure of an Air Force wing at Nellis Air Force Base in Nevada.

So it has been done before. We are not taking such site specific action. We are just asking that the Comptroller General analyze the Commission's recommendations and tell us about them. If the errors were made, we can have another look at it. Otherwise, Mr. President, these communities and bases have no appeal open to them. There is no supreme court. This is the supreme court for these bases.

Mr. President, I yield 20 minutes to my colleague from Arizona.

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

Mr. DECONCINI. Mr. President, I want to thank the distinguished chairman of the Subcommittee on Appropriations on Defense for his work in this area, and many others. We have had many, many chairman of this subcommittee since I have been here, and, I have not seen anybody put more time into it—taking away nothing from the other distinguished chairman of this subcommittee—than the Senator from Hawaii.

He has worked so closely with the authorizing committees, that just the other day—a little anecdote—in a meeting we were having regarding additional drug money, he offered at that meeting to include the ranking member and the chairman of the authorizing committee to sit in the meeting, in the event there was any agreement where there would be any reductions in defense over and above what had already been agreed to.

So I thank him sincerely, not because he has just taken the lead in the area of this amendment, but for what he has done to bring about a working relationship, second to none, between the authorizing committee and the Appropriations Subcommittee. I hope that those on the authorizing committee, and others who oppose the language in the bill, would take a strong look at it and then look at the whole picture.

What the chairman and the Appropriations Committee have done is not reverse in any manner whatsoever the Base Closing Commission report. We merely provide merely an opportunity to review those very few particular cases that may cost the Government a lot of money, if they go through, out of the total 140 bases to be closed or realigned. So this is not trying to undo what has been done.

I rise in strong opposition to the amendment offered by the Senator from Georgia. I supported the base closing bill passed by the Senate last year. I did so because of the recognition that many bases in the United States have clearly outlived their value as assets. I might add, parenthetically, that I think we should review and close some overseas bases as well, but those were not included for one reason or another. Some of these bases are obsolete, underutilized, or inefficient. They just do not operate well.

I believe most of my Senate colleagues felt that substantial money could be saved if such bases were to be closed or realigned. The condition we agreed on, however, was an important one. There were nine specific points in the Commission's charter I understand, but the one that sticks out so strongly was the goal of saving money. The conditions for this base closing were specific. History shows that the Secretary of Defense for years, under Democratic and Republican administrations, has tried to close bases in order to save money and transfer bases and unite bases to save money.

As we know, history showed that closing bases was impossible to achieve. We could not get through Congress a single, solitary base closing. So instead, the Commission route was appointed. We focused for a long time on how to put this toegether. What was important was that there be a reasonable payback period in which to recover the costs of consolidating a base or closing a base.

We accepted—everybody accepted, the Commission accepted, the charter accepted, Defense Department accepted—6 years as a reasonable criteria for a cost savings. This was not cast in concrete. As the distinguished Senator from Georgia has pointed out, it was a guideline for the Commission, and it is one which they used in their analysis.

Maybe the numbers should have been 7 years; I do not know. The exact number really does not matter. I do not believe it was a critical factor in most of the cases they considered. A guideline was needed, and the time

period was set at 6 years. That seemed reasonable, and it does today. If it were 7 or more or less, I would not argue.

The problem we are faced with is not that of accepting or rejecting the Commission's report. It is a situation of what to do with specific cases if it is found that mistakes were made in the analysis, and in the determination of what bases should be closed or consolidated, due to incomplete or inaccurate data.

This is not an indictment of the work or the integrity of the Commission. They did an incredible job, considering the complexity of the problem and the short time they had to work at it. The issue is one of review and what happens if some few mistakes are uncovered as a result of that review.

The Office of the Secretary of Defense had only a few days to read the report and has admitted accepting it without any serious evaluation. Those affected by the outcome clearly studied it in detail, and did their best to find fault with it.

In all of the 140 bases recommended for closure or realignment, three particular grievances have been identified: Fort Huachuca, AZ, Fort Dix, and Chanute Air Force Base. This is an extraordinary achievement from a Commission, if only 3 facilities out of 140 feel that they were incorrectly evaluated.

The question now is what to do about these particular facilities. In the case of Fort Huachuca, the citizens of the nearby community, Sierra Vista, studied the Commission's report and sent a delegation here to Washington, DC, to report on its findings.

They maintain that the commission did not have all the facts needed to evaluate completely the costs involved in moving the Army's Information System Command from Fort Huachuca to Fort Devens, MA. They present a very strong case, a case which paints a very different picture of the cost of this move.

Even using the same analysis method used by the Commission. Are these citizens correct? What forum do they have to present their findings and seek some redress? We do not know if they are correct. We do know that there is a fallacy as it relates to saving at this fort.

The intent of the bill language is to offer some form of redress if a mistake was made. We are not predetermining that they must reverse anything within the Base Commission's recommendations. It does not overturn the Commission's findings, nor does it destroy the ability of the Department of Defense to implement base closings or realignments as they are set and scheduled to occur. It asks the GAO to investigate particular cases where it appears that a costly mistake might be made in closing or realigning a base.

In the case of Fort Huachuca, the cost not only involves the uprooting of almost 2,000 families, most of whom are civilians, and moving them across country, but at a cost to the American taxpayer, who may find that no savings are going to be realized by this action.

While the GAO cannot measure the human costs of the move, they can review all available data, including some which the Commission did not have before it, and make a judgment on the economics of this particular realignment. I believe we owe this to the American taxpayer, to the dedicated personnel in the Army Information Systems Command, and to the citizens of Sierra Vista, AZ.

I ask my colleagues in the Senate to reject the proposed amendment and sustain the language that has been put together carefully and competently. This is a fair way to approach a difficult situation without uprooting and changing in any way whatsoever the entire Base Closing Commission.

Yesterday there was discussion on the floor about the nine points examined by the Commission. Charges were raised by opponents of the bill that committee is only focusing on one of the criteria examined by the Commission, mainly saving money.

At the Defense Subcommittee hearing April 6, Sandy Morris, a Sierra Vista council person, detailed each of the nine points examined by the Commission and refuted each point. Her testimony was placed in the RECORD on May 2, 1989, and the Defense Department has not refuted her statements to date.

One point was the impact on readiness. General Rogers, the commander of the Information System Command at Fort Huachuca, conducted a survey which indicated that between 50 and 75 percent of the senior engineers and scientists will retire early rather than move to Fort Devens. This will have a negative effect on readiness because replacements will have to be hired from the Fort Devens area where wages are, on the average, 65 percent higher than those in similar positions in Fort Huachuca. So readiness is going to be affected by such a move if you lost 50 percent of your people who are already part of this.

Another point is the availability of land and facilities. Fort Devens is located in Ayers, MA, near the high-cost Boston, MA, area. It is a landlocked facility with no room for growth whatsoever.

I welcome people to come to southern Arizona to see Fort Huachuca. There are hundreds and hundreds of acres and ample land in which to expand.

Another point was the potential to accommodate contingency mobilization. Again Fort Huachuca has plenty of area in which to expand. It is one of the largest bases and has hundreds of acres that can be utilized very easily.

Another point was cost and manpower implications. At the end of 1988, the Commission originally estimated the realignment of the ISC to be approximately $218 million. This cost estimate, as of April of this year, has now risen to at least $500 million to realign this one base.

There is only $300 million proposed to be appropriated in the bill for the entire closure activities next year.

Six years saving payback is the key one, I believe, but just one of the nine criteria. Earlier this year, the Army itself stated that there would never be a payback for the alignment of this base. Should we move ahead? I do not think it is wise. In fact, the Army stated there would be recurring costs of an estimated $18 million per year. These costs could be revised upward to nearly $30 million a year. Based on the Army's data. this is the military saying that this is not a wise move.

Economic impact on the community. Because it was originally assumed that Fort Devens would be closed, there was not a study done on the economic impact to Sierra Vista, AZ. There was, however, one done at Ayers, MA, and the impact of closing the base was found to be minimal.

I am not suggesting they close Fort Devens. There may be ample reason to keep it open, but certainly not at the expense of closing another base which has a negative economic impact as well as these other problems.

I can assure you the realignment at Fort Huachuca will be more than just minimal.

The seventh point was the community support. Commission members traveled to Fort Devens to assess the community support for the base. They did not, however, travel to Fort Huachuca and give the residents there an opportunity to explain to the Commission the depth of community support.

Eight is the environmental impact, what an important subject for us to be discussing today. A study was done at Fort Devens because it was assumed that the fort would be closed. The EPA announced in July of this year that there are at least 24 sites at Fort Devens which are possible for listing on the national priority cleanup list. No study has been done at Fort Huachuca and I have seen no indications that there would be any dramatic effect environmentally.

And No. 9 is the implementation process of making the move. The ISC will be moving thousands of people across the country. Yet the commanders at Fort Huachuca were not asked by the Commission for their input on the implementation process. Obviously a rational reading of the nine criteria

has the affect Fort Huachuca demonstrates that none of the nine fit the needs established by the Commission charter. It even appears as though the decision, as they affect Fort Huachuca, were made during the Commission's final week of deliberations.

During an earlier hearing before the Defense Subcommittee I asked the chairmen of the Commission, Representative Edwards and Senator Ribicoff, if errors could have been made. They agreed that errors could have been made.

Clearly, if the Defense Department had only 2 days to examine the Commission's findings, and the Commission has this much material on only 1 of the 140 bases to be closed or realigned, perhaps mistakes were made. If we have sold the base closure procedure and process to the American taxpayer as a money saver—and, believe me, I think every Member has done so—then we must ensure that savings will be realized and will be real.

As the amendment adopted by the committee states, these bases that meet the monetary saving criteria should be closed. They will be closed. If errors have been made, let us correct the errors before we waste taxpayers' dollars in order to save taxpayers' dollars.

Those actions that are questionable should be reexamined by an independent source. That is all that is proposed by the committee amendment.

It seems so clear to me, Mr. President, that the chairman and the Appropriations Committee have done a thorough job in reviewing this issue. When we had the Defense Department before the subcommittee, the chairman permitted all of us to question the witnesses. The Assistant Secretary of Defense for Installations, Mr. Stone, was there. I would like to just go over a little bit of his testimony. I asked Mr. Stone:

"Now, given the case, when the Commission report was referred back to the Department of Defense, within a limited period of time, 3, 4, 5 days, or a week, it had to review the Commission's recommendations, is it possible the situation that I am discussing with you today was not reviewed carefully to see whether or not it really made sense economically as well as strategically?"

Mr. Stone said:

It is possible that the Commission reached a conclusion that is not called for, I suppose. Judging from the people who worked on the Commission, it is hard for me to accept that they did that, but it does seem possible.

Senator DECONCINI. Going a step further, when it came back to the Department of Defense for its certification and review process, with the short period of time that was given for this, is it possible that the Defense Department did not have enough time to review carefully that particular realignment?

Mr. STONE. My own review, Senator, consisted of reading the report and talking to some people who had worked on the staff, and judging that the package was sensible.

So even the Army says, even the Defense Department says, they did not do much to review the report. All they did is read the report. They did not go back and look at the statistical data. They did not check on point 9, or point 5, or point anything, on whether or not they had complied with the Commission's Charter.

I think it is important, Mr. President, to conclude here today that nobody is asking us, by the committee amendment being debated here, to reverse what the Base Closing Commission has recommended. What we have are 140 bases that are going to be modified, realigned or closed. I support that. As a matter of fact, in Arizona, just to demonstrate how much I support it, there is a base there called Davis Monthan Air Force Base. One unit there is recommended to be phased out; affecting about 750 military personnel and civilian personnel. This Senator is not objecting to that because it makes sense and because the Base Closure Commission looked at it carefully, reviewed all the aspects, all nine of then, and came to a conclusion with which I cannot disagree.

But that is not the case as it concerns these other three bases and I speak particularly of Fort Huachuca in Arizona.

It is time, Mr. President, for us not to just accept everything as cast in concrete and as being absolute and irreversible. We debate in this Senate today what the Appropriations Committee has carefully constructed. The chairman of the subcommittee has said on a number of times, we are not trying to play God. We are not trying to reverse the Commission's recommendations at all. What we are doing is asking the Defense Department and the GAO to look at these few cases where there is a strong discrepancy between the nine points that have been established and the reality of the statistical data supporting it.

Is that asking too much? It seems to me that it is not. It would be very unwise for us not to go ahead and adopt the committee amendment and merely ask the GAO to review this; to make a determination whether or not the costs are recovered. If it is paid back, then this base that I am talking about, as well as the others, will be closed and properly so. It is not the intent of this Senator to forestall closing of a base that makes sense. In all but three or so of these cases, there is no question any longer about those bases.

It is agreed that they must be closed. But here we have a base that I have talked about at some length that does not make a lot of sense to realign.

I ask unanimous consent to have printed in the RECORD a number of memorandums from the Department of Defense and the Department of the Army that go into the rationale behind my statement and why the Army itself cannot support the modification and realignment and the change of this particular base.

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

DEPARTMENT OF THE ARMY,
Fort Huachuca, AZ, September 22, 1989.

MEMORANDUM FOR DIRECTOR OF INFORMATION SYSTEMS FOR COMMAND, CONTROL, COMMUNICATIONS, AND COMPUTERS

Subject: PBC, Council of Colonels (COC) Follow Up.

1. Reference memorandum DISC4, SAIS-PPP, 22 Sep 89, SAB, received by facsimile at 221150T Sep 89.

2. Your request in referenced memorandum is overwhelming. We feel that we have been tasked to select a club with which we will be beaten and then asked to reveal all the benefits that we will derive from the beating. We are further advised that we will probably have to pay for the beating and the resulting medical bills.

3. The consolidation of HQ, USAISC and its engineering and project management activities is a good idea; but, we can offer no justification for the move specifically to Fort Devens, other than that it is one of the Army's available alternatives for keeping Fort Devens open. The question of benefits of the move have been evaluated in depth, without success, ever since the surprise announcement of the move on 29 Dec. 88. The cost of consolidating the USAISC activities at Fort Devens is not cost-effective in and of itself. The move was justified by the DOD Base Realignment and Closure Commission by including it in a package that relies on the sale of 9,000 acres of land at Fort Meade, MD to offset USAISC's realignment costs. The move to Fort Devens will put the command in the same time zone with HQDA and its major operations and maintenance subordinate command (the 7th Signal Command), but it will also move it farther away from some of its other subcommands in other time zones.

4. Answers to the questions posed in paragraph 2 of referenced memorandum will be submitted separately. Most of the research required to answer your questions has been done as part of the Base Realignment implementation planning and costing.

5. USAISC POC is Mr. G.R. King, ASTT, AV 879-8840.

JACK B. AVANT,
Colonel, GS,
Director, USAISC Transiton Team.

DEPARTMENT OF THE ARMY, OFFICE OF THE SECRETARY OF THE ARMY,
Washington, DC, September 22, 1989.

MEMORANDUM FOR USAISC, BASE CLOSURE AND REALIGNMENT OFFICE, FT. HUACHUCA, AZ 85613.

Subject: PBC, Council of Colonels (CoC) Follow Up.

1. Request your organization prepare by COB today, a short explanation on why the consolidation of ISC activities at Fort Devens is a good idea. This input will be used by the SECDEF Mr. Cheney when he meets with interested members of Congress to discuss the rationale for this move, which does not seem to be cost effective.

2. Also, provide the following, by 8:00 AM EST on 25 September 1989:

a. Make adjustments to costs for the Fort Devens move, caused by improved efficiency of operations in administration functions such as, personnel, public affairs, EEO, etc. These separate functions performed at ISMA/ISSC/ISEC should be consolidated at Fort Devens.

b. Identify the hire lag that ISC organizations have experienced historically. Was this factor considered in ISC's 1 September submission? If not, then adjust costs of dual staffing to account for the historically experienced hire lag.

c. Identify the current baseline skills for ISC. Specifically, your training and education costs for new people need to be adjusted to those baseline skills within your current organizations.

d. Critically evaluate all IMA equipment costs (identified separately or as part of the MCA project). Examine opportunities to meet minimum essential levels of service.

e. The perception of the PBC CoC was that the Army will be forced to constrain its budget submission to the HAC data call. If we exceed this number, then DOD most likely will tell the Army to fund the cost out of Army TOA. Therefore, ISC most likely will be told to absorb the cost differential between the HAC data call and MACOM scrubbed figures.

3. The POC for this headquarters is Helen Letmanyi, Autovon 224-5005.

JEREMIAH C. MOLL,
Colonel, GS, Chief, Plans Division.

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, September 20, 1989.

MEMORANDUM FOR DIRECTOR OF THE ARMY BUDGET

Subject: Base Realignment and Closure (BRAC) Costs and Savings.

Reference the BRAC cost and savings data recently submitted by MACOMs for inclusion in the special exhibit due to OSD on 29 September.

Although we have not had the time or the expertise to validate the O&M costs and savings, following are areas which could generate additional "savings" and permit us to come closer to the estimate we previously provided (HAC data call). This should be consolidated with other FM input and given to the BRACO:

a. Environmental:

Remove all environmental clean-up costs from the O&M line and identify separately as a non-add entry. These costs were not included in the Commission estimate.

Eliminate USACE support-related costs for environmental clean-up projects.

b. Manpower Costs:

Eliminate all dual staffing. If we determine later that some dual staffing is required, it should be addressed as an Army problem and not a BRAC requirement.

Check FYSS for MACOM civilian personnel reductions done in anticipation of base closures; garner any such spaces as savings for BRAC.

Staff at current MACOM level of effort, not Installation of Excellence standards.

c. Construction:

Eliminate new commissaries, PX's in the National Capital Region.

Eliminate increase for barracks construction for BT due to Dix phase-out.

Identify MCA Army took in ABS in anticipation of base closure actions.

Eliminate dual funding (OMA/MCA), if any, for Bldg. 1 at Fort Ben Harrison.

d. IMA Costs: DISC4 should further scrub and validate IMA and equipment upgrade costs.

e. Huachuca-Devens BASOPS Costs: Eliminate recurring costs in excess of savings—should net to zero.

JOSUE ROBLES, Jr.,
Brigadier General, GS,
Director for Operations.

FORT HUACHUCA/FORT DEVENS

Macom measures to prevent degradation of mission are costly and cannot be validated by BRACO:

Transition costs (overhires, TDY, interns, etc.)

Recruiting/retention costs.

Dual staffing requirements.

Premium pay (recurring).

Contract support costs (recurring).

IMA recurring costs.

Recurring costs exceed savings at both Devens and Huachuca.

PERSONNEL ELIMINATIONS

	Commission		Macom		Delta		HQDA Scrub		Delta	
	Military	Civilian	Military	Civilian	Military	Civilian	Military	Civilian	Military	Civilian
AMC	3	1,082	6	591	+3	−491				
Forscom	280	1,658	947	1,361	+667	−297				
ISC	0	0	0	0						
MDW	0	189	2	114	+2	−75				
MTMC	0	6	0	6						
Tradoc	1,306	861	607	−69	−669	−930				
Westcom	0	0	0	0						
Total	1,589	3,796	1,562	2,003	−27	−1,793				

Notes.—Commission total for Forscom includes 200 military and 112 civilians at Fort Devens; Commission total for MDW includes 81 NAF spaces; Forscom total includes 211 military at Fort Devens; MDW total does not include 61 NAF spaces eliminated.

COMMENTS ON BASE REALIGNMENT AND CLOSURE [BRAC] COSTS AND SAVINGS MEMORANDUM, UNSIGNED, DATED 20, SEPTEMBER 1989

1. Re second paragraph, basic document, HQDA appears to have imposed an absolute requirement for current BRAC estimates to match the estimated submitted to the HAC in May, Why? Those estimates were clearly caveated by the MACOMs as being incomplete when they are submitted. The BRAC plans had not been finalized in May consequently estimates made without plans to base them on had to be inaccurate. Both DA and the HAC knew this. Why should the Army now force numbers to meet an erroneous estimate?

2. Re environmental costs, basic document. It is true that the Commission was not to consider environmental costs in their decision process. This was to preclude sites being eliminated due to major environmental problems. Nevertheless, it is still incumbunt upon the federal government to clean up what it has contaminated. To delete these costs from current estimates is an attempt to hide from Congress the true costs.

3. Re dual staffing basic document. Dual staffing is a technique used to begin hiring at the gaining site while drawing down at the losing site. It's intent is to provide continuity of operations at all times. That is, if an organization is necessary to the Army, it is assumed that it cannot be brought to a halt during the months required to make a major move and then brought to life again without endangering national readiness. Dual staffing is non-optional to delete it from the cost estimates is again an attempt to hide from Congress the true costs of the BRAC.

4. Re FY 88 Manpower savings, basic document. To utilize savings from years prior to BRAC to offset BRAC costs speaks for itself.

5. Re MCA cuts, basic document. See paragraph 4.

6. Re Huachuca-Devens BASOPS costs, basic document. The suggetion that these costs be zeroed out is in blatent disregard for the truth as validated by a separate DA element, USAFISA.

7. Re degradation of mission, Forst Huachuca/Fort Devens chart. BRACO is unable to validate these costs but neither does it deny them. The cost analysis contained in the USAISC Transition Plan contains clear discussions of each of these costs. BRACO has chosen to ignore that analysis.

Transition costs: Touched on earlier as part of the dual hire issue.

Recruiting/retention costs: These are based on a study by the Boston area Federal Executive Board. BRACO's refusal to use these figures can only be explained by their wish to hide from Congress the true costs of the swap.

Dual staffing requirements: Discussed earlier.

Premium pay: Premiun pay is an existing authorization at Devens for GS-8s and below. The only premium pay in the analysis is the authorized preimum pay for scientists and engineers. To claim that these cannot be validated is a distortion of reality.

Contract support costs: Massachusetts is a high cost area. It will cost more to hire contractors in a high cost area, due to their overhead, than it does to hire them in a low cost area like Arizona.

IMA recurring costs: See contract support costs.

8. Money to make the swap. It is our understanding that money for the Huachuca/Devens swap would come from the sale of

Fort Meade. FORSCOM has made a strong pitch to retain Meade. If they are successful, where will the money come from for the move?

Mr. INOUYE. Mr. President, what time remains?

The PRESIDING OFFICER. The Senator from Hawaii has 2 minutes and 46 seconds remaining. The Senator from Georgia has 45 minutes.

Who yields time?

Mr. WARNER. Mr. President, may I speak on behalf of the Senator from Georgia since we are cosponsors of the amendment?

The PRESIDING OFFICER. Without objection, the Senator may proceed. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the Senator from Georgia and myself, we yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Virginia. I wholeheartedly support the amendment that he and the Senator from Georgia have offered. I think anybody would have to believe in the tooth fairy to think that this provision in the appropriations bill does not really derail the base closing measure.

There was a measure that the Congress stepped up to the plate and said we are going to face up to base closing. We are going to do something about it. Year after year, the Congress had fought about any base closing. Everybody with a parochial interest rose on the floor and valiantly defended a base in his or her State. No bases were closed. Indeed there was legislation on the books that said no base could be closed.

So we set up a Commission with 12 individuals. They came back with a report that I must say I thought was rather modest. What did the report do? It affected 145 defense installations. A defense installation does not mean a base. A defense installation can be really a very small entity. I suppose in the Nation there are something like several thousand, probably as much as 10,000, installations, if you take them under that category.

Of these 145 defense installations affected, 86 were to be closed. What a modest number. Five were to be closed in part and 54 were to be either reduced or increased when units were relocated. So 54 does not mean all went down. Some of those went up. So of the 145, it does not mean 145 were closed or nearly closed or even 144 or reduced. Some of those 145 went up.

After that modest effort that was agreed to by both Houses of Congress in setting up the Commission—and really I think it was one of the great steps by this Congress since I have been here, to face up to these parochial concerns and try to get a handle on military spending. As a result of that, we demonstrated the will to save this Nation, it is estimated, some $5.6 billion over the next 20 years. So that was successful and so it seemed.

Now comes this step in the Defense appropriation bill that would delay it. It would delay it 3 months and set up a series of hoops that would have to be gone through. So I sincerely hope that our colleagues here on the floor will support the Nunn-Warner amendment, which would revoke that provision of the Defense appropriations bill and get on with the closing of these bases as was originally expected when we gave approval to the Base Closing Commission.

And I might say this: All of us recognize that this was not all solved when we set up the Base Closing Commission. Everybody said, "Now, we have got to stick to it because there will be attempts to undermine this at different stages of the proceedings." So I hope we can stick by our guns and see that this modest step is followed through. The Nation will achieve greater efficiency and save some money.

I thank the Chair, and I thank the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time as I may require.

Before my distinguished colleague leaves the floor, I would like to revisit a little bit of history at the time he was Secretary of the Navy and I had the privilege of serving as his chief deputy. We, too, as members of the executive branch were then faced with decisions to close bases. I recall so vividly that after the departure from the post of Secretary of the Navy of the distinguished Senator from Rhode Island, when I had the opportunity and did succeed him, I was given the tough choice of closing the destroyer base in Rhode Island. The Senator remembers that chapter, does he not?

Mr. CHAFEE. I have borne those scars for many years. I clearly remember. The Senator did not stop there. It seemed to me he laid into the job with a vengeance. He not only closed the destroyer base, he closed the Quonset Naval Aircraft Overhaul Facility with 1,500 jobs. He was not to be dissuaded. And I must say at that time I was unenthusiastic, to put it mildly, about that base closure.

Mr. WARNER. Mr. President, I did not mean to pull the cork in the bottle. But the Senator is correct. And I also closed the Boston Naval Shipyard.

Mr. CHAFEE. Yes, that is right. I wish you would not use the word "we" closed it. I was gone by that time. I do not want anybody in Rhode Island to believe that I had any part in the closure of those bases, because I did not.

Mr. WARNER. Mr. President, I simply bring up this chapter of history——

Mr. CHAFEE. Painful chapter.

Mr. WARNER. Yes. To indicate how difficult it is to make these decisions and to get them to stick.

Following those decisions, I was then brought before the Senate of the United States and indeed the Congress as a whole in the caucus room. I remember it very well. I faced a formidable array of Members of Congress from those States that were affected. I think today there remains my distinguished colleague, the senior Senator from Massachusetts [Mr. KENNEDY] who stared at me across the table at that time. But finally, the decision stuck. Hearing after hearing, but the decision stuck because Members of Congress recognized that once you take a base closure package and you reopen it, every Member is then really saddled with the responsibility to open that decision up for his or her State. And that really in general is what we are faced with here today.

The Secretary of Defense, when he gave directions to this Commission, cited nine criteria to be followed in making the determination as to whether or not to include a base or installation. I think it is important that we pause a minute to review these nine criteria, because this particular measure in the appropriation bill singles out but one of the nine criteria.

1. The current and future mission requirements and the impact on operational readiness of the military departments concerned.

2. The availability and condition of land and facilities at both existing and potential receiving locations.

3. The potential to accommodate contingency, mobilization, and future force requirements at receiving locations.

4. The cost and manpower implications.

5. The extent and timing of potential cost savings, including whether the total cost savings realized from the closure or realignment of the base will, by the end of the 6-year period beginning with the date of the completion of the closure or realignment of the base, exceed the amount expended to close or realign the base.

Fifth is the one we are discussing here, the 6-year period, and I will return to that.

6. The economic impact on the community in which the base to be closed or realigned is located.

7. The community support at the receiving locations.

8. The environmental impact.

And very little has been said as to whether or not environmental costs should be considered here.

9. The implementation process involved.

Mr. President, the provision in this bill which Chairman NUNN and I seek to amend comes down to the 6 years. If I could gain the attention of the distinguished manager of the bill, the Senator from Hawaii, I would like to propound a question.

Mr. President, I thank the distinguished manager.

In drawing up this particular provision my colleague seized upon the 6 years that was but one of the nine criteria. Supposing a GAO report came back and said: Within 6 years there is not a cost saving, but in the seventh year there will be a significant saving? As we here in the Congress constantly seek to remove the waste, fraud and abuse from the Department of Defense and to challenge the decisions of the Secretary of Defense, be it on this provision of base closure or the V-22 or the Grumman aircraft program, all of these decisions that have taken a measure of courage and determination to make, I come back to this one: Supposing in the seventh year the GAO said there will be significant savings? What do we say to our colleagues then, that just one more year beyond this rigid 6 would have made the difference?

Mr. INOUYE. Mr. President, if I may respond, the committee amendment speaks of cost savings. We are also cognizant of the fact that in each of three cases: Chanute, Huachuca, and Dix, points included in the nine criteria were not fully followed.

For example, in the case of Chanute, if I recall, they were rated No. 7 in priority as being necessary for training areas, but then a reassessment by the GAO together with the Air Force concluded that they should have been number 1. Not based upon savings.

It was the same thing with Huachuca. Huachuca was given the lowest category in priorities but then, after reassessment by the Army—and it should be noted that the U.S. Army appealed and was opposed to the Huachuca decision. We are not doing this to undermine the Commission process. Out of 145 bases we are suggesting that the Commission, a very distinguished panel, may have made errors in three of them.

Our question is, Should we, knowing that errors were made, disregard these errors and tell the folks in Chanute, Dix, and Huachuca: "Sorry folks, you are out of work, you cannot pay your mortgages". Is that the American way?

I do not think, I say to my colleague, that is the American way. The American way should be one that provides redress and relief. And that is all we are trying to provide.

Mr. WARNER. Mr. President, again, supposing in the 7th year there was a cost saving?

Mr. INOUYE. If the Comptroller General so indicated that the 7th year savings would be a massive one, I would say that follows the spirit of the requirement.

Mr. WARNER. So the distinguished Senator is indicating, Mr. President, that six is not rigid? Is that correct?

Mr. INOUYE. Of course, that is not current law. It is an administrative standard that was set to follow as a guideline.

Mr. WARNER. I realize it is not the law.

Mr. President, I would address one more question to my distinguished colleague and indeed he, for many years, participated in defense decisions in the appropriation cycle where I think there is a very special obligation on that committee. They pursued that obligation each year to determine wherein there is some waste or inefficiency in the defense budget and then make a reallocation of priorities.

Would my colleague indicate his thoughts on whether or not there still remain in the defense structure, bases which are inefficient and could possibly meet this criteria? Maybe today or tomorrow, in the future?

Mr. INOUYE. If I may respond, Mr. President, I have been advised that the Department of Defense is prepared to have another commission or a committee look into base closures. So I think the U.S. Senate should be prepared to consider another report.

Mr. WARNER. Mr. President, that is precisely the point I wish to make. I, likewise, have heard that. We will, again, as a legislative body, be faced with the challenge of trying to devise the charter by which that Commission works. It we set a precedent now that we can reopen these packages after they are put together by a commission, I am fearful that a future commission cannot be as successful as the one we are now examining.

Mr. INOUYE. Mr. President, may I ask my distinguished friend from Virginia a question? Will my colleague yield to a question?

Mr. WARNER. Yes, of course.

Mr. President, that should be on this Senator's time.

Mr. INOUYE. The Senator's bill has a provision that calls for an assessment and analysis of the Commission's findings after the decision has been implemented. Did my colleague come across with this provision because he was not quite certain as to the validity of the Commission's recommendations?

Mr. WARNER. Mr. President, the question is well taken. Our committees was faced with several of its members who were acutely affected by the decisions of this Commission. As I stated yesterday, they fought vigorously and hard to try to reverse the very decision we are thinking about today. The committee, however, did not support them.

But, as a means to assure that future actions—basically we are looking to the future—future actions by a future commission can learn from the experience of this one. We wanted the benefit of the GAO review. That is the reason for it.

Mr. INOUYE. One of the GAO reviews indicated that massive errors had been made. Shall we just tell the folks "too bad"?

Mr. WARNER. That is a subject the distinguished Senator from Michigan and I were talking about a few moments ago. If there were an egregious, massive error made, it seems to me it would be incumbent on this institution, the Congress, to get the Secretary of Defense to redress that and restore that decision. It seems to me that would be by separate legislation, rather than by tinkering with this bill which has passed both Houses, which has now gone to almost finality.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Rhode Island.

Mr. WARNER. I yield to the Senator from Rhode Island on my time.

Mr. CHAFEE. Mr. President, this is the point I would like to make. At some point, we have to say enough is enough. We set up the Commission. Everybody in this U.S. Senate clearly recognized there is an excess number of military installations in this country.

We recognized we were desperate to try to save some money. We set up a Commission of as wise people as could be gathered. Did everybody agree with every decision that that group made? No.

I do not know why suddenly GAO is considered gods, that their bolts from on high, from Mount Olympus will determine what is right and what is wrong, but that seems to be the sentiment on the floor here: If GAO says that money will not be saved in the first 6 years, therefore the entire process should be reversed as far as base A, B, or C goes. To me that is just turning over our responsibility to another group.

We have made the decision. We have backed it up so far. We have come a long distance. It had to pass the House; it had to pass the Senate originally; the Commission had to be set up.

I believe this measure has passed the House already. Am I correct on that? Has this measure passed the House, the DOD appropriations bill?

Mr. INOUYE. The Senator is correct.

Mr. CHAFEE. Without a provision such as this on it?

Mr. INOUYE. The Senator is correct.

Mr. CHAFEE. We are coming up to the 1-yard line with a chance to make a significant achievement that this Congress has not been able to do certainly since the end of the Korean war. Well, I will backtrack on that; in 1973 there were some base closures, and I am painfully aware of those. That was 15 years ago.

So I think it would be a tremendous damage to the Military Establishment, to the credibility of this Senate, to the

credibilty of any further effort to further close bases, to reverse gears now. So I hope the amendment of the Senator from Virginia and the Senator from Georgia will be supported in this body.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish again to draw something to the attention of the distinguished manager of the bill, and then I would be happy to yield such time as may be required by the distinguished Senator from Texas.

Mr. President, I say to my good friend from Hawaii, we entered into a little colloquy here on the hypothetical: Supposing in the seventh year, the GAO indicated there could be a savings. I understood the Senator to say in that case there would be some flexibility.

I draw to the attention of the Senator page 18, line 16. I shall read from that point:

That none of the funds made available in this act shall be obligated or expended to implement any base realignment or closure recommended by the Defense Secretary's Commission on Base Realignment and Closure in his report of December 29, 1988, unless the Comptroller General of the United States has certified to the Congress that, in accordance with generally accepted Government auditing standards, he estimates that the total cost savings for that base realignment or closure will, within 6 years after each base or installation has been closed or realigned, exceed the amount expended to close or realign the installation.

I do not see the flexibility in there.

Mr. INOUYE. Mr. President, if I may respond, I would be pleased to accept an amendment for 7 years.

Mr. WARNER. Mr. President, we will take that under advisement. I yield such time as the Senator from Texas requires.

The PRESIDING OFFICER. The Senator from Texas is recognized for such time he may need, with the 24 minutes remaining.

Mr. GRAMM. Mr. President, there are a lot of issues involved here. Senator RUDMAN yesterday outlined the fact that by giving these unilateral powers to GAO, we get into exactly the problem we were in on the Gramm-Rudman-Hollings law and the court ruled in Bowsher versus Synar that that was unconstitutional, to give a legislative branch agency control over the decisions of the executive branch.

Second, Mr. President, I think that we have gone beyond the limit of what GAO is capable of doing. I think in doing so, we force GAO more and more every day into the political sphere. I think we have lost sight of what this audit agency is basically capable of doing. If you find barrels in a warehouse and you want to know if whiskey is in them, you can send GAO out there, they can break one open, stick their finger in, taste it and come back and tell you. But to try and get GAO to come in and do a study as to whether the warehouse is run efficiently is, I believe, in many ways beyond the scope of their capabilities. I think giving them the mandate to go in and try to second-guess a distinguished bipartisan Commission that had tremendous resources to undertake a very difficult study is a misuse of GAO. But these two reasons I have outlined are not the real telling reasons I am against this amendment.

For 15 years, we have been trying to close military bases. We know we have too many military bases. We know that many of our military bases were established when we faced the threat of the War of 1812. It is unlikely the Canadians are going to become belligerent again, and yet we continue to operate all these military bases at a time when defense is being cut, when Ivan is at the gate, when the wolf is at the door, in terms of budget problems. We continue to operate all these military bases because almost any Senator or any House Member, if they feel very strongly about it, and when the rest of the Congress is not terribly concerned about it, has been able to stop base closings.

So we came up with an idea after 15 years of frustration to have a bipartisan Commission, let them go in and pick out bases that could and should be closed. We all knew when we voted for it that we faced danger in our own State. We basically concluded that the only way to do it was to have an assessment and then make a decision based on that assessment.

Mr. President, if we come in now and start to second-guess that Commission, if we establish a political principle that we are going to override their decision, then this whole process, which is moving to close 86 military bases, is going to come to a screeching halt.

Basically, what this allows us to do is to create a political situation where any House or Senate Member can go out and say, "Do not close this base." He can lie down in front of the main gate as the bulldozer is churning, the dust is flying, and the TV camera is rolling and, he can have his trusty aide come in, drag him out, dust on his face, and tears running down his cheeks. Yet we must get on with the business of the Nation. I think it is vitally important that having undertaken this process, which was a new idea that was tried out of frustration, that we not come in and upset it.

Do I believe every decision made by the Commission was right? No, and not surprisingly the ones made in my State are the ones I am most convinced were not right. But, on the other hand, there was a problem. We had to come up with a practical way to deal with it. I think it is vitally important in this era of tight budgets that we not now come in and inject political decision back into the process and inject the GAO into an activity that they do not have the real capacity to perform.

I am not saying that the Commission was perfect in all of its decisions. I do not agree with all of them. But we set up the procedure; it is a reasonable procedure. There is excess capacity in military bases. Everybody agrees in the aggregate that we need to close bases. We came up with a rational way—not perfect—but rational way of picking the bases to be closed. The decision has been made, and I think it is vitally important, in terms of an orderly governmental process, that we allow that decision to stand. That is why I intend to vote for the pending Nunn amendment, and I urge my colleagues to do the same.

I yield back the remainder of my time.

Mr. LEVIN. Will the Senator from Virginia yield to me for a moment?

Mr. WARNER. Mr. President, I will be happy to yield for a minute and a half.

Mr. LEVIN. Mr. President, it is really asking him to comment on something that troubles me. I, like the Senator from Virginia and the Senator from Georgia, am troubled by the breadth of the committee language. It is overly broad, but I am also troubled by the rigidity, the inflexibility of the current process.

If there is a clear mistake which has been made, the way to remedy it seems very, very difficult. So we are caught in a dilemma where we want to process this as clean and clear. The proposal of the Appropriations Committee to build in some flexibility, I think, is overly broad. But I must say the current situation is overly rigid.

My question of my good friend from Virginia is, where there is a clear mistake, should there not be authority to the Secretary of Defense, if he is satisfied following the receipt of the Comptroller General's report or other, if he is satisfied that there has been a clear mistake which was likely to have affected the recommendation of the body that made the recommendation, should the Secretary of Defense not be authorized in that case at least to withhold obligation of funds for the closing of such a facility?

Mr. WARNER. Mr. President, I yield to myself such time as I may require.

My good friend who serves on the Armed Services Committee brings up a valid point. It touches on what we call the two law and what people view as equity and fairness. If these decisions result in a set of facts that are clearly on their face established that the Commission erred, in good faith, but erred nevertheless, perhaps facts that were not available at that time, change of circumstances or whatever the case may be, if there arises a body

of fact with respect to one of these actions which justifies a correction for equitable reasons, then there is nothing to prevent the Secretary of Defense, on his own initiative, to come forward and petition the Congress for such relief as he deems appropriate in a timely way.

That is the avenue in the judgment of the Senator from Virginia that should be followed because if we fracture this law, which has been passed by both Houses, I daresay we will never again be able to try to structure a base closure package that will pass this body.

We looked at that very question of equity exhaustively at the time this package was devised and brought to the Congress.

I yield to my colleague.

Mr. LEVIN. I wonder if my friend will yield for one more question?

Mr. WARNER. Yes.

Mr. LEVIN. The problem, as he pointed out to me before, cuts the other way as well. If we put together a process which results in a clear mistake and a clear injustice where a base is closed because of a mistake—I think both of us realize there is that possibility for mistake—we may have grave difficulty in putting together a process in the future because it would lack credibility and fairness.

Somewhere in this process I believe we should allow and authorize the Secretary of Defense not to obligate funds to close a base if he becomes satisfied following the receipt of the Comptroller General's report or otherwise that there was a mistake which affected the outcome. Somehow or other in a process which had no possibility for input from people on the ground, at these bases, no opportunity for them to have a voice, to be heard, and where there was no personal visit to the base on the part of the Commission or its staff, and therefore you have that lack of the usual process that we cherish in this country, it seems to me there is nothing which would weaken this package if we at some point authorize the Secretary not to proceed to obligate funds if he reaches the conclusion there has been a substantial mistake that was the basis of the Commission's recommendation.

So again I agree with my friend that the language in this bill is overly broad because there is a delegation to the GAO. I would like that to be possible but we lost that case in the Supreme Court. On the other hand, there has to be some way to correct mistakes and to authorize the Secretary not to proceed if he reaches the conclusion there is a mistake.

Mr. WARNER. Mr. President, first, a parliamentary inquiry as to the schedule of the Senate.

The PRESIDING OFFICER. The Senator from Virginia has 14½ minutes.

Mr. WARNER. Mr. President, by pure coincidence, less that an hour ago I was with the Secretary of Defense. The President had convened a group of Senators and Members of the House to discuss his progress in the arms control arena, which I might say is a very favorable report.

The Secretary of Defense, when called upon to make comments, indicated that just this morning he was on Capitol Hill at the request of six Members of Congress, each of whom is affected in their States by this base closure package. He was petitioned to reconsider, withhold, abstain, or take anything to prevent the decisions from taking effect.

He just mentioned that to the President and the group assembled as an indication of the difficulty of getting finality of action. If he is to get the waste, fraud, and abuse out of the Department of Defense, and if Congress gives him the legislative authority to do so, and he takes those actions, then it seems to me we have an obligation to support him. It would be a never-ending process of personal appeal to a Secretary of Defense. As I mentioned to Senator CHAFEE, recalling on our own modest experience some 15 years ago, I know this is difficult for Members of the Senate and indeed the House and for their constituents, but it is that type of tough decision he has to make.

I will come back to the Senator's point. The Senator is saying, should there not be a Supreme Court somewhere.

Mr. LEVIN. Should he at least be authorized not to proceed if he thinks there is a mistake.

Mr. WARNER. I say to the Senator he has right now the authority to come to the Congress at any point in time and say to us——

Mr. LEVIN. Of course.

Mr. WARNER. Where there has been a mistake or change of circumstances, I as Secretary of Defense say in our national interests the decision should be reversed.

Mr. LEVIN. There is nothing in this bill, though, in the processes which we establish which would encourage him to do that because everything we put in place says it is an unbreakable package, it is all or nothing. There is nothing in that process which allows for any flexibility even if the Secretary himself reaches a conclusion there has been a mistake.

Let me reiterate a key point. We have had no possibility for people who are at these bases to be heard, and we have had no personal visits. In that situation—and I am not trying to unravel the package, and I understand what my friend is after, and I think he is basically right—I think we have to make some tough decisions. But somewhere there should be just a modicum of flexibility, a statement to the Secretary of Defense that if you reach the conclusion there is a mistake which was the basis of a recommendation, we would authorize you not to proceed. I do not think that unravels anything. We want some finality, yes. We also want some fairness, at least the potential of some fairness, and I think we can achieve both.

I thank my friend. I have used too much of his time already.

Mr. WARNER. No. Mr. President, my good colleague from Michigan knows we have been here together for 11 years. Since we came, we have worked together on many common problems. He stands as a man of courage to fight for those who could be trampled on, and I respect the judgment of the Senator. I say in response if we in this Senate twist the screwdriver one fraction to make it a provision for a court of appeals to the Secretary of Defense, there will be an endless stream of petitions to his office.

Mr. LEVIN. Did not my friend say he is always open to petitions anyway, that he always has the authority to come to Congress?

Mr. WARNER. Which friend is the Senator talking about?

Mr. LEVIN. The Senator from Virginia.

Mr. WARNER. I am always open.

Mr. LEVIN. Did not the Senator say the Secretary could, of course, come to the Congress?

Mr. WARNER. Absolutely.

Mr. LEVIN. And therefore, he is, under your process, open to be petitioned to do just that?

Mr. WARNER. That gives him that delicate measure of his taking the initiative as opposed to the Congress directing him. And you have to assume that the Secretary of Defense, irrespective of the politics, the administration, the President, is a man or women of good and fair conscience.

Mr. LEVIN. He is open to appeal.

Mr. WARNER. He is open to appeal. So on his own initiative he can come forward.

Mr. LEVIN. And we would encourage him, indeed, if he reached a conclusion that there was a mistake which affected the outcome, to come forward?

Mr. WARNER. I dare say the colloquy we are now having would provide a legislative history to the effect that while the Senator from Michigan and I may have a difference of weight to our language, I would not want to put in anything to encourage him there because I want to see finality. He clearly has the right to come forward if there is brought to his attention a body of fact.

Mr. LEVIN. Would the Senator, as the kind person we know he is, encourage him in those circumstances to

come forward if he knew there was a mistake?

Mr. WARNER. I would simply say we are fortunate our country has men and women of good conscience in those positions and let it go at that.

Mr. LEVIN. I thank the Senator.

Mr. WARNER. Mr. President, I thank the Senator from Michigan.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I suggest the absence of a quorum with the time not being taken away from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. 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. WARNER. Mr. President, the Senator from Virginia yields such time as the Senator from Minnesota may require.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I rise in support of amendment 844, which strikes the language enabling the Comptroller General to review the findings of the Commission on Base Realignment and Closure. I have spoken several times on this floor of the role of Congress in managing the Department of Defense and about military base closures.

Last year at about this time I rose in support of the measure that authorized a nonpartisan panel of experts to prepare a list of truly obsolete bases that could be closed. That legislation passed, and I am happy to say that the Commission on Base Realignment and Closure was created. After surveying 3,500 bases, the Commission came up with a list of 86 unneeded bases. Closing these bases could save American taxpayers hundreds of millions of dollars a year.

At least that is the way it is supposed to happen. The Congress voted on it. We passed it. The panel of experts prepared the list. The President and the Pentagon supported the idea, and certainly the American people have also been in favor.

Not much has changed since then. The arguments for closing these bases are just as strong now as they were when we passed the initial legislation. However, now we have a different voice arising. A loophole has been proposed that provides for the Comptroller General to review this Commission's findings to reopen the possibility that some of these bases remain open.

This loophole should not be permitted, and of course this amendment deals with closing that loophole. I rise, as I say, in support of that amendment.

We all know how such things work around here. When we are dealing with a sensitive issue such as base closings and we allow a few exceptions, pretty soon everyone will have an exception to the base in their State. That is why we brought in a nonpartisan panel in the first place, and that is why we accepted the Commission's list as a whole—to prevent Congress from picking and choosing.

These experts choose the most unneeded bases in the country. Congress has enough trouble closing military bases to begin with, and I forget how many years it has been, but 15 or 17 years have gone by without our closing a base. As a matter of fact, I think the last one that was closed was in my State of Minnesota.

I understand the concern of some of my colleagues about the economic impact of base closings in their States. As I have done in the past, let me again cite a very interesting study of the economic impact of base closings made by the Pentagon's Economic Adjustment Committee.

This committee reviewed 100 major base closings that occurred before 1976. The study reported that 94,000 Defense Department civilian jobs were eliminated, but that nearly 140,000 new civilian jobs in the private sector were created in their place.

This is because those bases were converted into private facilities such as industrial parks and airports. I might say that the same thing has happened on the Duluth Air Base. The Duluth Air Base was closed, and we tried to reopen it. It was closed before I got here, despite the fact that we had a Vice President in office, and I tried to get it reopened and tried to interest the Air Force in having a base that is in a little northern climate, inasmuch as they perceive their principal opponent to be the Russians who have a lot of northern climate. But they were not interested.

We put a lot of jobs onto that air base. We have done pretty well in finding other things to do up there. So we are an example of that kind of success.

So, Mr. President, today we have a chance to see that obsolete bases are closed for the first time in more than a decade, and that billions of dollars will be saved over a period of years. The closing of these bases initially had and continues to have strong bipartisan support. Now once again we must rise above politics and summon the fortitude to reject these exceptions, and close this loophole.

Mr. President, I urge the adoption of the amendment. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator for his remarks. I wish to inquire, does the Senator from Minnesota desire to be listed as a cosponsor?

Mr. BOSCHWITZ. I believe I am a cosponsor.

Mr. WARNER. Let the record reflect that I believe I made that request yesterday, but I reaffirm it today. I thank the Senator.

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

Mr. WARNER. Mr. President, parliamentary inquiry as to the time remaining.

The PRESIDING OFFICER. The Senator from Virginia has 4 minutes, 15 seconds; and the Senator from Hawaii has 2 minutes, 37 seconds.

Mr. WARNER. Mr. President, the chairman of the Armed Services Committee indicated he might wish to have a few additional remarks. But others duties have detained him.

The Senator from Virginia has made the basic point that he wishes to make on behalf of the chairman and others supporting this amendment.

I would simply close by expressing my admiration for the distinguished Senator from Hawaii for valiantly fighting a tough issue with his customary fairness, and all the other characteristics for which we admire him greatly.

I have not as yet heard from the Senator from Alaska who is the comanager. But I presume the Senator has reflected his sentiments in one way or another on this measure.

Mr. President, I yield.

Mr. INOUYE. Mr. President, I would like to remind my colleagues that at the conclusion of this debate we will stand in recess, and we will return at 2 o'clock at which time we will have a vote on the Nunn-Warner amendment.

Mr. President, I listened to the colloquy between my friend from Virginia and the distinguished Senator from Michigan.

I would like to advise my colleagues that next year the Department of Defense will be submitting a new list of base closures. Keep in mind that the law that we have today which was passed by the authorizing committee will be the law if this amendment does not pass, will be the law to control the destinies of other bases.

And the colloquy indicated very definitely that errors have been made, and the GAO will disclose these errors. The question arises, what do we do with those?

We have no answer forthcoming. I would like to believe that we in the U.S. Senate are big enough to admit errors when errors are made and to assure the people of the United States, those people who live in villages and townships near these bases, that their rights and their futures are protected. I am sorry to say that the Nunn-Warner amendment does not do that.

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Mr. President, I am prepared to yield the remainder of my time.

Mr. WARNER. Mr. President, before we conclude and we will momentarily, I ask my good friend once again to revisit his statement to the effect that this law would apply to a subsequent base closure package recommended by the Secretary of Defense.

Mr. INOUYE. It may not, but it will be the model I am certain.

Mr. WARNER. Let us make that clear. This law establishes a precedent but only a precedent and Congress will consider such vehicle as they deem necessary for any future action instituted by this Secretary or a subsequent Secretary of Defense.

Mr. McCAIN. Mr. President, I know that base closings and realignments are a troubling issue. I know that many other members of this body have been affected by the work of the Base Closing and Realignments Commission, and I know that many have accepted its recommendations even though they mean cutbacks in their States.

In some cases, there is good reason to support the work of the Commisison. It undoubtedly did identify many bases that should be closed. Like my colleagues, I believe that the Congress should do its best to stick to its bargains with the executive branch.

The problem in this case, however, is that the Commission's work has severe flaws in several individual cases that effectively mean that the executive branch did not keep its bargain with Congress. The transcripts of its meetings clearly show that the Commission rushed to judgment for political reasons and because of the biases of a few members of the Commission. Consequently, the Commission overruled its staff experts, ignored its own cost criteria and cost models, and took sudden and arbitrary actions in its final days.

One of these cases was Fort Huachuca in my State of Arizona. In fact, I invite every Member of this body to read through the full Commission record on this issue, and particularly those of my colleagues who have praised the Commission's operations without examining the specific cases at issue.

The transcript of the Commission's treatment of the Army's Information Systems Command [ISC], the personnel of Fort Huachuca, and indirectly of the people of Sierra Vista is grim reading indeed. Even allowing for the pressure the members of the committee were under, I do not believe there is a single Member of this body who would defend the Commission's decisions relating to Fort Huachuca after reading the full record of what the members of the Commission said and did.

I do not say this lightly. I helped lead our delegation's effort to require a GAO investigation of the Commisison's recommendations relating to the move of the U.S. Army's Information System Command from Fort Huachuca to Fort Devens, and I only did so after I satisfied myself that the Commission broke its own rules and failed to meet its own criteria.

I had my staff meet at length with the staff of the Commission. I examined the transcript of the Commission's work, the materials it used, and materials provided by the command—which as strongly opposed the move.

As a result, I believe that the Commission on Base Realignments and Closures has done a serious injustice to the U.S. Army Information Systems Command and the people of Arizona.

In calling for the move of the Information systems Command from fort Huachuca to Fort Devens, the Commission made recommendations relating to the transfer of the Army Information Systems Command from Fort Huachuca to Fort Devens that neither the Commission's staff nor the command supported at the time.

Let me repeat information that I have already provided to this body on a previous occasion. My office met on March 4, 1989, with members of the Commission staff. The most senior member of the Commission staff then made it clear that members of the Commission twice overruled the staff's recommendations to close Fort Devens, and did so in total disregard for cost and impact on the taxpayer. The rationale was that a few commisioners believed that the Army's only major east coast base with large scale training facilities should not be closed as a matter of national priority.

Rather than use the kind of integrated model and systematic approach to analysis presented in the Commission's reports and testimony, the Commission made its judgments as part of a package that was justified largely on the basis that the consolidation of command functions was a proper end in itself. Further, these decisions were made during the last days of the Commission's activity, and as part of a large package of decisions.

The GAO is already investigating whether any of the Commission's conclusions relating to cost-benefits were accurate. It has long been clear, however, that the U.S. Army Information Systems Command has concluded that the move will not benefit the U.S. Government.

General Rogers, the former commander of ISC, told my office that executing the Commission's recommendations will disrupt the operations of ISC for years because they failed to take into consideration a host of operational and cost factors.

For example, the staff of ISC put the true cost of military construction for moving the intelligence school and ISC at $92.15 million for Fort Devens and $162 million for Fort Huachuca. This compares with cost estimates by the Commission of $45 million for Fort Devens and $56 million for Fort Huachuca.

The Army officers in charge of the move, which are based at Fort Huachuca, told my staff that the Commission ignored many of the real-world support and infrastructure costs necessary to make such a move feasible, and that these costs include changes in medical facilities, roads, service facilities, Corps of Engineers costs, and a number of other areas where the Army does not yet have even preliminary cost estimates. Further, the Commission seems to have used a wrong area factor for Fort Devens, using a factor of 0.9 rather than 1.3. This sharply understated the true cost of relocating in the Fort Devens area.

General Rogers told my office that neither he or the Commander at Fort Devens were ever explicitly consulted about the merits of moving ISC to Fort Devens, and that if he had been consulted, he would have stated that Fort Devens would be the least desirable facility for the consolidation of ISC on the east coast.

These cost issues may stem in part from the Commission's use of the dated and inaccurate information in a study called the Facilities Vision Study. In any case, the working data provided to me by the Office of the Secretary of Defense indicate that the Commission seems to have rushed this particular recommendation through without adequate validation of its cost estimates.

Further, I believe that the GAO will find that the Commission used a much longer payback period in this case than for other closings and realignments. In fact, I believe the GAO will find the Commission used a paycheck period that seems to have been designed to find a cost justification, no matter how forced and artificial, and used manpower numbers that are internally inconsistent and disagree with those that would have been provided by ISC.

ISC also indicates that at least 80 percent of its best trained and most skilled personnel will not make the move to Fort Devens, and that the end result will disrupt ISC's operations for years. It has concluded that it cannot hope to attract the skills and quality of personnel it needs with existing salaries and grade structures because of the higher costs in the Fort Devens area.

The Commission even called for the relocation of people at Fort McPherson that do not even belong to ISC, and for the move of personnel at Fort Belvoir that perform vital service functions in the Washington area—a move that will cost ISC virtually all of the software writers now in the area because they will not move.

Finally, my office found that there are a wide range of important costs that the Commission chose not to examine. These include the community impact costs, retraining costs, infrastructure costs, and the true costs of obtaining and maintaining a suitable technical staff in an area with much higher living costs and housing costs that are two to three times higher than in the area around Fort Huachuca.

These findings were the reason I previously joined Senator DECONCINI and Congressman KOLBE in asking for an investigation of all these issues and of the merits of the Commission's recommendations relating to the realignments affecting Fort Huachuca and Fort Devens.

These findings are why I supported the amendment to the Department of Defense appropriations bill that will limit the actions taken in response to the Commission's recommendations to those which actually do produce a saving to the taxpayer. The last thing on Earth we need is to waste money on closings and relocations when we face major cuts in readiness and force structure. The last thing we need to do is blindly accept the recommendations of a Commission who's mission was to save money, but which failed to carry out that mission in at least one important instance.

As I have stated before, there simply is no point at a moment when we face a crisis in defense outlays in wasting money to "save" money. There is no point in rushing toward relocations and command changes based on yesterday's military needs, and a force structure that will soon have to be changed. The end result will be nothing more than the waste, fraud, and abuse of the taxpayers' dollars.

Mr. LAUTENBERG. Mr. President, I rise to point out a grave injustice that is being done to Fort Dix in New Jersey.

The Base Closing Commission decided that Fort Dix should be reduced to semiactive status. However, the GAO has informed me that two errors were made in deciding to reduce Fort Dix to semiactive status.

During phase I of the analysis, when bases were rated on military value to determine candidates for base closure, the Commission failed to incorporate corrected information from the Army reflecting the conditions of facilities at Fort Dix. The information showed that Fort Dix facilities are in better shape and require less maintenance than the Commission believed in making its analysis. We have spent over $160 million to modernize basic training at Fort Dix in the last 8 years.

Again during phase I, the Commission made a clerical error indicating that Dix received only a marginal rating on the base's relationship to reserve forces, when in fact, it had received an acceptable rating, the highest rating available. The error was made during transcription of Dix's rating from one set of documents to another.

Those errors resulted in Fort Dix being ranked seventh in military value out of eight bases considered for possible closure under the training function. Had the analysis been done correctly, Fort Dix would have been ranked No. 1 or 2 in military value. That puts Fort Dix higher than five bases not slated for closure or realignment.

Since the Commissioners stressed in their testimony before the Defense Subcommittee that military value was the prime consideration in deciding which bases to close, Fort Dix probably would not have been a candidate had these mistakes not been made. Only Fort Dix and Fort Jackson in South Carolina, the bases rated seven and eight in military value, were considered and analyzed during phase II of the Commission's analysis, when the options were analyzed to see if they would pay for themselves within 6 years.

If mistakes were made in the Commission process, as they were at Fort Dix, constituents should not have to suffer. More importantly, we hurt the Armed Forces by closing valuable bases.

When the Congress approved the law setting up the Base Closing Commission, it said that Congress could either accept or reject the findings of that Commission in total. It did so to try to insulate Members of Congress from the political pressures they have always faced when Congress attempted to close military bases.

But, Congress assumed that the Commission would do its work accurately and base its decisions on correct information.

Assuming that, the law made no provision for rejecting the recommendation to close a particular base where real mistakes were made in analyzing the data that led to that decision.

No one in Congress, no matter how ardent an advocate of base closures can wish to have bases closed where those decisions were made on the basis of significant and inaccurate information. I believe that Congress never meant to empower the Base Closing Commission to close down bases like Fort Dix, which is among the most militarily valuable basic training base of all the eight basic training bases in our Nation.

I am sure that it did not mean to close down bases when such closure was based on inaccurate information and clerical errors. However, that is what the Commission has done.

Mr. President, this morning I met with Secretary Cheney to bring these errors to his attention again and to seek reconsideration of the decision to realign Fort Dix. I cannot say that I was encouraged by the Secretary's reaction. He is under pressure to reduce spending. But, closing or downgrading a facility based on erroneous information doesn't make sense. My colleagues should not allow it.

Because of the mistakes I have addressed, I sought report language directing the Secretary to review the errors and to justify any base closings or realignments on the basis of accurate information.

Mr. President, I would like to address a question to the distinguished chairman of the Defense Appropriations Subcommittee. It is my understanding that the amendment that is before us refers only to the language requiring the GAO to certify that bases slated for closure or realignment will pay for themselves in 6 years. Is that correct?

Mr. INOUYE. Yes it is.

Mr. LAUTENBERG. So the amendment does not cover the report language on page 77 of the committee report on military value.

Mr. INOUYE. That is correct. Regardless of the disposition of the amendment by Senator NUNN, we still expect the Secretary of Defense to comply with the report language and report to Congress as to whether he agrees or disagrees with the decision to close or realign certain bases where significant errors were made in the Commission's phase one determination of Air Force and Army training bases. In cases where the Secretary agrees that significant errors were made, we still expect him to provide a justification as to why the bases should still be closed. In cases where he disagrees that significant errors were made, we still expect him to report the bases for his disagreement.

Mr. LAUTENBERG. I thank the Senator.

Mr. McCLURE. I rise in strong support for the amendment to the committee provision on base closures.

Mr. President, I think it is useful at this time to reflect on the history of this base closing issue and how we got to where we are today. We have known for years—the Congress has known, the Defense Department has known—that we have more military bases than we need. Some of them were built more than 100 years ago for the Indian wars. Some of them were built even before that, to fight the British. Some of them are a little more modern but simply no longer make sense, either because the mission has changed, or because of limited air space, or urban congestion, or some other reason. But the net result is, we are spending more money than we need to, and we are not defending ourselves as efficiently as we could be.

The trouble has always been, that whenever the Defense Department

tried to close a base in a particular State, that State's congressional delegation stepped in, with a variety of ingenious devices, to keep the bases open.

This state of affairs continued for a long time, at great expense to the taxpayers, to the point where Congress had shown itself pretty well incapable of closing a military base in anybody's State or district. However, the need to close some bases did not go away, and in fact, as a result of budgetary pressures, became more acute.

Finally, through the dogged efforts of Congressman DICK ARMEY, and with the strong support of the Reagan administration, the Congress came up with a solution. The Congress voted to create a Commission to study the problem, and to report to the Congress and the Secretary of Defense which bases should be closed. Let me emphasize, the Congress voted, both House and Senate, to create this Commission. The Congress also gave itself the option of rejecting the Commission's recommendation with a joint resolution of disapproval. But the way the law was written, the Congress could not nibble away here and there at the Commission's recommendation. It was all or nothing. We had to either abide by the report, or reject it in its entirety. And the Congress, the House and the Senate, voted for this formula too.

Then the Commission went out and did its report, and came back, and said here's your report, here's what to close and what to realign. And the Congress has a chance to review the results, and to reject them. The House voted on whether to accept or reject the report, and it ended up accepting the report, by a rather overwhelming margin. A margin of about 9 to 1, in fact.

And what did the Senate do? The Senate did nothing. The Senate had the opportunity to express its disapproval of the base closing report, and it did nothing. Maybe the opponents of the Commission's recommendations looked at the size of the House vote in favor of the recommendations, and decided they didn't have the votes. Anyway, we need to make it clear here, that when base closings opponents had the chance to vote on this issue through the front door, they ducked.

And here they are coming in through the back door. Make no mistake about it. The language in this bill isn't a good government exercise in accounting. It's an attempt to unravel the whole base closing procedure. It's an attempt to shut the whole thing down, and go back to the days when individual Members of Congress held individual veto power over what should have been military and budgetary decisions.

Mr. President, I don't intend to denigrate my colleagues who want to save their bases. I know the political pressures they are under, and I sympathize with them. But the fact is, the Congress has already voted on this issue, not once but several times. The House and Senate voted the Base Closing Commission into law. And they voted, once through an actual vote and once through inaction. to abide by the results of the base closing report.

I've lost a few fights here on the floor of the U.S. Senate, probably more than I care to think about. I lost them because I didn't have the votes. And that's the democratic way. A lot of them I'd like to revisit, but I think we all learn very soon that sometimes you have to live with the will of the Congress. And despite our individual frustrations when we lose on an issue, I think that's the way we all want it to be.

Finally, I would like to commend my friend and colleague on the committee, the Senator from New Hampshire [Mr. RUDMAN], for his statesmanship on this issue. He took a reasoned look at the situation, came to the conclusion that the only military base in his State was no longer needed, and then took a lead in helping the affected area to manage the transition. That took political courage, and I applaud him for it.

Mr. President, I urge the adoption of the amendment and the defeat of the committee provision.

Mr. DIXON. Mr. President, the DOD appropriations bill's provision on base closure verification is essential to protect the integrity of the base closure process. It provides for the GAO to evaluate the Commission on Base Realignment and Closure recommendations and to certify to the Congress that total cost savings for such actions will exceed the expenditures within a 6-year period. The GAO must transmit each base evaluation as soon as it is completed and all review must be submitted to Congress by March 30, 1990. Since the GAO already has the Commission's recommendations under review at the request of the chairmen and ranking members of the Senate and House Armed Services Committees, the required GAO certifications will be transmitted to Congress quickly. Therefore, most realignment and closure actions would be delayed by fewer than 3 months. Only where the GAO disagrees with the Commission's recommendations, will the Senate provisions deny funding of the realignment or closure.

The Senate provision is crafted specifically to avoid undercutting the work of the Commission on Base Realignment and Closure which conducted an objective, independent process for streamlining U.S. military installations. The Commission's formation broke a decade-long stalemate between Congress and the administration and acknowledged that an independent evaluation of bases would prevent political and geographic concerns from interfering with the streamlining of U.S. military installations. The bipartisan support for such an evaluation process is now at risk, however. The GAO has found significant errors and omissions in the Commission staff's data evaluations. The Senate provision will serve to verify and protect the integrity of the base closure process. This will be critically important to any future efforts to close additional bases if we continue to reduce the size and configuration of our force structure overseas and at home. If the Senate provision is not enacted, the premise of the Base Closure Commission—objective evaluation—will not be verified. Consequently, the validity of base evaluation will always be subject to challenge, and Congress will be unable to rely on the base closure process now or in the future.

Although the Commission performed its responsibilities in exemplary fashion and drew little criticism on most of its decisions, there is substantial doubt about the methodology used by the Commission as a basis to recommend closure or realignment of a few bases. The preliminary findings of the GAO, requested by the Armed Services Committees, demonstrate that validation of the Commission's methodology is both necessary and valuable.

Thus far, for example, the GAO found that the Commission may have made several critical errors in its data evaluation and method of ranking the technical training center at Chanute Air Force Base in central Illinois:

The Commission relied on outdated information which failed to fully reflect new construction and other improvements to its facilities;

The Commission double-counted the requirements for maintaining Chanute as a technical training center, and thereby greatly overstated those requirements while understating Chanute's military value;

The Commission weighed all deficiencies in facilities at technical training centers identically regardless of the actual size of the deficiency. Thus a 4-percent deficiency in one criterion at one base was evaluated as equal to an 18-percent deficiency in the same criterion at another base;

The Commission found that closing Chanute would have only a moderate adverse economic impact even though, as the GAO notes, a recent University of Illinois study concludes there will be a significant decline in population, employment, sales, income, and property values.

The GAO's preliminary review discovered similar flaws in the evaluation of the Army training center at Fort Dix, NJ. Specifically, the Commission employed inaccurate data in scoring Fort Dix on the criteria of condition of

facilities and amount of reserve training accomplished.

The GAO has concluded tentatively that had the Commission employed the correct data and methodology, Chanute and Fort Dix would have received substantially higher rankings among the bases in their respective categories. The GAO is reviewing additional bases, but preliminary findings indicate that only a few additional bases may have undergone significantly flawed evaluations.

To avoid unraveling the base closure process, the Senate provision would allow realignment and closure decisions to stand if they meet the 6-year pay back requirement. Funding for a realignment or closure will be denied only if savings will not be realized in 6 years.

Mr. WARNER. Mr. President, the Senator from Virginia yields the remainder of the time remaining on this side.

Mr. INOUYE. Mr. President, before yielding back the time, I would like to ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUYE. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate at 12:46 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will vote on amendment No. 844. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 86, nays 14, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—86

Adams	Burdick	Domenici
Armstrong	Burns	Durenberger
Baucus	Chafee	Exon
Bentsen	Cochran	Ford
Biden	Cohen	Fowler
Bingaman	Conrad	Garn
Bond	Cranston	Glenn
Boren	D'Amato	Gore
Boschwitz	Danforth	Gorton
Breaux	Daschle	Graham
Bryan	Dodd	Gramm
Bumpers	Dole	Grassley
Harkin	Levin	Riegle
Hatch	Lieberman	Robb
Hatfield	Lott	Rockefeller
Heflin	Mack	Roth
Heinz	McClure	Rudman
Helms	Metzenbaum	Sanford
Hollings	Mikulski	Sarbanes
Humphrey	Mitchell	Sasser
Jeffords	Moynihan	Shelby
Johnston	Murkowski	Simpson
Kassebaum	Nickles	Specter
Kasten	Nunn	Symms
Kennedy	Packwood	Thurmond
Kerrey	Pell	Wallop
Kerry	Pressler	Warner
Kohl	Pryor	Wirth
Leahy	Reid	

NAYS—14

Bradley	Inouye	McConnell
Byrd	Lautenberg	Simon
Coats	Lugar	Stevens
DeConcini	Matsunaga	Wilson
Dixon	McCain	

So the amendment (No. 844) was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 18, LINE 10, THROUGH PAGE 19, LINE 11, AS AMENDED

The PRESIDING OFFICER. The question now occurs on agreeing to the first excepted committee amendment, as amended.

So the excepted committee amendment beginning on page 18, line 10, through page 19, line 11, as amended, was agreed to.

AMENDMENT NO. 825

The PRESIDING OFFICER. The next order of business is amendment No. 825.

Mr. INOUYE. Mr. President, this amendment allocates $8,791,650,000 for conventional forces and for other initiatives.

Mr. President, the committee has endorsed this amendment and we offer it today, instead of including these items in the bill as reported, because they are not specifically authorized for fiscal year 1990. I believe this is the best allocation of funding which can be made in light of the severe constraints placed on the Appropriations Committee by the overall budget process.

Let me take a few moments to discuss the reasons for this amendment, before I describe the individual items involved.

The Appropriations Committee was provided unrealistic targets for national defense by the summit agreement. The President submitted an amended budget, which the Office of Management and Budget contended complied with the summit agreement of $305.5 billion in budget authority and $299.2 billion in outlays. However, the Congressional Budget Office and the Senate Budget Committee disagreed with calculations made by the OMB. CBO says the President's budget exceeds the outlay target by $3.8 billion.

Mr. President, the Appropriations Committee is bound by the Budget Act to follow the scorekeeping established by the Budget Committee regardless of the position of OMB. Therefore, the committee was faced with an untenable position of reducing outlays by $3.8 billion, without reducing budget authority—in accordance with the summit agreement.

Mr. President, this is my first year as chairman of the Defense Subcommittee, but I have learned this is not the first time the subcommittee has been faced with this situation. In fact, it is very unfortunate but true that this procedure has become the norm rather than exception. Nearly every year, the amounts included in the President's budget and the congressional budget resolution produce a mismatch in budget authority and outlays. The executive branch wants to increase the budget authority for defense, and Congress wants to cut outlays, to minimize the deficit. The outcome is a compromise which promises high budget authority, but sets unrealisticly low outlay levels.

The amendment offered is how the committee believes it can best serve this process. An amendment would not have been necessary under the rules of the Senate, but the Appropriations Committee believed it is important to maintain comity with the Armed Services Committee. Therefore, we left it to the Senate to decide this matter, rather than incorporate all these items within the appropriations bill as reported.

There may be some who question why a $9 billion package of items not specifically authorized is necessary. Why did the Appropriations Committee deviate by so great a margin from the Defense authorization bill passed by the Senate last July? The answer is twofold. First and primarily, the reason is outlays. The Senate-passed authorization bill did not have to comply with the outlay targets. The Defense Appropriations Subcommittee had to reduce defense outlays by $2.3 billion from the bill as passed by the Senate. This mandated that wholesale changes had to be made in the authorization bill. Second, the committee is bound to comply with the summit agreement. That is, it had to cut spending to comply with the outlay limit, but $9 billion had to be added to reach the summit level for budget authority.

The Appropriations Committee needs flexibility restored to this process. It should not be saddled annually with unrealistic outlay targets, and it should not be subject to summit agreements which require allocating funds to reach a ceiling. My friend Senator NUNN, argues that his Defense authorization bill should be a ceiling, and I agree with that view. However, for us the summit agreement has taken on the characteristics of both a ceiling and a floor. It has perverted the process of Government spending.

This is not good for the Senate. The Senate needs to be able to review ap-

propriations bills on merits; it should decide how much to spend for national defense, and not because of a summit agreement. The Armed Services Committee should provide policy guidance on defense requirements and the Appropriations Committee allocate funds consistent with that policy. We are far from that process. The fact that the committee is offering an amendment here to provide $9 billion of additional budget authority is a sign that we need to reconsider the congressional budget process. Mr. President, this is a good amendment, we have made the best of a bad situation, but it is a very bad way for the Senate to conduct its business.

In this amendment, the committee has attempted to provide funds that, while not considered by the Senate Armed Services Committee, are in the spirit of the authorization bill. For example, the Senate voted overwhelmingly to support conventional improvements. This amendment provides an additional $1.7 billion to buyout the Apache Program. The language specifically provides that this will be the final purchase of Apache helicopters. In this manner, the committee is not violating the termination of the Apache Program approved by the Senate after fiscal year 1991, and it may be of interest to all of us here that by this procedure we will save the taxpayers $900 million.

The committee is recommending a $1-billion purchase of sealift ships. The Defense authorization bill took the lead in directing the Navy to redress this Nation's shortfall, by authorizing funds for research and development and advance procurement for sealift. The committee's allocation exceeds the amount authorized, but it is clear that both committees recognize the need to improve sealift. The Appropriations Committee was able to provide the funding necessary to carry out the policy of the authorization bill. Virtually every field commander as well as the Army Secretary and Chief of Staff testified to the committee that additional dedicated sealift ships are required to meet the Nation's requirements to support its forces in the event of hostilities. Further, we recognize that in order to reestablish the country as a viable commercial shipbuilding industry, it needs Government intervention to pump business into the sector. Mr. President, we see the funding for sealift as a way to help out an ailing shipbuilding industry.

However, industry must respond with a creative approach to sealift. If these funds are used only to build ships of current design, we will have done little for the industry. The shipbuilders seeking to build sealift ships must offer new designs which are capable of moving large cargo at high speeds. The committee believes the Navy should consider allocating these funds to purchase ships of entirely new design, ships that can reinvigorate the domestic shipbuilders, ships that will lead to designs which are commercially viable, and become the envy of the world. The Navy should place considerable emphasis on incorporating new technologies into these sealift ships to increase speed and hold down operating costs. If these twin objectives can be obtained, the shipbuilding industry could be given that boost it needs to regain its commercial viability.

It might be interesting to note, Mr. President, at this juncture, that it was not too long ago, after the end of World War II, we, the people of the United States, controlled the seven seas. The navies and commercial shipping of all other countries rested on the various ocean floors. We were the only ones with ships. We were No. 1. If you wanted to do business anywhere in the world and wanted to ship goods, the chances are you shipped them on American ships.

Today we rank No. 14—No. 14. There are 13 countries ahead of us. Obviously, the Soviets are ahead of us. In fact, American ships carry less than 5 percent of our foreign cargo. Even our foreign aid is carried by foreign ships, and if that does not embarrass American taxpayers, I do not know what will.

Mr. President, the third item in this amendment is also in the spirit of the authorization bill. That bill consolidated funding from several appropriations accounts for the Enterprise refueling and modification into the Navy shipbuilding and conversion appropriation.

The committee supports this effort. However, the amounts consolidated only represent a partial funding of the Enterprise cost. The defense budget incrementally funded the Enterprise. Traditionally, the committee has opposed incremental funding of ship conversion programs. Therefore, it has included funding of nearly $1.3 billion to fully finance the cost of the Enterprise Program.

In similar fashion, the authorization bill proposed a change in financing the installation of modifications. Previously, modifications have been budgeted in procurement accounts, and the cost of installing the modifications have been funded in the operating accounts.

The authorization bill directs that the installation charges be funded in procurement accounts. The amount authorized provides the funding for those items which were bought 1 or more years ago which are planned for installation in fiscal 1990.

The Appropriations Committee supports the intent of the authorization bill but believes the cost of installing the kits purchased in fiscal year 1990, as well as all other previously funded kits, should be fully funded in this coming fiscal year. Therefore, the committee recommends adding $3.4 billion to fully fund the cost of this change in modification financing.

The committee amendment includes $33.6 million to procure trucks, vehicles, and other support equipment for the national training center. This equipment is currently shipped by rail to Fort Irwin, CA, for each rotating unit costing over $14 million per year in operation and maintenance.

This committee initiative simply makes good sense. It allows annual training costs to be reduced. If we were to strike this initiative, operation and maintenance costs will increase by $70 million during the 5-year defense plan.

The amendment also provides funding proposed for reimbursing space shuttle operations. The committee proposed to add $485 million to offset these costs. This would then allow for other necessary civilian space programs to be funded instead of forcing NASA to pick up the additional cost associated with DOD payloads.

So, Mr. President, I urge the Senate to support this committee amendment.

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

Mr. WALLOP. Mr. President, I believe the Senator from New York has an amendment.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 854

(Purpose: To express the sense of Congress regarding the joint DOD/NASA management of the National Aerospace Plane program)

Mr. D'AMATO. Mr. President, I ask unanimous consent that the pending amendment and other committee amendments be temporarily laid aside for consideration of an amendment which I now send to the desk and ask for its consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], (for himself, Mr. BOND, Mr. DODD, Mr. GARN, Mr. GRAHAM, Mr. GRAMM, Mr. HARKIN, Mr. MCCLURE, Mr. LIEBERMAN, and Mr. STEVENS) proposes an amendment numbered 854.

Mr. D'AMATO. Mr. President, I ask that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 108, between lines 4 and 5, insert the following new section:

SEC. . It is the sense of Congress that—

(1) the recommendations of the National Space Council, as approved by the President in July of 1989, for the development of the

National Aerospace Plane represent an improved and more affordable strategy for the United States; and

(2) if funds are made available for the National Aerospace Plane program for fiscal year 1990, the National Space Council should submit to Congress, not later than January 31, 1990, a report assessing the existing arrangement between the Department of Defense and NASA for management of the National Aerospace Plane program and should include in that report recommendations for such changes in the management arrangement as the Council considers necessary to increase the effectiveness of the National Aerospace Plane program and ensure the achievement of the goals established for such program.

Mr. D'AMATO. Mr. President, this amendment expresses the sense of the Congress that the recommendations of the President's National Space Council regarding the development of the national aerospace plane represent an improved and more affordable strategy. In addition, this amendment directs the National Space Council to report to Congress on changes to the NASP management structure which may be needed to ensure the achievement of the program goals.

Mr. President, I offer this amendment on behalf of Senators DODD, GRAHAM of Florida, GRAMM of Texas, HARKIN, MCCLURE, LIEBERMAN and STEVENS.

Mr. President, this amendment has been agreed to by the floor managers on both sides.

Mr. President, I ask for unanimous consent that the National Space Council memorandum regarding the National Aerospace Plane Program, dated July 20, 1989, be printed in the RECORD.

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

NATIONAL SPACE COUNCIL,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, July 20, 1989.

Memorandum for: Ms. Emily L. Walker, Executive Secretary, Department of Treasury; Mr. J. Stapleton Roy, Executive Secretary, Department of State; Col. George P. Cole, Jr., Executive Secretary, Department of Defense; Mr. Craig R. Helsing, Chief of Staff, Department of Commerce; Ms. Ruth Knouse, Director, Executive Secretariat, Department of Transportation; Capt. Anthony Maness, Executive Assistant to the Chairman, Joint Chiefs of Staff; Mr. Frank Hodsoll, Associate Director, Office of Management and Budget; Mr. G. Philip Hughes, Executive Secretary, National Security Council; Dr. Thomas Rona, Acting Director, Office of Science and Technology Policy; Mr. H. Lawrence Sandall, Executive Secretary, Central Intelligence Agency; Mr. Henry E. Clements, Executive Officer, National Aeronautics and Space Administration.

From: Mark J. Abbrecht.

Subject: Presidential Decision on the National Aero-Space Plane.

The President has approved the following policy with regard to the National Aero-Space Plane (NASP) program.

"The United States will continue the NASP program as a high priority national effort to develop and demonstrate hypersonic technologies with the ultimate goal of single-stage-to-orbit. The government will complete the Phase II technology development program and plan to develop an experimental flight vehicle after completion of Phase II, if technically feasible. Performance of the experimental flight vehicle will be constrained to the minimum necessary to meet the highest priority research, as opposed to operational, objectives. Unmanned as well as manned designs will be considered and the program will be conducted in such a way as to minimize technical and cost uncertainty associated with the experimental vehicle."

The President also approved the following actions to implement the policy decision.

Retain an appropriate joint DOD/NASA management structure.

Restructure the NASP technology program to focus only on research and technology objectives.

Extend the technology development phase of the program approximately 2½ years and plan to begin experimental flight vehicle development in early 1993. The Space Council will review the program prior to initiation of vehicle development.

Within currently approved DOD budget levels, increase NASP funding by $27 million in FY 1990, $158 million in FY 1991, $233 in FY 1992 and by appropriate amounts in FY 1993 and FY 1994.

Mr. D'AMATO. Mr. President, the goal of the National Aerospace Plane Program is to explore a region of high-speed flight never before attempted by mankind. Two test vehicles will be built which will use supersonic ramjets to power them up to 25 times the speed of sound. At this velocity, the NASP will be able to escape Earth's gravitation and go into orbit.

This research cannot be accomplished in laboratories or wind tunnels. The NASP goal is like that of going to the Moon—it defies simulation—it simply has to be done. The payoff we can expect from the NASP Program also defines prediction. The data derived from the NASP Program will be the foundation for all future high-speed civilian and military airplanes and space-launch vehicles. The technological leap into hypersonic flight will be more monumental than the leap from propeller driven airplanes to jets.

Mr. President, the most unique characteristic of the national aerospace plane is that it will be a cross between an airplane and a rocket. Using supersonic ramjet technology, the NASP will be able to take off from an ordinary airport runway, accelerate to 25 times the speed of sound, and achieve low Earth orbit. It will have the flexibility to return to any location on the globe, land on a normal runway, and be ready in a matter of hours for another flight.

Why would this kind of flexibility be important to the United States? Because it would give private industry and the military the ability to launch satellites with only days or hours of preparation time thus cutting the costs to an estimated 1/100 of what they are today.

In addition, the 33-month hiatus in the Space Shuttle Program, following the *Challenger* disaster, demonstrated America's disturbing dependency for space launch on an incredibly complex and fragile infrastructure, geographically limited to one vulnerable launch site on the east coast and one on the west coast.

The U.S. civil sector will also benefit greatly from NASP technology. Hypersonic passenger and cargo planes will revolutionize global travel and trade. Affordable access to space will stimulate the commercialization of space in ways we cannot even imagine.

It should be noted that several foreign countries are mounting very serious efforts designed to take the lead in hypersonics away from the United States. These countries include the United Kingdom, West Germany, Japan, France, and the Soviet Union. The country that prevails in pioneering the application of this technology will be the key to the future—to business opportunities around the globe and in our solar system.

Mr. President, I urge the appropriations conferees to provide the level of funding required to keep the NASP Program on track, as recommended by the National Space Council.

Mr. President, I ask unanimous consent to add Senator BOND as an original cosponsor.

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

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am willing to accept this amendment from my colleague from New York [Mr. D'AMATO], who has been outspoken in his support of the National Aerospace Plane [NASP]. I must stress, however, that in the present climate of severely constrained defense budgets, the NASP Program was deemed a lower priority by the committee.

The NASP Program is intended to develop a hypersonic—mach 25—manned aircraft/rocket booster to launch payloads into orbit from conventional runways. The Air Force and the National Aeronautics and Space Administration [NASA] are developing the NASP in a jointly funded and managed program. As originally proposed, the NASP Program was to spend more than $3,400 million between fiscal years 1986-94 to develop and fly two experimental flight test vehicles.

The program is considered to contain high technological risk, and to have limited military applications. In recognition of these concerns, and in view of the need to fund much higher priority programs with more demonstrated military benefits, the Air Force proposed reducing NASP funding by

50 percent in both the fiscal year 1989 and fiscal year 1990 budgets.

The high technical risk and costs, and marginal military utility of the NASP Program prompted the Defense Department early this year to recommend that Air Force funding be reduced to only $100 million in fiscal year 1990, with NASA assuming full program responsibility in fiscal year 1991. A review by the National Space Council resulted in this position being modified to maintain a joint program at somewhat reduced funding levels. However, the program now would be delayed by at least 2½ years and be much reduced in scope and direct military applicability.

While the committee commends the executive branch's attempt to create a more affordable NASP Program, it remains concerned that the program still is projected to cost at least $2,500 million during the next 5 years. Since total funds available for the fiscal year 1991-95 5-year defense programs are expected to decline significantly, even the revised NASP Program is unaffordable. In addition, the Defense Department has not yet even identified which other programs it will have to reduce in the near future to fund the National Space Council's NASP Program.

The likely budget environment for NASA seems no more promising in the future. The need to fund more important military space launch and science and technology programs remains and will become more pressing.

I am pleased to advise the Senate, I have had the opportunity to review the sense-of-the-Congress amendment that Senator D'AMATO proposed. We are in support of it. We will be very happy to accept it.

Mr. D'AMATO. Mr. President, I urge the adoption of this amendment I thank the chairman for his support.

Mr. GRAHAM. Mr. President, I am pleased to be a sponsor of this amendment expressing congressional support for the National Aerospace Plane Program [NASP] and the recommendations of the National Space Council in this regard.

The United States holds a strong competitive position in many technological fields. We can be particularly proud of our leadership in the field of aviation technology. We enjoy a 75-percent share of the international jet transport market. The $18.7 billion trade surplus in this industry is the largest surplus for any U.S. business sector.

Since the 1940's the United States has aggressively embarked on long-term aerospace research programs. Cooperative ventures in research and development between the private and public sector have put us in the forefront of aviation technology.

The development of the national aerospace plane is one of today's most challenging and exciting ventures. The Air Force, the National Aeronautics and Space Administration and private contractors are cooperating to develop a hypersonic vehicle with significant commercial and national security benefits.

In order to realize these benefits and keep the competitive edge in aerospace technology, this joint public-private venture should be encouraged. I urge my colleagues to join me in expressing support for NASP through this amendment.

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

The amendment (No. 854) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 855 TO AMENDMENT NO. 825

Mr. WALLOP. Mr. President, on behalf of myself and Senators WARNER, DOLE, WILSON, THURMOND, GORTON, COATS, LOTT, ARMSTRONG, and SIMPSON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for Mr. WARNER, Mr. DOLE, Mr. WILSON, Mr. THURMOND, Mr. GORTON, Mr. COATS, Mr. LOTT, Mr. ARMSTRONG and Mr. SIMPSON, proposes an amendment numbered 855 to the amendment number 825.

Mr. WALLOP. 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 out all after the words "Title X", and insert in lieu thereof the following:

For expenses not otherwise provided for, necessary for certain program improvements, and for other purposes; $8,358,853,000, of which $1,293,000,000 shall be transferred to and merged with "ENTERPRISE refueling/modernization program" under the heading "Shipbuilding and Conversion, Navy," to remain available for obligation until September 30, 1994; $3,400,000,000 shall be transferred to and merged with appropriations under title III, Procurement, for costs of installing modifications of equipment, to remain available for obligation until September 30, 1992; $290,000,000 shall be transferred to and merged with "Shipbuilding and Conversion, Navy," under a new sub-account "Icebreaker", to remain available for obligation until September 30, 1994; $959,900,000 shall be transferred to and merged with "LHD-1 Amphibious Assault Ship" under the heading "Shipbuilding and Conversion, Navy", to remain available for obligation until September 30, 1994; $20,000,000 shall be transferred to and merged with "Sealift Ship Program" under the heading "Shipbuilding and Conversion, Navy", to remain available for obligation until September 30, 1994; $279,600,000 shall be transferred to and merged with "Missile Procurement, Army", to remain available for obligation until September 30, 1992, of which $89,000,000 shall be available only for the Stinger missile program, $93,500,000 shall be available only for the Laser Hellfire program, $51,100,000 shall be available only for the TOW II program, and $46,000,000 shall be available only for the Advanced Tactical Missile System; $45,300,000 shall be transferred to and merged with "Weapons Procurement, Navy", to remain available for obligation until September 30, 1992, for the High-Speed Anti-Radiation Missile program; $70,000,000 shall be transferred to and merged with "Missile Procurement, Air Force", to remain available for obligation until September 30, 1992, for the High-Speed Anti-Radiation Missile program; $775,771,000 shall be transferred to and merged with "Aircraft Procurement, Army", to remain available for obligation until September 30, 1991, for the purchase of 66 Apache helicopters after which the Apache program will be terminated: *Provided*, That the funds provided in this paragraph shall not become available for obligation until September 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change; $910,000,000 shall be transferred to and merged with "Weapons Procurement, Navy", to remain available until September 30, 1992, for the Trident II/D-5 missile program: *Provided*, That none of these funds may be obligated until the Secretary of the Navy has notified Congress in writing that he has approved modifications or redesign of the D-5 missile needed to correct recent test deficiencies; $298,358,000 shall be transferred to and merged with "Research, Development, Test, and Evaluation, Defense Agencies" to remain available until September 30, 1991: *Provided*, That not less than $4,000,000,000 of the funds under the heading of "Research, Development, Test, and Evaluation, Defense Agencies" shall be available only for the Strategic Defense Initiative program; and for the Space-Based Wide Area Surveillance Radar, $1,956,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Navy", to remain available until September 30, 1991, for the Tactical Space Operations program, $4,968,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Air Force", to remain available until September 30, 1991, for the Space Surveillance Technology program, and $10,000,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Defense Agencies", to remain available for obligation until September 30, 1991, for the Strategic Technology program.

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund, Defense"; $300,000,000, to remain available until expended. The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from state and local governments for assistance on a reimbursable basis to re-

spond to natural or man-made disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts, and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended.

REDUCTIONS TO AUTHORIZED LEVEL

Notwithstanding any other provision of the Act, the amount on page 20, line 2, is reduced by $68,100,000 from the UH-60 Blackhawk helicopter program; the amount on page 32, line 14, is reduced by $49,000,000 from the F-15/F-16 engine upgrade program; and the amount on page 36, line 3, is reduced by $50,000,000 from the B-1B program.

Mr. WALLOP. Mr. President, the Senator from Virginia, the chief sponsor of the amendment, is at this moment introducing the first female judge for the State of Virginia. He intends to be on the floor in a few minutes. 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. WARNER. 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. WARNER. Mr. President, I send my apologies to those Senators present and others for the delay in the appearance of the Senator from Virginia. I thank my distinguished colleague from Wyoming for sending up the amendment which has been outlined in terms of the sponsors. This Senator, if I may say, was proudly detained in the Senate Judiciary Committee where I had the privilege of introducing Mrs. Smith, the nominee for a Federal district court appointment which I made some months ago to the President in the formal recommendation, and if confirmed by the Senate Mrs. Smith will be the first woman to be appointed to the Federal judiciary in the history of the Commonwealth of Virginia. So it was an important occasion for both myself and my colleague, Senator ROBB.

Mr. President, the proposed substitute to the Appropriations Committee amendment adopts several of the initiatives suggested by the Appropriations Committee—not several, indeed in my judgment many—and provides funding for several defense programs which the sponsors believe have a higher priority than some of the programs funded by the committee amendment.

The committee amendment is made necessary by the mismatch in budget authority and budget outlays agreed to in the budget summit agreement. The sponsors of the substitute do not fault—and I reiterate, do not fault—in any way the Appropriations Committee in its attempt to meet this mismatch targets in the committee amendment.

In the several years that I have had leadership responsibility on the Armed Services Committee I have not known a year in which the chairman of the Armed Services Committee, the ranking member and others have had a higher degree of cooperation, a spirit of togetherness, so to speak, with the members of the Appropriations Committee than this fiscal year. That is owing to the distinguished chairman, the Senator from Hawaii, and the distinguished ranking member, the Senator from Alaska. It has been a very harmonious working partnership.

With that background I raise this amendment to point out only that we feel strongly about several priorities stated in the amendment. It in no way is a criticism of the work performed by the Appropriations Committee.

The sponsors believe they are suggesting a different mix of programs that will be better in both the short-term and the long-term, for the health of our national defense, and in controlling the budget deficit.

The proposed substitute provides full funding of the *Enterprise* overhaul and full funding in the various accounts of costs associated with modification of weapons systems. These two initiatives contained in both the committee amendment and the substitute account for $4.7 billion of the $8.5 billion funding in the substitute. That is, the substitute in these two initiatives adopts more than 55 percent of the committee's recommended funding.

In the same vein, the sponsors of the substitute amendment agree with the concept of a revolving emergency response fund to cover the cost of DOD responding to emergencies such as forest fires, oilspills, and other natural disasters—indeed, the one that our country has most recently witnessed, primarily the damage in South Carolina. However, the sponsors believe that such a fund should initially be established at a level of $300 million, rather than the $100 million contained in the committee amendment.

In the ship building area, the substitute will fund one icebreaker for the Coast Guard, rather than the two, as recommended by the committee amendment. One icebreaker was authorized in the DOD authorization bill. The Appropriations Committee amendment would provide $1 billion for fast sealift ships. While this program is authorized in both the House and Senate defense authorization bills, it is authorized only at the level of $20 million. The sponsors of the substitute believe modest funding for this program is more appropriate at this time while it is being examined by the appropriate authorities.

The substitute amendment would, therefore, provide an appropriated level of $40 million, representing an additional $20 million.

Next, a substitute amendment fully funding the munitions enhancement program initiated by the Armed Services Committee and adopted by the Senate during debate on the defense authorization bill during this summer. That program enhanced the number of Smart munitions programs by authorizing funding for them at efficient rates. The substitute amendment provides $395 million in appropriations at those authorized rates for the Stinger, Laser Hellfire, TOW II, ATACMS, and HARM programs.

In the strategic area, the substitute funds an additional $298 million for SDI, bringing the total appropriations for that program to $4 billion, more in line with the previously approved Senate authorization of $4.3 billion. Additionally, the substitute provides $17 million for R&D for the space-based, wide area surveillance radar, a small but very important research effort.

Finally, the substitute rejects the Appropriations Committee approach of totally deleting funds for procurement of the Trident II D-5 missile. The request of $1.8 billion for the procurement of the missile in the fiscal year 1990 budget was zeroed by the committee because, presumably, a recent test failed.

While the sponsors of the substitute share the committee's concern about these failures, the sponsors believe a better approach is to fund a major portion of the procurement request with fencing language limiting its obligation pending resolution of the technical problems. This approach provides the opportunity to go forward with this extremely important program in fiscal 1990, if the problems can be resolved. As the Chief of Naval Operations and others in the Department of Defense have stated, it will be likely that the problems will be resolved.

Finally, in order for the amendment to be fiscally sound, minor reductions have been made in the UH-60 Blackhawk, an unrequested add on for F-15/16 engine upgrade programs and in an unrequested increase involving the B-1B R&D. These reductions result in appropriations for each of these programs equaling the Senate authorized level.

Mr. President, I will have further to say on this amendment.

At this time I yield the floor. I wish to acknowledge again the very important support the Senator from Wyoming has given this Senator and

others in the preparation of this package.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank our able ranking member. I thank him and his staff for being flexible, as we tried to fashion an amendment which we feel is a more responsible reflection of the priorities of the authorizing committee.

I would say again that with Senator WARNER we do not have a quarrel. We have a complete understanding of what the Senate appropriations subcommittee has done here, and I could not agree more with the Senator from Hawaii, that the budget process is out of whack when outlays and authorizations cannot be matched in any kind of a responsible way because of the agreements of the budget summit.

I would also quote my friend from Hawaii, in which he said in his opening remarks a little while ago—and I am paraphrasing. I tried to write them down but I was not fast enough. He said that the Senate Armed Services Committee should allocate policy requirements and priorities. And the Senate Appropriations Committee should direct itself toward as much support of the SASC's policy requirements as they can. So this amendment is not a quarrel with what they sought to do, but rather it seeks more to prioritize the actual defense requirements of the United States in a real world in which dangers, despite the soothing rhetoric of the Soviet Union, still confront us; in the real world where, despite the soothing rhetoric, Third World threats exist; a real world in which tight dollars, potential sequesters, and automatic blanket reductions confront the best judgment of those whose responsibility it is to defend this Nation. And often, Mr. President, they are faced with choices that they know to be outside the needs and requirements of the defense of the United States.

For example, in the area of the AH-64 helicopter, the Apache, I understand the hometown requirement to vote for that. But I do not understand how we can supersede the judgment of the Army, which has not only tailored its new force to the requested number of the President, but which has said, in effect, that it cannot use the Apache helicopter and that this priority would deny it some things that it needs for flexibility in the future.

So I believe that what we need to do in this time of tight budgets and a fourth consecutive real reduction in defense spending, is to set aside the hometown projects which are over and above the services' judgment, to set aside national pet rocks, and to try and address, to the best of our ability, the defense needs of the United States, both in the near term and in the long term.

The Senate Appropriations Committee, Armed Services appropriations, has said that their proposal gives them flexibility. I have no quarrel with the argument that it gives them flexibility, but there are phantom fundings in here which do not necessarily reflect the judgment of the authorizing committee and would therefore seem to run contrary to the suggestion and statement of the distinguished Senator from Hawaii, as to what the two appropriate roles are. This amendment restores money to SDI, as it should. However, it is still well below the request of the President, well below the request of the Secretary of Defense, well below the stated needs, and is a real reduction from current efforts.

As we approach the possibility of a START Agreement, it may be the only verification tool that is of genuine value to the United States—a defense against any potential violations. In an op-ed piece in the Washington Times this morning, I suggested that where the House was going with SDI was an astonishing act of dissembling with the public of the United States.

Not wishing to be blamed for the demise of SDI, the House funds SDI, but to the extent that it cannot function, cannot sustain its scientific research, and cannot allow us to make a deployment decision. But they can always argue that, "Oh, I voted for SDI. I always have voted for SDI." What they are doing to the American people is essentially lying. We cannot have it and they know we cannot have it at the level that they have suggested we fund it.

As in the past, the conference figure will be somewhere between the figure of the Senate Appropriations Committee and the House. And that, too, requires the dismantlement of scientific staffs. That, too, requires the postponement of any possibility of a deployment decision in the President's first term, which he promised both in his campaign and in his inaugural address.

What we are suggesting is barely a minimum to sustain competence on the road to a deployment decision. And it is barely the minimum to sustain the accomplishments that has been achieved over the last few years.

We restore money to the space-based wise area surveillance radar, something that is necessary for all three services.

But I must say, Mr. President, that what we have tried to do is not to second guess the Appropriations Committee, but to offer the best judgment that we, the cosponsors in the Armed Services Committee and others, have as to what the near-term and the long-term defense spending priorities in these areas ought to be. It retains the same level of outlays and the same level of authority which the Appropriations Committee has been saddled with. We understand that. We would like it differently, as would the Senator from Hawaii, as he so eloquently stated.

But this is a result of a budget summit and a budget process gone haywire. We cannot change that at this moment in time. So our purpose is primarily to address what was in the Appropriations Committee's recommendation with a reprioritization and not with a challenge to their figures of both outlays and authority.

Mr. President, I, too, will have more to say on individual portions of this as the debate wages this afternoon. But suffice to say that this was not meant to second guess, but rather to reflect what the Senator from Hawaii meant when he said that the Senate Armed Services Committee should allocate policy requirements and the Appropriations Committee should, to the best of their ability, appropriate to those allocated priorities.

Mr. President, I yield the floor.

(Mr. BRYAN assumed the chair.)

Mr. JOHNSTON. Mr. President, it is rare that an amendment is put in on the floor to a major committee's work that so completely rewrites the bill. This amendment takes what the Appropriations Committee has done, indeed what the Senate Armed Services Committee had done in many respects, and completely rewrites it, which is not to say that on that role alone is it necessarily bad. It happens to be necessarily bad, what this amendment does, because it changes so many programs.

It changes the Emergency Response Fund; the funds for Icebreaker; the funds for amphibious assault ships; for the AH-64 Apache helicopter, cutting that about in two; conventional munitions; Trident II, D-5 missile; SDI, space-based wide area surveillance radar; Fast Sealift; National Training Center; Space Shuttle Operations; reductions to requested/authorized level in the UH-60 Blackhawk helicopter, the F-15, F-16 engine upgrade, and the B-1B R&D.

Mr. President, this amendment rewrites the whole bill. As I say, that does not necessarily mean it is bad, but it does mean that Senators should be on the alert for something that is hashed out in some offices somewhere, no matter how well-intended the Senators or able the staff. The point is this amendment was not offered in—I do not know whether it was offered in the Senate Armed Services Committee and rejected there, but it certainly was not offered in the Appropriations Committee.

The Appropriations Committee, Mr. President, has 29 members. You would think an amendment that had merit,

that you would be able to find at least 1 out of 29 members willing to put in such an amendment to be considered in the Appropriations Committee, who has responsibility for this area. You would think that they could find 1 of the 29 members.

It may well have been, of course, that they could have found one member but that it was such a clearly losing proposition that they did not want to risk it and have to come to the Senate floor after it has been examined carefully there, where our excellent staff on defense appropriations could take a look at it and where all of the various technical arguments could be considered and debated in the Senate Appropriations Committee. It may well have been that they figured they would get 2 or 3 or 5 to 1, which would be a very bad thing for an amendment if you tried to get it passed on this floor.

So I say to my colleagues, be on the alert because this amendment has not had that kind of debate.

I would like to focus in on just one of the changes here in an area I have been involved with a good bit, and that is SDI.

Mr. President, when the armed services bill, the authorization bill, was here on the floor, I put in an amendment to provide for a level of funding of $3.7 billion, which happened to be last year's level plus inflation. We lost on that amendment, as I recall, 50 to 47.

During the debate, however, Mr. President, many of the opponents of this amendment, time after time, would come forward and say:

> Well, we think you are right on the funding level. That is the appropriate funding level, but we want more money so when we go into conference with the House of Representatives on the armed services bill that we will have some bargaining room.

That was probably the most cogent argument they had to support it because it seemed to me, at least from listening to the debate on the floor, that they had no other cogent arguments to make.

Nevertheless, Mr. President, that is the level that the Senate Appropriations Committee came out with, which is last year's level plus inflation.

Mr. President, this is much better than most areas of the defense budget get treated. Most areas of the defense budget are not faring so well. There are cutbacks across the board. Our committee has, not by choice but by necessity, cut back in a whole range of weapons systems: The F-14, the F-15; the F-16 has received some cuts; the M-1 tanks are not being funded at the level that they should be funded at. Weapons systems across the board are being canceled, cut back, slowed down, but not SDI. SDI gets last year's level plus inflation.

Mr. President, in case there are those who are concerned that SDI has not gotten sufficient money over recent years, let me tell my colleagues that with this year's funding already in the bill, SDI will have received appropriations of $20 billion.

You would think that the program would have gotten some form and substance at this point. $20 billion later, you would think they would be able to define a purpose of SDI or an architecture.

What is it you are trying to build and what is it that that is supposed to accomplish? Mr. President, they cannot to this day tell us what the purpose of SDI is nor what it will look like.

Mr. President, initially we were told by President Reagan that SDI would give us a leak-proof system, an astrodome across the country which, in turn, inspired wonderful speeches and cartoons and school drawings by kids. My colleagues saw, probably, the television ad which had the crayon and sort of a circus tent across the country, and the little girl saying: "My daddy thinks there is a better answer than getting blown up by nuclear bombs, and that is SDI."

Of course, Mr. President, we know that the dream of an astrodome is no longer. There are some who still cling to that vaporous dream, but very few of those. The Vice President, who was one of the very strongest proponents of SDI, just recently made a statement to say that that statement about the astrodome was political jargon. We have another word for that down in Louisiana. But let us accept his word of political jargon.

The point is, it is unrealistic. If it is not to be an astrodome, what is it, Mr. President?

We are told it might have several purposes. It might be an accidental launch system, to protect against the nuclear weapons of Brazil or India. That was just given in a news article on Sunday, I believe, in this last week. The administration said we might use it for an accidental launch.

Mr. President, I am concerned about India's nuclear program and about Brazil's nuclear program and about the ability of some of these countries to deliver such a weapon in a ICBM. We all should be concerned about that. But, Mr. President, to build a human architecture, costing hundreds of billions of dollars, to defend against that I think is hardly the right use of our scarce resources in this country. I personally am not worried about either India or Brazil at this time, at least compared to some other things we have to worry about. That is the least of our worries.

An accidental launch system protection, I submit, Mr. President, ought to be well down the list of priorities in our defense budget as well as in our whole budget.

We are told it might also be used to protect our missile silos, either our MX missiles or our Minuteman missiles. That is the way the Russians use it. They use it both to protect Moscow, their system, as well as some of the weapons in the area.

Mr. President, I think it is ridiculous to even think about doing such a thing in this democracy of ours. If we were to tell the American people that we were going to spend billions of dollars to protect nuclear weapons and not to protect people, I think the reaction would be not a good one and it would reflect the innate good sense of the American public, when and if they had such a reaction. Obviously, to say we are going to protect some cities, we are going to protect the Congress in Washington and not the people in Peoria, would have the same kind of reaction. That is out of the question.

The one thought that they do come up with, Mr. President, as a use for SDI, is to interfere with the timing of the Soviet's attack. SDI is thought to be, or has been described as being, in three phases. Phase I has been defined by the Joint Chiefs of Staff and phase I would involve weapons in space, the current version of which would be Brilliant Pebbles. I say "the current version" because they have not picked a version. They have not picked an architecture. Indeed, Brilliant Pebbles may not pass muster at all. There will be a report out on that in November, as to whether they think it will work, whether it is cost-effective, whether it can be defended, all of those vast questions as we have looked, seriatim, at a whole series of weapons systems to make up phase I.

However, phase I is designed to intercept 16 percent of total Soviet weapons. That is the goal; 16 percent.

The cost, Mr. President, of phase I, if it worked, Brilliant Pebbles, if it worked, is a very difficult thing to calculate. At one time they put out a figure of $69 billion for phase I. Then, in questioning General Monahan about that, he said that does not count that which would have been spent up to the time the deployment decision was made. Keep in mind that there has been $20 billion spent. It also would not include that which would have to be spent on phase II, while we are spending money on phase I. In other words, phase II, which would involve the beam weapons, the so-called directed energy weapons, and which would have a greater capability than 16 percent of total Soviet warheads, would have to be, if not in place, in terms of research and development, we would have to have a high enough degree of confidence in phase II in order to make the deployment decision for phase I, because as General

Monahan has stated, phase I degrades rapidly. Well, to take my question to him from the hearing on May 11, 1989, I asked him this:

General Monahan, because there is all the testimony from people like General Abrahamson, General Herres, and others, that it would not be feasible or proper to deploy Phase I without some degree of confidence in Phase II and Phase III because of the degradation that everyone predicts for Phase I; isn't that correct?

General MONAHAN: I agree. Yes, sir. That is true.

I go on to ask him, in lieu of that, what we would have to spend simultaneously on phase II, in order to bring phase I along? And the figure is also very sketchy but somewhere in the neighborhood of in excess of $25 billion.

So what we are talking about is, in order to deploy a phase I, we are talking about a figure, using the very soft figures, well in excess of $100 billion. That is, if it works, again it gets 16 percent of total Soviet warheads.

The implications of that, Mr. President, are very stark. In the first place you do not have to be much of a mathematician to know that that violates the so-called Nitze rule. The Nitze rule is that in order to deploy SDI, it must be cost effective at the margin.

What that means, of course, is that we cannot be spending more to intercept a warhead than they spend to build a new one. That is only common sense because if it cost us twice as much to intercept one, then they just keep building and we spend ourselves into bankruptcy while they deploy more warheads at half the cost.

As I say, we do not have to be geniuses to figure out that over $100 billion, if it worked, in order to get 16 percent of their warheads, they can build another 16 percent much cheaper than $100 billion. The actual figure is classified but suffice it to say that my own estimate is it would fail the Nitze test by a factor of about 10 to 1. In other words, it costs us 10 times as much to build this SDI system.

Mr. President, there are a whole lot of arguments about the deployment of phase I of SDI that go to the question of whether we should or should not deploy an SDI system. But what we ought to do is get together on what the purpose of SDI is. And we have started that as a Congress. The Armed Services Committee has stated it. The virtual same language has been used by the Senate Appropriations Committee and it has been adopted as a resolution.

What that language says is this, Mr. President, and I am quoting now from the resolution which was adopted last year and also adopted the previous year. We have adopted this statement of policy each year, which states as follows:

In matching research priorities against available resources, the primary emphasis of SDI should be to explore promising new technologies such as directed energy technologies, which might have long-term potential to defend against a responsive Soviet offensive threat.

In effect, Mr. President, what we have said is that we need to think long term about SDI and not deal with trying to meet the artificial goal of a deployment by 1994 of phase I: Brilliant Pebbles.

Again, Mr. President, Brilliant Pebbles, which is a whole series of thousands of small independently targeted vehicles which are designed to crash into these ICBM's, that is a different version that we were talking about a couple of years ago. A couple of years ago we had the so-called SBI, or space-based interceptor, which involved what they called a garage which—it was like a big revolver with a lot of bullets in it and the big garage would handle the targeting, for the most part, and communication and the individual interceptors would be fired from the so-called SBI.

That proved to be too expensive in estimates, Mr. President. So they said, "Look, this is not going to work; we have to come up with something new." So they came up with this idea of Brilliant Pebbles. The idea—I guess if you do not look at it too strong—is good because it uses a lot of off-the-shelf technology, existing technologies, and puts them together in small interceptors which are thought to—I forget the number of thousands that would be necessary in phase I; somewhere on the order, I believe, of 10,000 of these things—8,000 to 10,000 would have to be orbiting the Earth at all times independently targeted. It is a new idea, though, Mr. President. After $20 billion of expenditure, it is still a new idea.

What does all this have to do with the funding level?

Mr. President, it has to do with the fact that what we ought to be doing with SDI is a robust research and development program designed to be able to respond to the Soviet Union. To take the sense-of-the Senate resolution that I referred to earlier, I think this states it well:

Therefore, it is the sense of the Congress that in order to maintain the basis for strong deterrent, the strategic defense initiative, SDI, should be a long-term and robust research program to provide the United States with expanded options for responding to a Soviet breakout from the 1972 Antiballistic Missile Treaty and to respond to other future Soviet arms initiatives that might pose a grave threat to United States national security.

Mr. President, that language adopted by this Congress endorsed by the Armed Services Committee, endorsed by the Appropriations Committee says it all.

What is the purpose of SDI? It should not be to rush toward deployment, which is exactly the direction that General Monahan has stated we are doing. He said he wants to be ready for deployment decision by 1994, rush to make that decision for deployment of phase I, I guess, Brilliant Pebbles, if it passes the test, which it has not yet, by 1994.

That is a fundamentally different purpose than that stated by this Congress. This Congress has stated that the purpose is for a long-term, robust research program to provide for a response to a Soviet breakout from the 1972 ABM Treaty. Mr. President, it is fundamental—fundamental. The next amendment will have to do with beam weapons as well. Fundamental.

We hear that we are trying to micromanage this program. We are trying to manage the program, you bet, Mr. President, to bring it into line with the statement policy which this Congress has adopted. This Congress has stated its long-term research to guard against a breakout by the Soviets. The Soviets are not so concerned about SDI any more. I think they realize, frankly, the scientific difficulties of deploying at any kind of reasonable cost on the SDI Program. So, in Wyoming last week they said we will withdraw our objection, keeping always the option of withdrawing from any treaty if you violate the ABM Treaty, but they said they would go ahead with START without a promise on our part to agree not to develop SDI.

In effect, they are saying we will go ahead with the START Treaty, but if you violate the ABM Treaty by testing or deploying or going into production on any SDI system, then we will withdraw from START. I think that is a recognition of the fact that they are not so concerned about the progress we are making.

However, Mr. President, there is real reason for either party in this two-power face-off, either the Soviet Union or the United States, to be concerned about the other party having an SDI. The reason is that SDI enhances a first strike. President Reagan said that about our own program, if you will remember, back when he made his speech. He said, of course, when we develop SDI we will give it to the Soviet Union. Mr. President, he said that. I do not know whether my colleagues recall that or not. He actually said it. It was greeted with big laughs all around this Capitol, all around this town. The idea that we develop something at a cost of hundreds of billions of dollars and turn it over to our adversary, the Soviet Union, was absurd on its face.

Nevertheless, the President was responding to a very real problem, which was the question, Mr. President, does not SDI enhance a first strike? And the answer is, of course, it does. This 16 percent of total warhead goal for phase I may not be, as I said earlier,

may not pass the Nitze test of cost-effectiveness at the margin. It obviously does not. But, Mr. President, if we put a first strike on the Soviet Union and took out most of their response ability, then the ability to take out, say, 1,600 to 2,000 warheads would be tremendous advantage because that might be all that they would have left to respond with. The so-called ragged response would be very much put in danger by a phase I architecture.

So, Mr. President, the idea of us in a glasnost situation or, indeed, in any situation, save one in which we fear the Soviet Union breaking out of the ABM Treaty by developing their own effective SDI system, I think is misplacing priorities, misjudging science and misperceiving what the dangers are that affect this country.

What we did in this bill, $3.7 billion for SDI last year plus inflation, first, treats the program better than most programs are being treated, because most programs are getting cut, some are getting terminated.

Second, it is consistent with what we have adopted over and over again. I say over and over again. We adopted 2 years ago congressional policy which is, it is the sense of the Congress there should be a long-term and robust research program to guard against the Soviets breaking out of the ABM Treaty. That is what our level will do, Mr. President. That is what we ought to stick with in this Congress. I yield the floor.

Mr. WILSON. Mr. President, will my friend yield for a question.

Mr. JOHNSTON. Certainly.

Mr. WILSON. I do not intend to delay this long because I know the distinguished manager has an amendment he wishes to bring and set this aside for the moment. I had several points that I wanted to raise with my friend from Louisiana.

Let me ask him first of all, he says that what he is proposing by way of funding for the SDI will impose some slight delay in a research progrm, if permitted, to be robust. At what point does my friend think the program as he has envisioned it under this level of funding that he is proposing would permit the decision to be made as to whether or not there should be deployment? Can he give a date?

Mr. JOHNSTON. The first question you have to ask is, when you say deployment, deployment of what? You should not, as General Monahan himself says, go over the deployment of phase I which is the kinetic kill vehicles, unless you have well developed a phase II, which is directed energy weapons, because, as General Monahan himself says, the kinetic kill weapons degrade so quickly. They degrade because they are slow-moving, relatively speaking, so you have to have the directed energy weapons ready to go, and that means it is probably a long way out. It is well beyond 1994.

The second answer is, nobody knows when and if these directed energy weapons can be made to work. I think they can, but it is probably sometime in the next century.

Mr. WILSON. Let me rephrase my question. It is clear that General Monahan has in mind a research program to permit the President of the United States to make a decision about deployment. If you take the program that is being offered by General Monahan and the Strategic Defense Initiative Office and apply to it not the funding levels he has sought for it but those instead which my friend from Louisiana proposes, at what date in the future would that same decision be possible with the delays on the same research program?

Mr. JOHNSTON. The answer is that you cannot tell and we should not have a schedule-driven R&D program. It ought to develop when it is ready. This will not be ready by that time.

In order to reach the ability to deploy by 1994, you would have to have funding of $9 billion, according to their estimates, in 1994. If anybody thinks that this Congress is going to go from $3.7 billion or even $4 billion, if we adopt this amendment, up to $9 billion by 1994, they have been talking to different Members of this Senate than I have.

So what I am saying is the Monahan schedule of appropriations is unrealistic to begin with. The assumptions on technology are unrealistic after that.

Mr. WILSON. Let us leave SDI alone. Let me ask a different question of my friend. As he has noticed from the amendment that is being offered by the Senator from Wyoming, it has many parts and seeks to restore, or to increase the level of funding for conventional munitions, specifically for the Stinger, for the Hellfire, for the TOW II, for the ATACMS, for the HARM missile.

Let me ask my friend who has had long experience, many hours spent trying to decide how defense dollars ought to be spent, would he not agree that we have experienced over the recent years, if we are speaking of real dollars, those adjusted for inflation, a deficit reduction dribble, a decrease in actual defense spending?

Mr. JOHNSTON. The Senator says does our amendment or does his amendment?

Mr. WILSON. I say is it not an accurate statement that we have in terms of real spending, with dollars adjusted for inflation, over the past 3 years seen a decline in the growth of spending for defense?

Mr. JOHNSTON. The Senator is correct.

Mr. WILSON. Is it not, in the Senator's judgment, also reasonable to anticipate that those pressures will continue and that we will be driven as a result to make decisions that require us to cut back on the request from the services, from the administration?

Mr. JOHNSTON. The Senator is correct, and that was, in fact, the very point I was making, which is one reason why you should not increase SDI more than inflation, because to do so takes from these other weapons systems.

Mr. WILSON. Let me ask the Senator if agreeing as he has with those points, he would agree with General Powell, the newly appointed Chairman of the Joint Chiefs of Staff, who at his confirmation hearing, responding to a similar inquiry was asked where he thought we should come down on these very difficult questions.

When he was asked, if we are compelled by deficit reduction pressures to choose among the lesser of evils, which is to say to choose the less unwise of options that we would not choose but for those pressures, is my friend aware that he said "I would have to advocate end strength reduction, force structure reduction"?

In other words, in lay language, what he was saying, which I think is extraordinary and for which I commend him, is that we need to reduce the number of people in uniform lest we repeat the tragic era of the seventies, when we had what was termed a hollow Army, and I might add, a hollow Air Force, Navy, and Marine Corps.

What he was saying was that we should come to grips with reality and understand that our choice is to have more people in uniform than we can adequately train or equip, or provide the kind of ancillary services that provide them and their dependents decent compensation, decent benefits, decent morale.

Would my friend agree with that?

Mr. JOHNSTON. Mr. President, I very much agree with the general, General Powell, and with Senator WILSON. I think we have to look at force structure. Beyond that, I think we need to look at our overseas deployments, which I have been harping on for a long time, and later on in the consideration of this bill we will have a modest beginning in bringing some troops home from Korea.

Mr. WILSON. Let me just say to my friend that we can bring troops home, but that will not cut the manpower account. In some cases, it may result in lessening costs of operation and maintenance. In other cases, it will increase it. But it will not do anything about the numbers in uniform just to bring them home. All that does is move the players to a different point on the table.

What General Powell was saying is that we are confronted with a much more fundamental question, and we

have to come to grips with the reality that the most expensive thing we do in defense, as in everything else virtually, is to pay people, pay them compensation, pay them benefits, and the only significant way that we can really expect, in the short-term and the long, to reduce outlays, not just budget authority but outlays, is by cutting the number of people that we have in uniform.

That is not something that many of us think wise, but it is less unwise than keeping them in uniform without adequate training, without adequate compensation, without adequate equipment.

Mr. JOHNSTON. Mr. President, the Senator makes a good point. I agree with him. I hope he would add to that the number of dependents and civilians overseas as well. We have 350,000 of those in NATO alone—350,000.

Mr. WILSON. I say to my friend the general was thinking not only of the dependents, but he was thinking even about the operation and maintenance costs that necessarily would increase as a result of having a smaller force. He was thinking of all of those things.

He was also thinking, Mr. President, of the fact that we are compelled to make a choice, and that if you are compelled to make a choice between accounts in the defense budget, it is a much wiser thing, as unwise as it may be, to cut the number of people in uniform, because if the balloon were to go up in some unpleasant fashion, we can mobilize and train manpower a great deal more rapidly than we can conduct research and development.

You cannot buy back the time. Once it is lost, it is gone. If you want to test a wing or an airplane engine, you cannot do it in one-fifth the time by putting the wing into five different wind tunnels. That does not work. You simply cannot foreshorten research and development beyond a certain period of time.

What General Powell was saying is that he has no eagerness to cut the strength levels in the Army or the Navy or the Air Force or the Marine Corps that he thinks unwise, but if he is compelled to cut then what he is saying very simply is that we can afford that cut far better by reducing to a smaller number of troops who will be adequately trained, adequately equipped, and that we should not savage the research and development accounts.

What we are doing in this amendment being offered by my friend from Wyoming is to try to restructure to meet the target levels for both budget authorization and outlay that will permit us to do so in the wisest possible way, in the way consistent with the wise counsel of the Chairman of the Joint Chiefs of Staff, General Powell, and in a way that does not savage research and development so that we lose time, precious time, that we cannot buy back.

Mr. President, I thank my friend from Louisiana for his courtesy.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I yield to the distinguished chairman of the subcommittee.

Mr. INOUYE. Mr. President, I ask unanimous consent that we temporarily set aside the pending amendment in order that we may consider a special amendment requested by the President.

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

AMENDMENT NO. 856

Mr. INOUYE. Mr. President, on behalf of myself and Senator STEVENS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] for himself and Mr. STEVENS, proposes an amendment numbered 856.

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

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

The amendment is as follows:

At the end of the bill, insert the following:

SEC. . Up to $20 million of funds available to the Department of Defense in fiscal year 1990 may be transferred to, and consolidated with, funds made available to carry out the provisions of Section 23 of the Arms Export Control Act and may be used for any of the purposes for which such funds may be used, notwithstanding Section 10 of Public Law 91-672 or any other provision of law; *Provided,* That funds transferred pursuant to this section shall be made available only for Jordan to maintain previously purchased U.S.-origin defense articles; *Provided further,* That funds transferred pursuant to this section shall be available to Jordan on a grant basis notwithstanding any requirement for repayment; *Provided further,* That for purposes of section 10 of Public Law 91-672, funds so transferred shall be deemed to be authorized to be appropriated for the account into which they are transferred; and *Provided further,* That the Speaker of the House of Representatives and the President of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations and Armed Services of the Senate and House of Representatives shall be notified through regular reprogramming procedures prior to the transfer of funds pursuant to the authority granted in this section.

Mr. INOUYE. Mr. President, this amendment was requested by the President of the United States in direct conversation with many of us. Although it would technically violate the budget summit agreement in that it shifts funds from the 050 budget function, the national defense, to the function 150, international affairs, I will support this amendment at the specific request of our President.

This amendment has been reviewed by the Director of OMB, Mr. Darman, and it has been approved by the chairman and ranking minority member of the Foreign Operations Subcommittee. It has been cleared on both sides of the aisle.

Mr. President, this amendment provides special appropriations for a good friend and ally of ours, the Hashemite Kingdom of Jordan.

Mr. President, I urge adoption of the amendment.

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

Mr. INOUYE. 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. INOUYE. 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. INOUYE. Mr. President, I ask unanimous consent that all the matters pending be temporarily set aside so to accommodate a special request made by my dear friend from South Carolina, Senator HOLLINGS.

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

The Senator from South Carolina is recognized.

AMENDMENT NO. 857

Mr. HOLLINGS. I thank the distinguished manager, Mr. President, and the ranking member.

We have prepared language which allows the Secretary of Defense to replace and repair the facilities lost in Hurricane Hugo, in my State of South Carolina and other areas where military bases were damaged. I offer the amendment at this time.

Let me give a huge word of thanks and admiration for the tremendous cooperation and coordination they have had at the local level in my State, from Governor Campbell through our Mayor Riley in Charleston, and to a young lady named Linda Lombard, working at the emergency coordination center.

We had some roadblocks here in Washington. But thanks to the Marines and General Gray, the Commandant, and to Gen. Colin Powell and the Army out of Fort McPherson, we now have teams in the State helping clear the roads. They are supplying much needed generators. They are even providing a quartermaster group

to help in the distribution of supplies which we are receiving in the State.

Sam Walton of Walmart is providing 14 tractor trailers of supplies. The city of Wilmington has sent supplies; and we thank the AMOCO Corp., for their employees providing food. So it is a tremendous coordination job, and everyone has been doing an outstanding job.

We have also had the help of the Coast Guard, and Secretary Sam Skinner of the Department of Transportation is adding the move forward on a bridge to connect the barrier islands to the mainland. I have nothing but admiration and thanks for all of this cooperation, and particularly for our Defense Subcommittee under Chairman INOUYE, and Senator STEVENS, as ranking member, in accommodating me on this particular amendment. This is a significant step in addressing the problems caused by Hugo.

Senator THURMOND and I visited the Navy yard where damage may total at least $50 million and the Charleston Air Force Base, where damage may exceed $25 million.

I appreciate my chairman for yielding and accepting this amendment at this time.

The PRESIDING OFFICER. The Chair might inquire, has the Senator sent an amendment to the desk?

Mr. HOLLINGS. I send the amendment to the Chair at this time. And, I might also point out that Senators INOUYE, STEVENS, BYRD, and THURMOND join me in cosponsoring the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself, Mr. INOUYE, Mr. STEVENS, Mr. BYRD, and Mr. THURMOND proposes an amendment numbered 857.

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

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

The amendment is as follows:

At the appropriate place insert:

SEC. . Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to repair or replace real property, facilities, equipment, and other Department of Defense assets damaged by hurricane Hugo in September 1989: *Provided*, That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred: *Provided further*, That the Secretary shall notify the Congress promptly of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I strongly support this amendment which was just proposed by my dear friend from South Carolina. As we are all aware, many States and local communities were tragically devastated by the recent Hurricane Hugo. As a result, DOD installations in Puerto Rico, South Carolina, and North Carolina were severely damaged.

While the full cost of repairing facilities, equipment, aircraft, vehicles and ships will not be known accurately for some time, we do know that the damage was most significant. In fact, the total damages now exceed $2 billion I believe.

For example, in Charleston, SC, damage to family housing, medical facilities, shipyard, piers, cranes, and buildings at the Naval Shipyard is extensive. That I believe is an understatement.

So this amendment will assist the Department of Defense in recovering from this tragic storm. It will enable our Secretary of Defense to repair family housing, at least to begin the process, and our immediate facilities. It will also help to ease the burden on our military personnel and families. It will enable our military installations to return quickly to full operating capacity. I commend my colleague from South Carolina for his initiative in this area, and I hope that the Senate will accept it.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I, too, commend the Senators from South Carolina for moving quickly in this area. I represent a State that has been very disaster-prone, and I know that in the terrible disasters that we have had, the military bases have been the key to recovery, and they certainly should be one of the first areas to get Federal attention, and I think the Senator's amendment is well taken. I am pleased to support it.

Mr. INOUYE. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 857) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 856

The PRESIDING OFFICER. The pending question is on amendment 856 offered by the Senator from Hawaii, Mr. INOUYE, and the Senator from Alaska, Mr. STEVENS, respectively. Is there further debate on the amendment?

Mr. STEVENS. Mr. President, I join the Senator from Hawaii and commend him for his prompt response to the request of the President. We now have the request not only from the President, but details provided by the Director of the Office of Management and Budget from the Executive Office of the President. I am confident that it does carry out the essence of the communication that the President had with the Senator from Hawaii on a personal basis, and I think it is essential that we act on this matter to assure that the commitments made by our President are promptly kept by the Congress. I commend the Senator for his action and support it.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask the distinguished manager of the bill, the procedure that we are following here appears to be somewhat unusual. Does the authorizing committee have any voice in this matter? I notice that the last paragraph simply states that we should be notified of any reprogramming or something. I am just wondering at what point—we are receiving amendment after amendment——

Mr. STEVENS. Mr. President, this is a reprogramming on the floor of the Senate, and the information we have received from the Office of Management and Budget states that the Speaker of the House of Representatives; the President of the Senate and Committee on Foreign Affairs, House of Representatives; Committee on Foreign Relations, Senate; and the Committees on Appropriations and Armed Services of the Senate and House of Representatives shall be notified through the regular reprogramming procedure prior to the transfer of the funds covered by this amendment.

Mr. INOUYE. Mr. President, if the Senator will yield, this amendment is budget neutral, deficit neutral.

Mr. WARNER. Are the Senators at liberty to advise the Senate as to what the funds are for? Are the Senators at liberty and able to advise the Senate of the purpose of the funds?

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

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

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

The amendment (No. 856) was agreed to.

AMENDMENT NO. 855 TO AMENDMENT NO. 825

Mr. INOUYE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is No. 855, which is the Wallop amendment to the amendment offered by Senator INOUYE, amendment No. 825.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I reluctantly correct the Chair. It is the Warner amendment to which Senator WALLOP is a cosponsor. It is in fact the leadership amendment.

Mr. WARNER. Mr. President, I think it is clear that we are comanaging, as it should be, and let the record remain as it is.

Mr. WALLOP. Mr. President, one hardly knows where to begin to confront the arguments of my friend from Louisiana. He has made it out to be basically an SDI amendment, which it is not in its entirety. But in the beginning he characterized the amendment as though the Senate Armed Services Committee had completely rewritten what the Senate Appropriations Armed Services Committee has done.

I say, from the standpoint of the authorizing committee, that we might have the same complaint. We recognized very little out of what was brought back to us. What we did recognize was the problem, which you confronted, that was created by the budget summit and the budget process. We have stayed within those figures.

I also want to stress that this is not a Senate Armed Services Committee amendment but a leadership amendment. Let me also reflect that the Senator's committee did not respond to several letters from the Senate Armed Services Committee—particularly with regard to the $400 million addition that was requested for munitions which is now in our amendment. We received no response to our specific requests, on the subject of munitions initiatives, most specifically, the Stinger, Hellfire, TOW II, ATACMS, the HARM for the Air Force.

We received no response to that, and we are still responding to what the able chairman has suggested is our responsibility—that being to allocate priorities.

Mr. President, let me talk on a couple of other things that are in here. One is the emergency response fund, which we move from $100 million to $300 million. Let me suggest that this amendment takes care of one of the concerns that was recently addressed on the floor. This is in response to Hugo. We increased by $200 million the military's ability to respond to emergencies such as oilspills, floods, hurricanes, plane crashes, et cetera.

The fund is intended to reimburse DOD for the costs associated with military assistance during crises. The fund provides a short-term reimbursement to avoid situations where any one of the services might be required to reduce current operations while awaiting reimbursement from outside agencies. That is just good responsible military planning. It should have been considered already, and it was not. I think to characterize this as some sort of devious assault on the judgment of the Appropriations Committee is just a mischaracterization.

(Mr. ROBB assumed the chair.)

Mr. WALLOP. We have tried to set down some priorities. Let me speak to the issue of the Apache helicopter, because I think it is important.

The Secretary of Defense recommended termination of the Apache following 1991 procurement. In other words, this allows for 66 aircraft in each of fiscal years 1990 and 1991. There were originally 72 per year in the Reagan budget. The Senate appropriators agreed with the requested levels and planned to offer a floor amendment which will add 174 aircraft, bringing the total fiscal year 1990 procurement to 240, and then would terminate it.

Mr. President, in an era when we are trying to get the greatest effect from our defense dollars, it is 108 helicopters more than was requested in 1990 and 1991. The Army already has adjusted its force structure for 807 helicopters. There are 645 fielded plus the requested 66 in 1990 and 1991.

Our action brings the funding for the requested 66 aircraft forward to buy out the total request, 142 of them, and yields a slight economy of scale—saving over $1 billion in procurement which the Army has elected as unnecessary.

Is this a responsible action on the part of those who offer this amendment, or is it not? How can we begin putting things on the military which are inconsistent with its stated plans, and then say that we are responsible spenders of the taxpayers' hard-earned dollar, that we are trying to achieve the best buy for the dollar?

Getting to the issue of SDI, I would say the Senator from Louisiana makes his own argument on SDI.

The Senate rejected the figure that the Senator from Louisiana offered during the authorization process. We sought to put it back at $100 million less than what we passed in the authorization process.

He may have been hearing some people saying some things to him that he wished to hear, but in fact the argument on the floor was made that we needed the money to carry on a robust program, and in fact that was the position of the Senate. It was not a position that it would make us better in conference. It was a necessary position for sustaining the research program.

The Senator from Louisiana lost that fight, and now he brings it back through the appropriations process and in effect denies the will of the Senate. I think the Senate spoke for itself. I think it spoke for the President.

Let me read a letter that I received from the President yesterday. It said:

DEAR SENATOR WALLOP: Last July, you and several of your colleagues wrote to me highlighting a DOD pamphlet on the Strategic Defense Initiative which concluded that:

"The combination of Soviet offensive and defensive developments, if unanswered, may provide the Soviet Union with a decisive military advantage in the near future."

You also pledged your full support for proposals to address this grave danger to American national security, and raised several questions regarding the Soviet threat.

I agree completely with the essence of your concerns. If unanswered, Soviet military developments pose the threat of a decisive Soviet military advantage. Our answer is in the Defense Authorization Bill currently under consideration by Congress.

I need your help to ensure that Congress meets my request for SDI funding, modernization of our ICBM forces, and continuation of the B–2 program.

We are responding to the President. We are responding also to what the Senate has already said it wished as a funding level.

I would say to my friend that perhaps he has read only the newspaper accounts of what the Vice President said in Los Angeles. But if that is all he read, I can assure him that the newspapers distorted it for their own purpose. I can give him, if he wishes, a copy of the Vice President's remarks and transcript, but suffice it to say it was not as the newspapers characterized it, and it did not represent a retreat from the previously held position of the Vice President of the United States that this program has been an evolutionary program, that phases I, II, and III were part of the achievements of our research and that these achievements were necessary to the defense of the United States.

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

Mr. WALLOP. I yield for a question.

Mr. JOHNSTON. Did the Vice President say that the Astrodome was political jargon? Did he use these words "political jargon?"

Mr. WALLOP. In fact, he may have. I used that way back early on and it was one of my very specific criticisms of President Reagan. I did not have many, but I did have one on that issue because it carried with it the seeds of its own ridicule which the Senator from Louisiana has used many times.

But the fact of it is, I say to my friend, that we have long since parted from that concept. That was the very purpose of the robust research and development program. If with each new technological breakthrough and discovery, the SDI program is accused of being unfocused, there is no point in our doing the research. If you are going to characterize it as it was first

conceived, and there has been no benefit to us from the research we have received, then there is no argument, and this is a silly exercise in historical semantics.

Because of how far the SDI has come we now have from the the Joint Chiefs of Staff a military requirement.

Mr. JOHNSTON. Will the Senator further yield at that point?

Mr. WALLOP. For a question.

Mr. JOHNSTON. Yes, for a question.

If the Senator will listen closely to what I said, I was putting that in historical context. I was quoting, I think, the Vice President correctly on political jargon and pointing out that which was the initial goal of SDI, the Astrodome concept, has been relinquished or has been departed from long ago.

But I also made the point that there is not a requirement now or a purpose now that has been decided upon among the various purposes like interfering with the timing of Soviet attacks and ballistic missile accidental launch system or protecting cities or protecting other missiles. They have not really defined what the purpose of SDI is. Does it know?

Mr. WALLOP. My friend once again has failed to read the requirements of the Joint Chiefs of Staff. There is a military requirement now which provides—I do not have the precise language here—for an initial phase of defense.

Mr. JOHNSTON. Phase I, 16 percent total.

Mr. WALLOP. Sixteen percent is the figure the Senator from Louisiana dangles about but has nothing to do with the achievements and potential of phase I. I am sorry, but that is something that the Senator pulled from the sky.

Mr. JOHNSTON. No; I pulled it from phase I requirements.

Mr. WALLOP. The requirements are to intercept 50 percent of the SS-18's and 30 percent of all the other intercontinental ballistic missiles in a first-strike attack.

Mr. JOHNSTON. How many does that total? I would suggest to the Senator that is 16 percent of the Soviet warheads?

Mr. WALLOP. No. It cannot be that few. But the fact of the matter is that even if it were to be 16 percent of all Soviet warheads, would the Senator not agree that 16 percent denied access to the United States is of some benefit to us?

Mr. JOHNSTON. Not if you have to spend more money to stop 16 percent. I mean you have to spend 10 times as much to stop 16 percent as it would take them to replicate the 16 percent you lose. That is the whole purpose of the conference.

Mr. WALLOP. The Senator is once again mixing apples and oranges in an attempt to defeat something he has not liked since the beginning.

I am saying, Mr. President, if you are asking value for dollars, phase I gives us greater sure reductions in Soviet ICBM capability than B-1 or B-2 or both B-1 and B-2 together. The fact of it is that all our forces work synergistically with one another. Each additional one makes this country less susceptible to a Soviet first strike, makes deterrence more secure.

The Defense Intelligence Agency suggested there would be 8,000 incoming warheads in a Soviet first strike. If we stop 50 percent of the SS-18's and 30 percent of all the rest, it denies the initial objectives of a Soviet first strike. It makes it unwise and unwarranted.

The fact that we must keep in mind at this point is that the Soviet Union has spent $90 billion more than the United States has on strategic defenses. The Senator quite correctly said we will have spent $20 billion, and I would say that the research program does have form and does have substance and does have a defined purpose and that defined purpose is the military requirement of the Joint Chiefs.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. WALLOP. Not at this moment. No. I would like to finish my argument.

The Senator suggested we will not protect people. Again, one of the reasons this program is not as robust is because of the kind of activities going on on this floor right now, which have denied the United States the ability to develop fully the capabilities it has. It has been suggested that if the United States has such a capability it would be tempted to engage in a first strike. But has there ever been an indication that the United States had a desire to go to the first strike? No. The important fact is that such a capability would deter most effectively the Soviets from considering a first strike.

And that is the fundamental objective of the strategic defense initiative, is to deter that first strike. I have to tell you that it is far more likely that this country receives a first strike from the Soviet Union than we would ever initiate one on our own. We have had the opportunity, we have had the capability, and we have never once exercised that muscle or threat.

Mr. JOHNSTON. Will the Senator yield? I do not mean to interrupt his statement.

Mr. WALLOP. I am happy to yield for a question.

Mr. JOHNSTON. Is the Senator aware of the fact that the Joint Chiefs have urged restraint on SDI? Quoting from a June 1, New York Times story, which is headlined "Joint Chiefs Urge U.S. Constraint on 'Star Wars' in Strategic Talks." The article reads as follows:

> Recommending an important change in the American position in the Geneva talks on strategic arms, the Joint Chiefs of Staff have proposed that the United States no longer insist on the right to eventually deploy extensive anti-missile defenses.
>
> The position taken by the Joint Chiefs is a fresh indication that top United States military leaders are skeptical about the prospects of the "Star Wars" program begun in the Reagan Administration.

Mr. WALLOP. Mr. President, I suggest to my friend that nobody is identified in that story and nobody has been since. The most recent word from the Joint Chiefs is the words of the new Chairman, Colin Powell, when he was questioned at his confirmation hearing but this past week, in which he strongly endorsed the concept of moving forward with a robust effort on SDI. And I might say that the decision to deploy made a significant difference to his ability to plan for the military security of the United States.

And the Secretary of Defense, I hope you know, not only supports it but has endorsed this concept of raising this figure. I think it is unwise to teach the American people that somehow or another there is an argument within the defense leadership of this country. We have the Chairman of the Joint Chiefs, the Secretary of Defense, and the President of the United States within the last week give us each of their endorsements.

But the problem that we get with the level of funding suggested in the Appropriations Committee is it denies us the ability to get to the phase II that the Senator says is important before you make the decision on phase I. You postpone the decision forever, the ability to make a decision, making it impossible for us to get to the decisionmaking point.

He speaks of degradation. There is no such thing as degradation to phase I in this century, were we to get in the early stage of this decade. No such thing. It requires a great deal of effort, both financial and technologically, on the part of the Soviet Union to get to the point where it degrades even slightly.

It is cost effective at the margin. Let me suggest to you that the American people, knowing that we could defend them, would think that is a pretty good buy at almost any level, especially if their ability to deter a Soviet strike is within our reach and not within our will. And that is basically where we have been with SDI from the very beginning. It has been within reach but not within our will.

We have been less technologically limited than we have been courage limited in the whole process. Brilliant Pebbles is a different concept of defense because it is the result of research. To deny us research and then

tell us when we find something new and more effective it somehow or another is at cross-purposes you are going to destroy it altogether. You cannot argue that we should not evolve and should research. The whole point of research is to evolve. And we have gone through the point where we have in hand the means to provide the American people significantly new and powerful capabilities in their defense designed to respond to the Soviet Union and yet you decry each advance. Every time we respond to the Soviet Union, you decry that advance.

I am suggesting that the Senate has spoken on that. I am suggesting that that is not the meat and potatoes of this amendment anyway. We have a whole lot of other proposals that are in it. Some of these are plussed up; some of them are adjusted. But they represent a defense prioritization in a time of severe budget constraints, a time when we are undergoing the fourth consecutive real decline in defense spending, a time when this Senate and this Congress have removed money for drugs and for education and for a number of other things and now have proposed that there be yet more money taken out of here for drugs.

We are trying to say that there is a better way to prioritize and we ought to direct it to the things which the military services most declare are in their need. The judgment that we are reflecting is a military judgment. It is not a political judgment. It is an attempt to get something for the poor American taxpayers' dollar that is really defense money and not hometown projects.

We do not need to buy more helicopters than the Army suggested it can use. We do not need to buy things that cost us more money simply because they are built in a certain part of the country but do not add to our defense capabilities.

That is what this amendment seeks to address. It does not, again I say, it does not confront the hard work and the cooperation that the Senate Armed Services Committee has had with the Appropriations Committee on this issue.

I agree once again with the statement of the Senator from Hawaii, that we are in an impossible situation with regard to the budget process, especially when that is contorted by a budget summit. But we have stayed within their outlay requirements and their authority requirements—not theirs. These were laid on them, as they were on us. And we understand what they have tried to do.

We think that we have ordered the priorities more in the interest of the defense of the United States, both in the near term and in the long term. We think we have allocated more appropriately to research and development. We think that the only way the United States can continue to stay secure is by being able to develop the kind of weapons systems and the kind of capability that keep us on an even keel with a vastly more numerous and vastly more powerfully equipped Soviet military.

We sit here today with the Soviet Union building a nuclear submarine every 7 weeks. They are building 4,000 tanks a year, as opposed to those that we build. They are building SS-18's. They are building SS-24's and SS-25's unabated. And we sit here putting in hometown projects, which diminish the capability of the United States to deal with the objectives that are most necessary to us militarily.

I do not think that is what the American people sent us here for, not hometown projects. It is important that we use defense dollars to buy the most productive defense that they can buy for us and that we rely on the judgment of the military. And our amendment reflects that more closely than does the list of priorities given by the Appropriations Committee.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that we may consider an amendment by Senator JOHNSTON.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 858

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 858.

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

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

The amendment is as follows:

SEC. . During the current fiscal year, the Secretary of Defense may transfer not more than $135,000,000 of funds available to the Department of Defense to the appropriation "Atomic Energy Defense Activities," to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided*, That none of the funds to be transferred shall be from procurement or military construction appropriation accounts.

Mr. JOHNSTON. Mr. President, what this amendment does—and it is submitted at the request of the Secretary of Energy, the Director of OMB, and the Secretary of Defense—is to transfer $135 million from the Department of Defense to the Department of Energy which, together with $98 million which is being reprogrammed, will give to the Department of Energy the ability to restart the three tritium reactors at Savannah River. As my colleagues know, those reactors have been shut down.

Tritium is a relatively quickly degrading substance which is essential in all of our nuclear weapons, having a halflife, I think, of 8 years, if I recall correctly. So it is essential that we get this started and started now. For that reason, I have offered the amendment.

Mr. INOUYE. Mr. President, this amendment has been presented to both managers. We have reviewed it and we approve it, sir.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, as I understand this amendment, it will transfer funds within the 050 account within our national defense from the bill we are managing now, in effect, to the energy bill that the Senator from Louisiana managed. It is a transfer within function and, therefore, I understand because it is urgently needed for defense and is defense related, we support the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. JOHNSTON. Mr. President, I ask unanimous consent that a letter from Mr. Darman be printed in the RECORD at this point.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 19, 1989.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSTON: The maintenance of our Nation's nuclear weapons stockpile depends upon tritium produced by the Department of Energy (DOE) in three nuclear reactors at the Savannah River Site near Aiken, South Carolina. The three reactors have been shut down since April 1988 while DOE has addressed a number of safety problems. Major progress has been made in addressing those problems. On September 6th, President Bush approved DOE's plan for correcting the remaining problems and restarting the reactors.

The plan calls for low-power testing of the first reactor in the third quarter of FY 1990 and powering up of that reactor in the fourth quarter. Startup of the other two reactors will follow at three-month intervals. It is vital for the integrity of our nuclear weapons stockpile that every effort be made to meet that schedule.

In order to do so, DOE will have to spend at Savannah River $233 million above the amount appropriated in the FY 1990 Energy and Water Appropriations Bill, which was passed by Congress and is awaiting the President's signature. Once that bill becomes law, the Administration plans to reprogram $98 million for Savannah River restart activities from other DOE Atomic Energy Defense activities. No additional funds can be made available from DOE's Defense activities without jeopardizing

other vital nuclear weapons research, development, or production projects.

Under the Bipartisan Budget Agreement, any additional funds must come from within the National Defense Budget Function (050). I am therefore writing to request your support for an amendment to the Department of Defense Appropriations Bill to authorize the transfer of $135 million from the Department of Defense to the Department of Energy for Atomic Energy Defense Activities. Enclosed is the proposed language for the amendment.

The two Departments will provide by separate letters the details of their amounts.

I would greatly appreciate your prompt attention to this matter.

With best regards,

RICHARD G. DARMAN,
Director.

The PRESIDING OFFICER. Is there additional debate? If not, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 858) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 855 TO AMENDMENT NO. 825

The PRESIDING OFFICER. The question occurs on amendment 855 to the amendment offered by the Senator from Hawaii, No. 825.

The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I have great fondness for my friends from Virginia and from Wyoming. I am sad to be compelled to oppose the amendment that they have offered as a substitute to the committee amendment.

This amendment was brought out to the floor by our committee in order to comply with the summit agreement on budget outlays and budget authority. We had no possibility of doing otherwise, since we had made an agreement with the Armed Services Committee that we would not seek to fund unauthorized accounts except here on the floor. This was a commitment made by the Senator from Hawaii, with which I concurred. The amendment that we have presented, the committee amendment, achieves the goal of taking to conference the full amount of budget authority consistent with the budget summit while at the same time complying with the outlay limitations that are imposed upon our committee.

These outlay limitations were not met by the Senate Armed Services Committee. Indeed, they do not have to meet them under the Budget Act. It is our committee that has to meet the outlay limitations, and our bill does so.

The amendment that has been proposed would restore $1.4 billion in programs that will be in conference because they are items that are in the House bill. We need the flexibility to go to the House with the amendment as proposed by the Appropriations Committee because we seek to achieve the goals of the Senate with regard to the expenditure of defense funds for the year 1990.

We want to have the opportunity to deal with the advanced tactical fighter, B-2, rail garrison MX, and other items. In order to do that we have to have the flexibility that we proposed.

I, too, would support increased funding for the strategic defense initiative. I believe it is really the keystone of the whole approach that we have to the Soviets in our negotiations; indeed, in the overall negotiations in arms control that this country is now pursuing.

We have been, I think, initially successful in that pursuit. However, the level of funding in the bill before the Senate today is $3.7 billion. That compares to the $2.8 billion that is in both the House Armed Services Committee and the House appropriations bills.

We have no indication that the conference between the House and Senate Armed Services Committees will yield an authorization level higher than the $3.7 that is in this bill.

I might state to the Senate that, should the authorization be completed before we get to conference on the appropriations bill, and the level authorized be higher than $3.7 billion, this Senator will do everything in his power to see to it that we fully fund the amount that is authorized.

We believe the amount in this bill before the Senate more than funds the amount that will come out of the authorization conference and, therefore, I hope that SDI will not be a contentious issue here. Although, as I say, I do believe it still is the most significant item in our budget so far as negotiations with the Soviets are concerned.

We believe the committee amendment has two great advantages. It lowers future outlays, because we transfer budget authority to NASA.

We did that previously, Mr. President. It was very successful. Without the transfer of authority from defense funds to NASA, we would not have had the replacement to the space shuttle *Challenger*.

We now have also proposed we buy out the Apache helicopter line. If we do that now, we will save $1 billion and we will avoid future budget problems, particularly in outlays in that area.

Let me point out that the substitute that has been offered will require greater outlays in 1991. We have a terrible problem with outlays, in terms of the appropriations process now, because of the bow wave that is coming at us due to the large systems that were authorized in the past that have to be funded in the future. Among those are, in particular, some of the naval vessels that we authorized. They are cruisers, aircraft carriers, and frigates. They, I think, are very essential to our defense, but they cost very little in initial years, and they rapidly increase in terms of outlays during the term of their construction.

The impact of the substitute that has been offered would cause an additional outlay for 1991 of $492.8 million as compared to the provisions that are in the committee amendment that is before us as part of this bill.

For instance, the conventional munitions package will require $106 million more in 1991 than our proposal.

The elimination of the NASA transfer, I think is regrettable, as proposed in the substitute that is before us. And I would oppose the substitute, if for no other reason than that. I firmly believe those of us who support the efforts of the Department of Defense and try to maintain the readiness of our defense forces must support NASA and must support the activities they are engaged in because of the spinoff effects on the defense efforts of the United States.

Again, Mr. President, I cannot support this amendment. I hope that the Members of the Senate who might consider this will also deal with the basic problem that the substitute gives us. That is, it destroys the flexibility of the Senate in dealing with items that we have deleted that are in the House bill. We know full well we must restore a portion of those funds in order to achieve the objectives of both the Senate and the House in conference. But, if they are restored now, they are no longer in conference.

Mr. WARNER. Mr. President, will the Senator entertain a question?

Mr. STEVENS. I will once I finish this one statement, Mr. President.

That $1.4 billion in this substitute that the committee amendment would restore would not be in conference. These are items in the House bill. If the Senate agrees to them, we no longer confer on them. They are not subject to our change. They will be in the bill.

Therefore, it removes from us, from the Senator from Hawaii and this Senator in particular, the ability to deal with those items in the sense of the trades and comparisons that must be made in terms of objectives of the House on any one program, and those of the Senate.

We know some of the items we have reduced we will restore partially. But we cannot go along with the high levels that the House has on those items.

On the other hand, they have completely omitted several of the programs that are of high priority to the Senate, even to the Senate Armed Services Committee, in the House appropriations bill. Therefore, we have added those, and we know we must

come down a little bit in meeting the House in terms of their objectives.

We need the flexibility in the appropriations process even more than the Armed Services Committee does in their negotiations.

I am happy to yield to my friend.

Mr. WARNER. Mr. President, the Senator needs this flexibility, and that is a good point. But let us take $1 billion in here for this fast sealift. Where is the flexibility in that program? There is $1 billion in the Senate and $1 billion in the House. It is not a conferenceable item, and we do not even know what it is for.

Mr. STEVENS. Mr. President, I might answer the Senator from Virginia in this manner. Three times, now, the Senate has passed this bill to restore the sealift capability of the United States for defense purposes. On three occasions the money has either been reprogrammed or completely ignored.

Today we have no sealift at all. In terms of flexibility, the sense is not in terms of negotiating with the House. It is trying to achieve the objectives of the Senate. It was the House that killed the Senate's program on three previous occasions. This time the House has put it in, and we are asking the Senate to once again seek to accomplish that objective. I know it was not an objective of the Armed Services Committee, but it has been an objective of three previous appropriations bills. We believe that this is a matter of flexibility, as far as the appropriations process is concerned.

Mr. WARNER. What are you going to buy with a billion dollars? Will you tell the Senate? Would you tell the American people what you are going to buy with a billion dollars? We are giving you $40 million in this amendment to study it and come back with a precise program.

Mr. INOUYE. If the Senator will yield?

Mr. STEVENS. I am happy to yield to my good friend.

Mr. INOUYE. As the report will indicate, four cargo ships and two tanks. If I may further respond, as my dear friend from Alaska pointed out, there was a time when we ruled the high seas. We were No. 1, numero uno. Today we are No. 14. We carry less than 5 percent of our international cargo. You can ask every commander in chief—European commander in chief, central command—and they will tell you that this is a concern of major proportions. How do we ship our men and supplies overseas?

I recall there was a war not too long ago in the Middle East called the Yom Kippur war. At that time, when the Israelis were taken by sudden surprise and they called upon the United States to resupply their requirements, we called upon ships in American registry. None were available because they were all on the high seas. We called upon American citizens with ships in foreign registry, but then we were told that to do so would constitute a hostile act against the Middle Eastern countries. We had none available. We had to use the C-5's, and two of the C-5's got buzzed by Egyptian Mig's. We nearly got involved in this because we did not have American bottoms.

At the present time, as the former Secretary of the Navy, you would be the first one to tell us that we do not have the ships necessary to keep Americans in Europe adequately and appropriately supplied.

Mr. STEVENS. Mr. President, if I might finish up on my item here since I believe I still have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I do want to make this last point on flexibility, and then I will yield the floor. When I spoke of flexibility, I spoke of flexibility within the $1.4 billion in programs that is in the House bill and is in the substitute. Those items will no longer be flexible at all. It is true that we did have the amount for sealift in the House and in the Senate. That is the only item I know that is in that category in terms of this amendment.

We had $7.8 billion of flexibility in this amendment. If we did not have this amendment and went according to the directions of the authorization committee, we would lose the flexibility on those accounts that are really critical to our negotiations with the House. They are similar negotiations, Mr. President, to the negotiations that are going on in the Armed Services Committee. But we have to be prepared to meet the House in conference on this bill, and we believe this bill will go to conference and come out of conference before the authorization bill. If the authorizers want us to live up to the authorization bill, they should get a bill to the President before we bring this bill to the floor.

Every year we face this problem, and it is a difficult problem. We have given our commitment that if we have an authorization bill that complies with the Budget Act that is enacted before we bring an appropriation bill to the floor of the Senate for Defense, we will abide by that authorization bill. But we cannot do that. What the authorizers want us to do is to take their projection of what is going to survive the authorization conference and then take that projection to the House Appropriations Committee and tell them, this is what our authorizers tell us is going to come out of that conference and this is what you want to achieve, we want you to agree to.

That is no way to confer with the House appropriators, and I will just make that as a flat statement because we have to deal with them in relationship with the bill they have sent to the Senate, not the bill that may come to the House and Senate out of conference from Armed Services.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I could get the attention of the managers again on this billion dollar item, I have had some modest experience in previous assignments with the U.S. merchant marine. I share fully the statements of the Senator from Hawaii that this Nation is in a deplorable state, and if someone could bring forward a legislative program showing how we are going to treat this thing in terms of the manning capabilities, in terms of the taxation, this would be one of the first Senators to leap to his feet and support it.

The merchant marine program. I think it is one the Congress should consider as a separate entity and, indeed, fund it. But this mechanism I totally disagree with—a billion dollars under the guise of flexibility which no longer exists now acknowledged by the Senator from Alaska since it is in the figures in the House and the Senate.

Here is the report, page 156:

> The committee intends to offer an amendment on the floor of the Senate to increase funding for sealift by $1 billion.

Neat round figure.

> The committee believes this amount should be used to build four cargo ships and two tankers. However, the committee is convinced that in order to reinvigorate the shipbuilding industry, emphasis must be placed on designing high-speed vessels with low operating costs.

My question to the Senator from Alaska: Are these to be naval ships, part of the Department of Defense? Is this money being expended for a Department of Defense obligation, or is it, in effect, a transfer to the Maritime Administration?

Mr. STEVENS. Mr. President, it is the same program we brought to the floor before. It is the old Eisenhower concept of building ships that we will lease out and operate during peacetime to the extent that is possible. It is the mariner program, as we have known it. Its concept is to build these ships through the Defense Department. They will be defense ships, and we hope that we will find a way to utilize them partially in our economy. I really believe that once we have them, the Department of Defense will use them. Today we just do not have this capability.

I have to state with great respect for my friend from Virginia, I am surprised that this item has attracted the attention it has because when I was chairman of the subcommittee, three times we sent this item to the House and the House would not go along with it. This year they send it to us,

and we try to agree with it and it becomes an issue, as far as the Armed Services Committee is concerned.

I do believe that it is a program that is of great urgency, as far as the defense of our country is concerned, and the two tankers are absolutely necessary.

Mr. WARNER. Mr. President, if it is a program of great urgency, can the Senator from Alaska point to one single piece of documentation from the Secretary of Defense asking that this action be taken by the Congress?

Mr. STEVENS. No; I cannot, Mr. President. We have had, I might say, meeting after meeting after meeting after meeting with the Department of Defense over the years gone by, particularly the people who are involved with shipping and with sealift, and they all recognize the need. But in terms of priority, as the bill is presented to us, there is no room for this. Once reductions in the bill are made, from items such as the SDI—and again, as I said, I do not agree with the reduction—but once the reduction is made, there then becomes available the budget authority for programs such as this. Particularly programs that have a long lead time and do not impact the current year's outlays. That is why this program fits so well into the prioritization of defense funds this year.

Mr. JOHNSTON. Will the Senator from Alaska yield for a question on that point?

Mr. WARNER. Mr. President, I have the floor, and I will be delighted to yield in just a minute.

Let me read one other point.

"The committee is convinced that in order to reinvigorate the shipbuilding industry"—and it is really difficult for the Senator from Virginia to speak to this point because Virginia is privileged to have one of the largest shipyards, several shipyards, for that matter, in our State. Needless to say, my constituents would be in favor of this action. It is with some trepidation that I oppose it, but I have to preserve as best I can the Department of Defense budget from this constant raid. But I go back to the question, "The committee is convinced that in order to reinvigorate the shipbuilding industry, emphasis must be placed on designing high-speed vessels."

Question. Is there a single design out there to which the committee can look for a high-speed vessel? Has pen been put to paper to start this design for which we are allocating $1 billion, I ask the Senator from Alaska?

Mr. STEVENS. Mr. President, I cannot say that there is a design of that ready at this time. As a matter of fact, that is why there are so few outlays in 1990 under this amendment. It will take some time for this budget authority to be used, and the outlays for the first year are estimated so that roughly 6 percent of the money would be spent in 1990.

When the Senate looks at this budget authority—we have agreed we will hold the budget authority up—and then looks at the fact we have to fund the ships and other systems that are coming to us as far as bills are concerned from past years' budget authority, I think they have to realize we have to take some of this authority and stretch out the outlays.

That is what this amendment does. It says that we have a very vital need for sealift; start it, initiate it. We commit to you $1 billion over a period of years. We will fund that over a period of about 7 to 8 years.

Mr. WARNER. Mr. President, then I ask the next question to my distinguished colleague. "Emphasis must be placed on not only the design, but low operating costs."

What is the plan by which you intend to have low operating costs?

Mr. STEVENS. Mr. President, I am glad the Senator asked this question because obviously once the money is in place, the Armed Services Committee next year or the year thereafter will tell us how to spend it.

If we look at the people who want this money, want this type of sealift, the commander in chief of Europe, commander in chief of transportation for Defense, commander in chief for the Central Command, the commander in chief of the Pacific, all of them set very high priority on getting sealift restored.

I do not know the answers to that question. Obviously, the 6 percent that we spend of this $1 billion in the first year will achieve very little, other than answer the question the Senator from Virginia has just posed, and that is the proper design and the period for acquisition of the new vessels.

The tanker design I think is pretty well known. On the tanker design, probably tankers could go to bid by the end of fiscal 1990. But as far as the sealift ships, I am not sure we could do it that fast.

Mr. WARNER. Mr. President, I suggest that the $40 million which is allocated under the amendment opposed by this Senator would be more than adequate to fund the necessary design work that can be done between now and the next fiscal year.

Mr. STEVENS. Will the Senator yield for a question on that?

Mr. WARNER. Certainly, I yield.

Mr. STEVENS. I wonder, if it is necessary to have $40 million to design this sealift, why did we not then design the aircraft carriers or design the cruisers or design the frigates? We put the money up front when we started those ships. That is why we have them.

The House in the past has refused to put up the money in advance, to commit the money for sealift, and that is why we do not have any. We have no sealift, I repeat. The Senator from Hawaii has said it.

We had to go to the British to try to borrow a troopship. The former Secretary of the Navy, Mr. President, knows that. We have no sealift. We either get it through this process or get the money up front or we will never have it.

Mr. WARNER. Mr. President, I momentarily will yield to the Senator from Louisiana, but I think this $1 billion bogey is an example of what the amendment is by the Appropriations Committee. To me it exemplifies the whole amendment. I have selected that one, and the Senate has had the benefit of the debate and now can render its own judgment.

I yield to the Senator from Louisiana for a question.

Mr. JOHNSTON. Mr. President, I thank my friend from Virginia for yielding.

We held hearings with General Galvin, who is the CINC-EUR, Commander in Chief-Europe, and he talked about this requirements for bringing 10 divisions to Europe in 10 days. We said he could not do it. He said they were six divisions short. In other words, only four—and I think he has all four of those right now.

If I may state—and this was in testimony earlier this year—I asked him this:

Sealift is your biggest requirement, is it?

Answer. Yes. It is the biggest single one, but it does not mean it is the only one by any means. When I go and talk to the JCS and the Department of Defense, I lay out about 10 areas that really need work. But of these 10 areas, the one that needs the most work right now is sealift. * * *

My priorities as I would state them would say that I have a requirement for more sealift right now. That is my top priority in order to get a better situation from what we have now.

Mr. WARNER. Mr. President, could the Senator state the document from which he is reading?

Mr. JOHNSTON. Yes. These are hearings of the Defense Appropriations Committee on February 21, 1989. The statement of Gen. John R. Galvin, commander in chief, U.S. European Command. He spoke, as I say, about his requirement to get 10 divisions or actually 93,000 troops to Europe in 10 days. And he says we just cannot do it, he would be six divisions short. That is why sealift is his biggest requirement. Not only his biggest requirement but his most immediate. He says he needs that right now. Our provision is in response to that.

Mr. WARNER. Mr. President, my reply to my distinguished colleague is simply the following. First, the testimony to which he has referred is from the committee hearings, is that the understanding of the Senator from Virginia?

Then why did not the precis, the condensation of that find its way into the report accompanying the bill if it is so vital and so important? Was there not a necessity to recite some of that in the document that is before the Senate today?

Mr. JOHNSTON. I say to my friend we do not need to repeat things. We read them once and that is enough.

Mr. WARNER. I beg the Senator's pardon. I was thinking if that program is of such high priority to the CINC's, why there is not a mention of it in the report on the Senators' desk.

Mr. JOHNSTON. It is in our hearings and these are printed documents. We do not print these for nothing.

Mr. WARNER. Mr. President, I think, if it is that high a priority to justify $1 billion, there should be some reference. If we are going to initiate a merchant marine program with three or four sentences at the bottom of a paragraph simply entitled "sealift," that to me is a very inconsequential way to start a program. We should have hearings. We should develop the concept. We should develop designs. We should develop a means by which we can economically operate these ships. Are they to be American crews, foreign crews? What are the tax benefits? What are the tax incentives?

There are a great many considerations that go into a merchant marine program. I am prepared to participate with any of the Senators, with any of the committees in starting the rejustification of America's merchant marine program but I am dead set against doing it in this matter.

Mr. JOHNSTON. Mr. President, if the Senator will yield, if I may refer to Admiral Hardisty's testimony—he is CINC-PAC, Commander in Chief of the Pacific—he says:

> I do not have sufficient lift for a continuing scenario of global conflict or sustained conflict. If we had conflict on the Korean peninsula, after a certain amount of time that reinforcement is going to depend upon sealift that I would not have. There is still a shortage of sealift.
>
> My integrated priority list which is submitted to the Secretary of Defense does include sealift as a high priority, one of my top 5 priorities. I think it is the same with General Galvin.

Admiral Hardisty, in the Pacific, General Galvin, in Europe, both put sealift as a very high priority. It is in the hearings and it was certainly very public. I do not know what we did in the report.

Mr. WARNER. Mr. President, if the Senators wishes to rely heavily on that testimony, would the Senator from Louisiana advise the Senate as to whether or not that is by law taxed with the transportation; namely, the head of the transportation command. What is the testimony from that commander in chief on this point?

Mr. JOHNSTON. The commander of the transportation command?

Mr. WARNER. That is correct.

Mr. JOHNSTON. I do not know that we had his testimony.

Mr. WARNER. I do not think that testimony will be found. I am advised that he is not in favor of the program that is in the Appropriations Committee amendment.

Mr. JOHNSTON. I do not know. We did not try to avoid him. We wanted to get the military commanders with responsibility for fulfilling the defense requirements.

Mr. WARNER. Mr. President, this Senator, as well as others on the Armed Services Committee, have the benefit annually of their advice, and some will not come before a congressional committee and plead for additional lift. They all want it. Indeed, it is our responsibility, if we are going to, as the committee report says, reinvigorate the shipbuilding industry and the American merchant marine. Let us do it in a logical way and lay a foundation, chart a course, and do it. But not simply as a blind bogey.

Mr. JOHNSTON. If the Senator will yield, that is what this $1 billion will achieve. It is a start. It is not all that big a start. It will cost more than $1 billion.

Mr. WARNER. To me, Mr. President, $1 billion is a significant sum.

Mr. STEVENS. Will the Senator yield?

Mr. WARNER. I have further comments on this bill.

Mr. STEVENS. Will the Senator yield for a question?

Mr. WARNER. I yield.

Mr. STEVENS. My question to the Senator would be this. The Senator constantly refers to this as a blind bogey. I believe the Senator voted in 1982, in 1984, and in 1986 for the amendment that this Senator brought to the floor of the Senate to do just this same program. I believe those were the years. I am sure they are the three Congresses involved. It was for $1 billion. This is not blind.

We did not include in the report, I might say to the Senator from Virginia, the full delineation of the amount that is in this amendment because, under the agreement with the Armed Services Committee, it is brought to the floor as a committee amendment, not as part of the report itself, not as something that has already been recommended. We are offering it to the Senate to carry out our agreement with the Senate Armed Services Committee with the full approval, I might add, of every Member of the Senate Appropriations Committee. This is an Appropriations Committee amendment. It is not an individual amendment of the Senator from Hawaii.

Mr. WARNER. Mr. President, I would like to close out the Senator from Virginia's portion of their debate. I ask unanimous consent that the paragraph entitled "Fast Sealift Ship Procurement," page 54 of the authorization act be printed in the RECORD as stated in full. It outlines the views our committee has on the need for America's merchant marine and the direction and the proceedings by which we achieve those goals.

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

FAST SEALIFT SHIP PROCUREMENT

The committee believes authorization of long lead funding for a sealift ship is warranted given the current state of military sealift and the likely needs for an increase in this capability in the future strategic lift equation.

To ensure maximum utility in the fleet, the committee directs the Navy to enhance the multi-mission capabilities of fast sealift ships for the amphibious lift mission as well as other missions, if possible. To assist with this effort, a companion research and development program which contains additional guidance has been created.

The committee anticipates the five-year profile for this program will include long lead funding for one ship in fiscal year 1990, full funding for the first ship in fiscal year 1991, skipping one year, and funding for ships in fiscal years 1993 and 1994. The committee intends to identify funding for this program from within contract savings in strategic lift and from the annual shipbuilding program. The Department is encouraged to include the fast sealift procurement in its revised budget requests and five year plan.

The committee recommends authorization of $20 million for long lead funding of a sealift ship in fiscal year 1990. Authorization of $240 million is included in fiscal year 1991 for full funding.

Mr. WARNER. Mr. President, I would like now to proceed to another aspect of this amendment: I see a Senator seeking recognition. I intend to stay here for some long period. I would be happy to yield.

Mr. DECONCINI. If the Senator will yield to me for about 5 or 7 minutes.

Mr. WARNER. Mr. President, I am glad to yield.

Mr. DECONCINI. Mr. President, I thank the Senator from Virginia. I appreciate his interest in the subject matter.

I first want to say the Defense Subcommittee on Appropriations did not willy-nilly come up with the amendment that is here. The Defense Subcommittee looked at this very carefully as has been explained by other Members. They examined issues including sealift, including the icebreaker, as well as the need for expansion in these areas, including possibly in SDI. We had a vote on that; and this includes the Apache helicopter.

I want to talk about that subject matter. The amendment agreed to by the full Appropriations Committee meets the requirement of the budget agreement as well as our national defense needs.

Specifically, it completes the buyout of the AH-64 Apache helicopter called

for by the Congress in the fiscal year 1989 defense bill.

It would add $1,692 billion to buy an additional 174 Apaches. This is in addition to procuring the 66 Apaches presently contained in the bill before us today. The total number of Apaches that would be bought by the amendment is 240. That brings the total buy of the Apache program to 915 planes. This is still short of the Defense Department's stated goal of 975 Apaches.

I remind my colleagues how valuable this helicopter is to our national defense. The Apache is the world's finest attack helicopter. It has unparalleled ability to kill Soviet tanks—even those tanks which are equipped with the newest Soviet armor. It operates in daylight, at night, in poor weather. It carries a maximum load of 16 highly effective Hellfire tank-killing missiles. It has a 30 millimeter cannon effective against enemy air defenses as well, and softer ground targets. It has a very low infrared signature which makes it difficult to detect at night and difficult to be targeted by heat-seeking air defense missiles.

It can be rapidly deployed in the event of Soviet breakthrough in Europe and can quickly deploy tank killing power in low-intensity combat.

This quick deployment capability is important to our National Guard and Reserve forces. These forces are slated to receive the bulk of the Apaches funded by the committee amendment. It would outfit nearly seven National Guard battalions with Apache helicopters.

One of the arguments being offered by the opponents of the committee amendment is that their amendment helps address the issue of readiness. In reality, it helps readiness in one area by harming it in another. It takes Apaches away from the National Guard and the Reserve and puts money into a different readiness pot. The amendment offered by the Senator from Virginia does not meet the readiness needs that it says it will.

Another reason we need to support the Appropriations Committee amendment and complete the buyout of the Apache authorized by Congress is that we are facing a change in thinking on the issue of how we will fight future wars—God forbid that we have to.

In the changed atmosphere resulting from Mr. Gorbachev's "peace offensive" under glasnost and perestroika, the emphasis has moved from one completely focused on strategic weapons to one with greater reliance on conventional weapons. The Apache helicopter strongly meets our national conventional weaponry needs. If future conflict occurs, it will more than likely take place in the desert or in other terrains where the capability of the Apache has already been proven.

I realize Secretary Cheney had to make hard choices when he revised the defense budget in April. I understand the constraints he was under and the pressure he faced from many Members of Congress including this Senator. He ultimately decided to terminate the Apache program after fiscal 1991.

I understand that decision and feel the committee amendment meets the requirements of ending the program after 1991, while at the same time meeting the Army's defense needs. It seems to me the committee amendment does what the Secretary wants and does what the Department of the Army wants.

Adoption of the committee amendment will meet the goals set forth by President Bush, by the Secretary of Defense, by ending this program in 1991, while at the same time saving the Government approximately $900 million by avoiding a single year procurement of Apache each year for the next few years.

I urge my colleagues to oppose the substitute amendment of the Senator from Virginia. I urge my colleagues to support the amendment offered by Senator INOUYE, the chairman of the Subcommittee on Appropriations.

And I must also say that we have put a lot of money into SDI. I think it is important to note other consequences of the Warner amendemnt. The committee has funded SDI at last year's level plus inflation.

Mr. WARNER. Mr. President, will the Senator entertain a question on helicopters before we rattle down those rails and that is forgotten?

Mr. DECONCINI. Yes.

Mr. WARNER. I thank the Chair. I thank the Senator. I listened carefully to this helicopter debate. The Senator from Alaska said the figure that represents the Senate appropriations number, 240 helo's, is a buyout, and I quote him, "of the program." I cannot find any program for that number of helicopters. To the contrary, the substitute offered by the Senator from Virginia of 132 helo's equals the 66 program for 90 and the 66 program for 915, leaving, according to this Senator's calculation, an add-on of 100-plus helicopters over and above any request by any President at any time. May I ask the Senator where these numbers come from?

Mr. DECONCINI. I will respond to the Senator that the Reagan budget for 1990 proposed 72 helicopters with multiyear contract for a buyout over a period of years for a total purchase of 974 helicopters. That is in essence what this amendment does. And it does so in compliance with Secretary Cheney's desire to terminate this program in 1991.

Mr. WARNER. Well, Mr. President, I am going to ask for further analysis of that. I may return to this point. I thank the Senator.

Mr. DECONCINI. I will be glad to discuss this with the Senator. Let me end by discussing SDI briefly. We have spent a lot of money on this program, and this Senator has generally supported the strategic defense initiative, particularly the research part of it, and will continue to do so.

The committee funded SDI at last year's level plus inflation. Most priority programs today do not even get increases for inflation, we are going to see additional reductions for drugs, perhaps under the sequester which will affect defense. SDI does quite well at the figure, in the Senate bill, of $3.7 billion. That is not a small piece of change by any means.

This level of funding is adequate for what, in this Senator's judgment, has been proposed for SDI in 1990. We are not sure however, what exactly is proposed for SDI. We are not even advised, and will not be advised until December, I am told, about where and what parts of SDI under brilliant pebbles are even feasible. It seems to me to now want to add, as the Senator from Virginia wants, an additional $298 million to SDI, to a program, which we will not know until December if parts of it are even feasible, does not make a lot of sense.

We have funded this program very generously in this bill this year and in past years. This Senator has been one of those supporters on a number of occasions in the Senate Appropriations Committee, to keep the funding closer to the administration's requests. I think to now come back when this Senate Appropriations Committee has generously funded SDI at $3.7 billion—almost $1 billion more than the House, and not that much less than the Senate authorization, which is still in conference with the House—seems to be going a bit too far.

Mr. WARNER. Mr. President, may I return to the question earlier posed on the helicopters?

I once again ask, in my calculation, this figure of 240 represents 108 helicopters over and above any official request by any President. The figures to which the Senator from Arizona refer, as I understand it, are figures of the request of the Department of Army to the Secretary of Defense, which in turn were rejected. Is not the figure of 240 helicopters 100 over any Presidential request?

Mr. DECONCINI. I am advised that last year's multiyear procurement agreement put forth by the Reagan administration, and approved by this Senate and the House last year, called for a multiyear procurement of 974 helicopters.

Mr. WARNER. Will the Senator yield for a question?

Mr. DECONCINI. I will yield for a question to the Senator from Virginia, without losing my right to the floor.

Mr. WARNER. Mr. President, I will simply advise the Senators that I must go upstairs. The Secretary of Defense is here, and he is meeting with Chairman NUNN and myself. I simply have to leave the floor. I will insert into the RECORD my understanding of these helicopter numbers, and I will be happy to submit to the Senator from Arizona our findings, which he may dispute, and we will let that go for the time being.

Mr. JOHNSTON. Will the Senator yield?

Mr. DECONCINI. Does the Senator have the floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. DECONCINI. Let me say in response to the Senator from Virginia, I will be glad to also include in the RECORD the question submitted to General Vuono on this subject matter, which points out very clearly the initial agreement for 975. I missed it by one. I apologize. I said 974, as to the number of helicopters that was requested.

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

AH-64 APACHE HELICOPTERS

Question. General Vuono, what is the priority the Army places on the AH-64 helicopter? If additional funds need to be cut would the Army recommend terminating the Apache before 1991?

Answer. The AH-64 is vital to the Army aviation modernization effort. In this important mission area we have already accepted a reduced production rate of 72 to 66 in both FY90 and FY91 with a termination of the Apache buy at 807. This is a reduction of 168 Apaches from the previous buy of 975 (a reduction of 17% in AH-64 inventory). Other reductions have completely eliminated seven attack battalions which were scheduled to be equipped with the Apache. We also need to keep in mind that the termination of the AHIP program in FY89 has significantly impacted our warfighting capability. At this point further reductions in the Apache procurement is not desired, however, the Apache procurement cannot be "fenced" until the magnitude of any future budget cuts are known and analyzed in terms of total force warfighting capability.

Mr. JOHNSTON. Will the Senator yield.

Mr. DECONCINI. Without losing my right to the floor, I will yield.

Mr. JOHNSTON. Is it not correct that what the Senate Appropriations Committee did with respect to the 864 is to fully fund the President's request for fiscal year 1990 and 1991, and what we did is put them all in 1 year in order to get the advantages of multiyear procurement, so we gave no more than the President requested. We gave it a little sooner, in order that we get the advantages of the multiyear procurement.

Mr. DECONCINI. The Senator is absolutely correct. The committee amendment also complies with the Secretary's request that the program terminate in 1991. So we save money, we also comply with the Secretary's request, and we also comply with the original's request for 975 helicopters.

I yield the floor.

The PRESIDING OFFICER. Who yield time?

Mr. WARNER. I yield such time as I may require.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as I stated, I must depart the floor, but before doing so, I wish to address another point, and that is the question of the Trident II Program. I ask unanimous consent that my remarks may be expanded to include a letter addressed to me from Chief of Naval Operations and a letter addressed to me from the Honorable Antony Acland, Ambassador from the United Kingdom.

Mr. President, I want to amplify on the effect of canceling the Trident missile procurement. The CNO states strongly in a letter to me dated September 21, that the technical problems are understood and the solutions are at hand, and that canceling the fiscal year 1990 procurement will add half a billion dollars to the program. I will submit his letter for the RECORD.

Also, Mr. President, if we agree to the Appropriations Committee amendment, it is certain that new submarine, will have to go to sea part empty, for there is no way to recover the lost production in time. Mr. President, this affects not only our deterrent, but the British deterrent as well. The British Ambassador advises me that the cancellation will have time and cost penalties that the British cannot afford. Mr. President, I ask unanimous consent that his letter and the CNO letter be printed in the RECORD.

There being on objection, the letters were ordered to be printed in the RECORD, as follows:

CHIEF OF NAVAL OPERATIONS,
Washington, DC, Sepetember 21, 1989.

Hon. JOHN W. WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: Last week the Senate Appropriations Committee deleted all FY 90 Weapon Procurement funds for the Trident II (D-5) weapon system. The rationale for this deletion was given as "two of three Operational Test and Evaluation (OT&E) flights failed . . . and that a major redesign effort may be required." If this action is sustained there will be a catastrophic impact on the Trident II program in increased program costs, significant schedule delays, a loss of national strategic deterrent capability for many years, and a significant potential for strained relations with the United Kingdom.

As I believe the deletion of all the FY 90 funds was made without a complete understanding of the current status of the Trident II program or the potential impacts, I would like to briefly summarize them for you.

The two submarine launched failures occurred in the submerged launch portion of the planned twenty-eight research and development flights. The tests were the first of a planned nine submerged launches following the successful ground based launches which started in January of 1987.

The Operational Test and Evaluation phase of the Trident II (D-5) flight test program will commence with the Demonstration and Shakedown test flights, when the twenty-eight research and development flight tests are completed.

On 21 March the first underwater launch resulted in a failure of the missile. The only valid method available to flight test a missile with at sea submerged launch environments is to launch it from a submerged submarine. There are no adequate models or ground test simulations to properly evaluate these conditions.

Immediately following the first failure the program manager promptly, and correctly, ceased further testing until the cause was understood. Within a few days it was determined that certain mechanical components on the nozzle and the thrust vector control (TVC) system, the components which move the nozzel to provide directional control, had failed. The cause of the failure was mechanical loading on the missile, which was much higher than anticipated. The hardware itself met all design and specification requirements. The cause of the high loading could not be conclusively determined from the available data. Design modifications were incorporated to greatly strengthen the structural elements that had failed. Two remaining elements under review were the hydraulic actuators in the TVC system and the flexible seal which allows the nozzle to move. Changes to these components were being evaluated, but were more time consuming, were not then considered the cause of the failure, and therefore were not included before flight testing was restarted.

We anticipated the mechanical changes to the nozzle would be sufficient to fix the problem but needed more flight data to confirm our position and planned for the second shot with the redesigned (strengthened) nozzle. In parallel, additional corrective actions to the nozzle were pursued. We were also beginning to suspect that a large amount of water in the nozzle at the time of first stage ignition was the primary cause of the failure and started to seek a design solution to keep water out of the nozzle. Four months after the first failure the extensive redesign to the nozzle was completed, tested and installed. The second launch was conducted on 2 August with the new nozzle and with additional instrumentation to add understanding of the launch environment.

The second launch was completely successful and provided valuable data concerning the forces at the time of first stage ignition. Given this success and the added data we proceeded with the third test on 15 August which failed. In this instance the redesigned components worked fine but the hydraulic actuator and the nozzle flexible seal failed. The added instrumentation did show what was occurring in the nozzle and provided convincing evidence that the fixes to mitigate or eliminate the water/ignition interaction in the nozzle were required.

The additional fixes, which have been in design since March, should completely solve the problem. These fixes are undergoing test and evaluation as separate components and are planned to be incorporated into the

missiles at Kings Bay, GA to support continuation of development flight tests in November and December. These additional fixes do not require the return of any hardware to the manufacturer and are on a path which will support the March 1990 deployment date. Although this is a success oriented program, we have high confidence in meeting the schedule. The deletion of the FY 90 procurement funds provides no relief and is of no benefit to the current situation. In fact it severely exacerbates the problem for the management team and distracts them from their current efforts.

We are in production with the FY 87, FY 88 and FY 89 missile buys for 153 missiles. The 63 FY 90 missiles deleted by the Senate were scheduled for delivery to the Navy in FY 92 and FY 93 to support the outloads of TRIDENT submarines currently under construction. If the FY 90 missiles are not restored we will not be able to outload Trident submarines with a full complement of 24 missiles until near the end of the next decade. To preclude shutting down the production line and avoid the costs of restarting and requalifying the hardware, it will be necessary to stretch out the present production lines at a cost of about $500M. The deleted funds were also to be used for certain planning efforts for upgrading the Bangor, Washington submarine base for its D-5 capability and for long lead materials for the FY 91 missile procurement.

The problems we will have with meeting United States's missile needs will be equally applicable to the United Kingdom's TRIDENT II program and will cause significant schedule and cost impacts to their nuclear deterrent program.

This is a rather lengthy letter but the subject cannot be readily covered in a sentence or two. My program manager, RADM Ken Malley, is prepared to provide you with a comprehensive briefing and answer any questions you may have concerning this issue.

In summary, we understand the flight test problem. Solutions are in hand which will support our early CY 90 deployment. Deletion of the FY 90 funds provides no relief for the present situation. Instead, it causes significant cost increases and schedule impacts to the program while diluting the nuclear deterrent capabilities of both the United States and the United Kingdom. I would appreciate any help you can provide in maintaining the viability of this most critical element of the Nuclear Triad.

Sincerely,

C.A.H. TROST,
Admiral, U.S. Navy.

BRITISH EMBASSY,
Washington, DC, September 20, 1989.

Hon. JOHN WARNER,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR WARNER: I am writing to express the British Government's strong interest in a satisfactory resolution of the difficulties which have arisen in the Trident D5 missile testing programme, and in the possible implications of the action taken by the Senate Appropriations Committee to zero fund this programme for FY 90.

The Trident submarine and D5 missile are not only a major element in the strategic forces of the United States, but will also form the strategic component of Britain's own independent deterrent. A continuing commitment to the schedule for the funding and planned entry into service of the missile is therefore of great importance.

The British Government fully appreciates the concern shown by the Senate Appropriations Committee to ensure that the current development problems associated with the missile are fully overcome as soon as possible. We have received full assurances from the contractor and the US Navy that this will indeed be the case. But they have also informed us of their concern—which we share—that any withholding of production funding, as envisaged by the Committee, would have a knock-on effect which could delay the arrival of the first missiles for the Royal Navy and continue to impose time and cost penalties on the British Trident programme.

I therefore hope that you will feel able to support the reinstatement of the D5 production funding, when the subject reaches the floor of the Senate or in subsequent Conference, in the interests not only of the United States' own strategic programme, but also of the British deterrent and the close bilateral relationship which it represents.

Yours sincerely,

ANTONY ACLAND,
Ambassador.

Mr. STEVENS. Mr. President, we have a time agreement that has been approved by the majority leader, and on behalf of the Senator from Hawaii, who is in another meeting, I wish to ask unanimous consent that the vote on the amendment occur at 6:15, and the time between now and that time be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, this is a very serious problem, that of the Trident II. The amendment put forth by myself and Mr. WALLOP corrects this problem. Unless the Senate goes along with our amendment, I can show a scenario by which we are going to send brand new Trident submarines into an operation status without an adequate load of the missiles. I think that is just a very bad situation and one which I hope we can correct by accepting this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield such time as the Senator from California may wish.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I thank my friend from Alaska. Let me just speak on the amendment. There are several points that have been discussed already that I think could use some clarification.

First, this is a second-degree amendment. It is one that embraces a number of different line items. I do not agree with all of them. I agree with the major intent of the amendment. I find myself in disagreement, really, with the effort to try to move from the fast sealift column $9 billion. If I were crafting this amendment, I would have done it differently, and it makes it difficult for me to support it with the same enthusiasm that I support the rest of it. There is no question that throughout pages of every authorization hearing that has dealt with the subject of sealifts, one signing after another one, commanders in chief of unified specified commands have testified quite clearly and eloquently that we need more. The distinguished Air Force officer who has responsibility for military transportation of all kinds, has given eloquent testimony in favor of enhancing our sealift capability. There is not one who is in disagreement.

I wish that we were not dealing with this particular element in the way that it is proposed. So, in that respect, I find myself supporting the arguments of the Senator from Alaska. There are many parts to this amendment. This afternoon, as I listened to my friend from Louisiana—and he was most courteous, most generous, in responding to my questions. Before he did so, I heard him make a number of statements with which I must take issue. He made the comment that the purpose of SDI is to enhance first-strike capability. I think that statement standing alone requires much more specific clarifying definition than he has given it. It depends in whose hands a strategic defense capability exists, whether it enhances the first-strike capability or the ability to make irrational the notion of first strike.

And in fact there is a race on between the two superpowers to gain that capability, and it makes all the difference in the world who it is that wins that race. In the hands of the United States, the strategic defense capability means that we could make irrational the notion of a successful decapitating first strike by any rational Soviet war planner, because what it would assure is that there could not be success in that effort and therefore that it would be suicidal to even attempt it.

The reason that we have for several years persisted with great hope and optimism in seeking to bring about that point in which we are capable of making an informed decision about the kind of the tempo of a deployed strategic defense has been the precise hope that we should not continue with anything which both morally and militarily is so inferior, something that requires us instead to continue depending exclusively upon a very precarious balance of nuclear terror.

So when I asked my friend this afternoon about what the effect of the delay would be, what date in the future we could look to if not 1994 when the President of the United States could make the decision to which this research and development rationally must lead as to whether we will or will not deploy, he could not

answer the question. It depended upon too many things.

Rephrasing the question, I asked him if it would take the same program that is now envisioned by the director, General Monahan, to have the strategic defense initiative with the delays that would be occasioned by this cut in funding the project into the future the time at which we will perform all of the elements that will then permit the President to make that decision, when will it be? He still was unable to answer the question.

The answer, Mr. President, is that we are talking about time. We are talking about a Soviet effort to develop a capability of this kind, and we know without getting into detail or breaching security classifications that it is well known that the Soviet Union has for many years put at least as much effort into their defensive capability in terms of strategic weaponry as they have with regard to the ongoing buildup of their offensive arsenal.

We also know that they have moved increasingly to a mobile capability, and recently the United States announced our intention in terms of negotiating stands to abandon the position of seeking a ban upon mobile nuclear weapons.

I think that is unfortunate, but it is probably realistic. The Soviet Union most likely would never agree to such a ban.

Theirs is a nation 11 times as wide with infinite capacity for concealment. What that means in practical terms is that the targeting of their missiles in that vast nation with its infinite capacity for concealment is itself almost infinite. It makes it very difficult indeed, if not impossible, for us to have much confidence about our ability to target those mobile missiles.

That in itself makes all the more compelling all of the arguments in favor of developing a defensive capability, because if you are going to rely exclusively upon the strength of your offense and suddenly you determine that you have a tremendous problem, perhaps an insuperable one, in targeting it, makes all the more necessary having the kind of defensive capability that would assure the rational Soviet war planner that he should never undertake a first strike.

Additionally, Mr. President, let me just say there is much more at stake here than what is a proper level of funding for SDI as important as that is. What is here at stake is the question of how much we will cut back on research and development in order to continue with manpower levels that are unrealistic in this climate when we are faced with the necessity to make defense cuts in terms of the actual dollars involved, real dollars, adjusted for inflation, which my friend from Louisiana conceded has meant over the last 3 years, real cuts in defense spending.

What we should do, as we were told by the Chairman of the Joint Chiefs, newly appointed by the President, General Powell, is take the least unwise of the unwise options forced on us by the deficit reductions pressures. We should choose the lesser of evils instead of resorting to the tactics of the 1970's when we had a hollow army, too many people in uniform who we could not adequately equip, train, and compensate, provide benefits to, with the result that we had quite predictably a deficit in morale as well as in training and equipment.

We should, instead, have a smaller force that we can adequately train, adequately equips and provide the kind of compensation and benefits that will provide not a hollow army, but a smaller, superbly capable fighting force, whether we are talking about the Army, Navy, Marine Corps, or the Air Force.

And in addition, this amendment seeks to restore levels of conventional weaponry. I have already touched upon that with my friend from Louisiana. But what we are talking about is bringing back adequate funding for the Stinger, for the Laser, Hellfire missile, for the TOW II, for ATACMS, for the HARM missile. These are necessary restorations to avoid the kind of dip that would occur otherwise, an interruption, a hiatus in production that would lead to not just delays but much higher cost because of the interruption in the rate of production.

So there is a great deal at stake, and it is my hope that between what the House Appropriations Committee has provided, the kind of money that I think does make sense for this long-neglected fast sealift capability.

And the other changes that would be made by this amendment it seems to me that what we can do, Mr. President, without in any way reflecting upon the very good job that the appropriations have done in meeting the target levels for both budget authorization and outlay, is to provide a reallocation among the accounts that brings us down in terms of the most expensive thing we do which is paying people; compensation and benefits to the number of people in uniform, so that we do not have to salvage the research and development accounts because here we are again talking about time, time you cannot buy back.

If it were necessary we would be able to recruit, to mobilize and train manpower far faster than we can ever conduct research and development.

Mr. President, I hope that this amendment will be adopted and that in the conference that results thereafter, the billion dollar mark for sealift, supported by the House appropriators, will find its way into a funding program that in fact gives confidence that the schedule outlined at page 54 of the authorization bill report will in fact be met and perhaps even expedited.

Mr. President, if we continue to engage in the fantasy that we can have force levels at the present level and we can do it by not adequately funding research and developoment, we are playing a very perilous game because we will lose time that we cannot regain at any point. So I hope, with all respect to the hard-working appropriators, that they will take this amendment as it was intended and allow us in the short- and, more importantly, in the long-term to make basic changes of the kind that are forced upon us by the pressures of deficit reduction. That is what this amendment is all about.

I thank my friend from Alaska and I yield the floor.

Mr. STEVENS. Mr. President, I yield 7 minutes to our friend from South Carolina, our distinguished senior Senator.

Mr. THURMOND. Mr. President I thank the able ranking member of the committee.

Mr. President, I am pleased to be a cosponsor of the amendment proposed by Senator WARNER and the distinguished minority leader, Senator DOLE. I want to point out that the total funds proposed in the substitute amendment are the same as those in the amendment introduced by my colleagues on the Appropriations Committee. I also want to emphasize that approximately 65 percent of the programs in the Appropriations Committee amendment are retained in the substitute amendment.

Mr. President, I cosponsored this amendment because it includes funding for the preferred munitions initiative, the D-5 missile, and increased funding for SDI. I believe that these programs are essential if we are to provide a strong defense program for the coming years.

The munitions package, which is included in the Defense Authorization Act, provides appropriations for four preferred munition systems—Stinger, Hellfire, TOW II, and the High Speed Anti-Radiation Missile. In hearings held by the Armed Services Committee, the Deputy Commander in Chief of the U.S. European Command testified that "all the services—Army, Navy, Air Force, Marine Corps—all have shortages, severe shortages of preferred munitions." Vice Admiral Dunn, the former Assistant Chief of Naval Operations (Air Warfare), recently noted that the "CINC's (Commanders-in-Chiefs) No. 1 concern is the shortage of weapons required to carry out their missions," including the HARM, Maverick, Phoenix, and Harpoon missiles. This amendment will go a long way to correct these shortages in preferred ammunitions.

Mr. President, the Appropriations Committee deleted all fiscal year 1990 weapon procurement funds for the Trident II (D-5) weapon system. The rationale for this deletion was given as "two of three Operational Test and Evaluation flights failed * * * and that a major redesign effort may be required." Mr. President, the Navy has learned a great deal from the two failures and has initiated fixes that should completely solve the problem. In a letter to Members of the Senate, Admiral Trost, the Chief of Naval Operations, stated: "Solutions are in hand which will support our early calendar year 1990 deployment. Deletion of the fiscal year 1990 funds provides no relief for the present situation. Instead, it causes significant cost increases and schedule impacts to the program while diluting the nuclear deterrent capabilities of both the United States and the United Kingdom." Our amendment, which delays availability of the funds until problems are corrected, would restore $910 million to continue the procurement of the D-5 missile and allow our Nation to continue its modernization of the sea-based leg of the strategic triad.

My third reason for cosponsoring this amendment is that it provides an additional $298 million in appropriations for the strategic defense initiative. This amount will increase funding for the program to $4 billion, which is $600 million below the President's request, but approximately $1.2 billion above the House funding level for SDI. Although $4 billion in appropriations may delay the deployment of an SDI system, it will allow the continued robust research program. I believe this research is essential in order to provide President Bush with the necessary information to make a decision regarding deployment of a strategic defense by the end of his first term. Mr. President, I also believe that the additional appropriations will assist the conferees on the defense authorization bill in reaching a favorable compromise with the House on SDI funding.

Mr. President, this amendment is a good compromise to the amendment offered by the Appropriations Committee. It keeps in place a majority of the programs recommended by the committee and at the same time strengthens both the conventional and strategic programs of our Nation. I urge my colleagues to vote for the substitute amendment proposed by Senator WARNER and Senator DOLE.

Mr. President, I yield the floor.

Mr. DIXON. Mr. President, I wonder if the distinguished manager would yield some time to me in connection with this amendment.

Mr. INOUYE. Mr. President, how much time does the Senator need?

Mr. DIXON. Five minutes.

Mr. INOUYE. I yield 5 minutes to the Senator from Illinois.

Mr. DIXON. Mr. President, this whole question of the appropriating and authorizing process, quite frankly, in the expression of back home folks, is getting as clear as mud. It is pretty hard to figure out exactly what one ought to do. I am a member of the Armed Services Committee, the authorizing committee, and obviously there are considerable differences between what the authorizing committees and the appropriating committee have done. All of this is impacted by the fact that we have a BA and outlay problem that has to be resolved.

We have had meetings with the Appropriations Committee about that. In the war on drugs, certain moneys are being taken out of defense. There has been an action by the Foreign Relations Committee to take substantial money out of defense for aid to Poland. The whole thing is getting quite confusing. I am not so sure that anybody understands exactly what the final result will be by now.

What we see here is an argument between some of our friends on the Republican side with what the appropriating committee has done. I might say, as I look at what the appropriating committee has done, I am not entirely in support of that. On the other hand, when I see what my friends on the Republican side want to do by their amendment here, I have trouble with that again.

But I guess simplistically I come down to this final thought: when my friends from Louisiana had earlier attempted to reduce the authorized amount on SDI, I voted with the committee to maintain the committee's figures. I was willing to fight that out in conference as long as was necessary.

But I say to my colleagues in the Senate, I think it is now clear that the House is not about to accept the SDI number that we authorizers had in our bill. So that I said in the Armed Services Committee the other day, when the distinguished Senator from Hawaii was there and the distinguished Senator from Alaska was there, who are now the managers for the appropriators, frankly, when you look at the whole thing, I am about as satisfied with what they have done as anything because it looks about the best we can do. And that boils down to the fact, if my memory serves me, that they appropriate $3.7 billion for SDI in their bill.

Mr. President, let me tell you something. The House is not going to go that high probably, but they are sure not going to go higher. So now I am faced, as a member of the authorizing committee, with the choice of whether to stick to the appropriating committee's position or vote for an amendment by some of my friends on the other side, some of which has some appeal to me, frankly. But the bottom line is that it is as much driven by this number for SDI as anything else; an additional roughly $300 million for SDI, that if we put it in is not going to matter a whit. Not a whit. Because when we go to the conference it is the first thing that falls on the floor.

I am going to tell my colleagues, I have never seen anything so confusing as this whole process. We have differences between authorizing and appropriating, we have problems with BA, and we have problems with outlay. We have another committee working to take money out for the war on drugs and foreign relations has voted to give aid to Poland out of defense. Now we are arguing back here again between some members of the minority, including their leader, and the appropriating committee about what we ought to do on these numbers, most of which I do not agree with on either side. It is getting pretty difficult to figure out how to vote and make sense around here, Mr. President.

About the only thing I can figure out is, simplistically, this: I agree a little on both sides of this. But if I vote with the minority that wants to put on this amendment, I am absolutely wasting my time because the House is not going to take this SDI number and it is a complete waste of time. So I guess what I am going to do, Mr. President, is cast my own little lonesome vote here to stick with the appropriating committee which I think is going to get closer in the end to what the authorizing committee will agree to and what the House will come to than anybody else.

That may be a fairly feeble reason why I am going to vote with the appropriating committee and against this amendment, Mr. President, but I guess it is as good as any.

My final statement is this. When I used to be an old trial lawyer they would say: When things get so confusing nobody understands it, make it as simple as you can for the jury. I am going to say it as simply as I can for my colleagues here. The reason I am voting with the appropriating committee and against the amendment is voting to put this extra SDI money in here is a complete waste of time; it cannot possibly happen, and we might as well not waste our votes if that is what is driving us today.

I thank the Presiding Officer for letting me confuse things even further.

Mr. INOUYE. 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.

Mr. INOUYE. Mr. President, this amendment adopts several of the items approved by the Appropriations Committee, but makes significant

changes. Most notably, the amendment adds funds for several programs which were considered by the committee and rejected on merit.

First, the amendment adds $298 million for the strategic defense initiative.

The committee recommends $3.7 billion, or zero real growth, for SDI in fiscal 1990. The committee believes that additional funding above this level is premature and unwise in view of overall fiscal constraints and SDI's current major uncertainties.

SDI faces a major decision in the near future—whether to abandon its current mix of systems and architecture in favor of the risky brilliant pebbles concept. Adoption of Brilliant Pebbles would have major implications for the cost, schedule, and complexity of SDI.

Brilliant Pebbles has major cost and technological uncertainties. It still is being evaluated within DOD and by outside experts. Congress should carefully evaluate these uncertainties during the fiscal 1991 budget review. Until Congress and DOD have a more precise direction for SDI, additional funds above the committee recommendation are unjustified and an imprudent use of scarce defense dollars.

Second, the amendment provides $910 million for the Trident II missile.

As I stated in my opening remarks, the committee fully supports the development and the deployment of the Trident D-5 Missile Program. However, the committee, as well as the whole Nation, watched as two of the three submarine-launched flight test missiles exploded as soon as they were launched. The Navy informed the committee that they knew what the problem was after the first test failure. They also have stated they took what they believed to be corrective action to fix the problem, only to find out that it was not sufficient to correct the design problem.

In a meeting with the program manager on September 6, the committee was informed that Navy and the contractor have identified what they now believe to be the extent of the problem and they are developing several potential design solutions which may prevent future flight failures. The program manager also informed the committee that these design fixes would have to be fully tested prior to the next flight test. All this design, development, and testing of the potential solution will take time and the program will be delayed.

The committee recommendation recognizes the program delays caused by the faulty design and the time it is going to take to correct the problem. The committee also notes that since fiscal year 1987, Congress has already appropriated $5.9 billion for 153 production missiles. This is in addition to the $9.2 billion the Navy has spent in research and development on this new missile system. In all, the American taxpayer has spent over $15.1 billion for a missile system which does not fly. We believe that the Navy will eventually find and fix the problems with the D-5 missile system, the committee recommends the Navy fix and prove out the basic design before we appropriate another $900 million in this bill. I would also point out that the committee reported bill increases funding for Trident research and development by $70 million to aid in finding a solution to this problem.

Mr. President, I would like to emphasize that by the action taken by the committee we are not slowing down the program. For example, in fiscal 1987, we approved the expenditure for 21 missiles; 8 of them were supposed to have been delivered by July 1 of this year. None have been delivered, none have been accepted.

Thirteen missiles were to be delivered by the first of October; that is a few days from now. The Navy does not plan to accept any missiles until the fix is completed. And, as I have indicated, it will be some time before the fix is completed.

We have already provided all these funds and we have our great doubts that the contract will be carried out and deliveries made.

This amendment under consideration reduces funding for sealift by $960 million and replaces this with funding for an additional LHD-1 amphibious assault ship. Now, I support the procurement of amphibious assault ships for our Marines, but this matter can wait until fiscal year 1991. We have provided $35 million for the advance procurement requirements on this ship. The Navy intends to request the remainder in fiscal year 1991. This plan is consistent with current ongoing construction on other LHD amphibious ships.

Sealift cannot wait. Today, only 5 percent of U.S. cargo is transported on U.S. vessels.

Virtually every witness appearing before our committee noted that sealift is a serious problem. General Galvin, the commander in chief of our European Forces testified that our sealift shortfall is his greatest problem.

General Schwarzkopf, the commander in chief of the U.S. Central Command, also testified on the need to improve our sealift capability. He welcomed the addition of funds to buy sealift vessels. The amount we have set-aside is for the purchase of four cargo vessels and two tankers.

The Secretary and Chief of Staff of the Army, the commander of the transportation command, the commander in chief of Pacific Forces, and the commander in chief of Atlantic Forces all noted the serious sealift problems facing our country. Only the witnesses from Navy headquarters balked at providing more funds for sealift.

I believe it is critical that we take action at this moment to redress this problem. I believe it is clear that this action cannot be left to the internal workings of the Navy budget if we expect to resolve this problem.

Mr. President, this amendment has funding for a number of munitions programs. In each of these programs set forth in the amendment under consideration, the committee-reported bill has funded the number of missiles requested by the President of the United States. The question before us is: Should we add to the President's request?

The authorization bill increased the funding for these programs to exceed the requests submitted by the President. We reviewed this issue very carefully. What we discovered convinced me that things have changed since the authorization bill was passed and completed here, and the factors that were noted by the authorization committee no longer make it appropriate to increase the funding for these programs.

Second, as noted by my colleague from Alaska, each of these increases can be found in the House bill. Mr. President, all of us in this body recognize the importance of negoiating leverage on our bills. This amendment would remove the leverage that is necessary for the forthcoming conference. I do not believe that it is in the interest of the Senate to remove all of these items from conference.

Furthermore, I cannot support the increases for missiles here because of several substantive reasons. The amendment would increase funding for Stinger missiles by $89 million. All of us are aware of the importance of the Stinger missile, and we recognize how effective it has been. However, I understand the Stinger missile is currently experiencing some technical problems associated with the reprogrammable microprocessor. I realize this is a quite technical matter but involves software design which is not yet resolved.

In fact, as of today, there are 4,581 missiles that are in bunkers at the contractor facility which the Army has not accepted because they failed to meet the design specifications, and here the amendment wants to add more money to add to this bunker facility.

Mr. President, I want to repeat, again, I support the Stinger missile, but I do not think it would be appropriate at this moment to increase production. In other words, should we reward a contractor when the product they have provided is experiencing problems?

The amendment also would increase the production of TOW missiles by $51.1 million. Again, I share the view

of my colleague in the need for acquiring antitank missiles. However, I understand the Army is currently developing a new generation of TOW missiles, a so-called TOW IIB. This amendment would increase the production of the TOW IIA missile, and I do not believe it is appropriate to increase this program this year when a new version is just around the corner.

Second, there is currently only one source for the TOW missile, and the Army is hoping to establish a second source in order to compete for the program in 1992. The rationale for creating a second source, obviously, is to lower the overall cost. It should be cheaper to buy missiles when there are two active producers. If we increase production today, we will most likely have to pay a higher price than we will if we waited until there was a qualified second source to increase production.

Third, any missiles we buy today would limit the number of missiles we will buy under a competitive strategy, and when the decision is made to establish a second source, the total number of missiles to be produced is factored into a cost-benefit analysis to determine if it makes sense to bring in a second manufacturer. It costs money to establish a second source manufacturing facility. If we increase production this year, we will bring down the total number and replace the advantage of establishing a second source.

The amendment under consideration also provides an increase of $46 million for a new Army tactical missile program. Mr. President, it should be noted that the U.S. Army has decided to slow the production of this program because of technical problems in the missile's development. We support this program, but we concur with the Army that it simply is not ready for an increase in production. The Army says slow it down and the amendment says let us make more.

The amendment also increases production of Hellfire missiles by 2,800 missiles above the President's request. Mr. President, for the past several years, the Congress has suggested that the Army request 6,000 Hellfire missiles, but each time the Army has declined. The Army simply does not want to increase its production to that level and this amendment would, once again, force them to do so and, once again, you may be assured they will turn it down.

The substitute amendment also proposes to increase funding for the HARM missile and this missile is funded at the President's requested level in the committee-reported bill.

Recently, questions have arisen with regard to the reliability of the wiring boards in this missile that the Navy has concluded were not manufactured or tested in accordance with contract specifications. These printed wiring boards are used in stator switchers in safe and arm devices for the HARM missile.

I think it is very important to note while this amendment is requesting increased funding to increase the production of these missiles, the U.S. Navy has recommended that the manufacturer be suspended due to its alleged fraudulent actions, and the Defense Criminal Investigative Service is actively pursuing a criminal investigation. Are we trying to reward someone we allege to be a criminal? I hope we will not do that.

Until these potential safety and reliability problems have been resolved with regard to this HARM component, the committee just cannot support adding funds to produce more missiles than requested by the President.

Mr. President, the amendment under consideration would pay for these increases by reducing the funding recommended by the committee in this proposed amendment. For example, the amendment that we provided includes $33.6 million to procure trucks, vehicles and other support equipment for the National Training Center. This is not a large item, but it is an important item.

Currently, when any unit goes to urban California for training, they ship their equipment there—the tanks, the cannons and such—and just the shipping is costing us over $14 million per year in operation and maintenance. So we believe that our initiative makes sense. Why not have the equipment there and we just ship bodies, personnel instead of going through that massive transport cost of shipping tanks and planes and guns. I think this is just common sense. If we agree to the committee's amendment, we will be saving $70 million in the 5-year defense plan.

As noted by my distinguished colleague from Alaska, the substitute amendment also eliminates all funding proposed for reimbursing space shuttle operations. The committee proposes to add $485 million to offset these costs. We are using NASA facilities, NASA space ships for defense purposes. I think it is only fair that DOD pays for it. This would then allow for other necessary civilian space programs to be funded instead of forcing NASA to pick up the additional costs associated with DOD payloads. By eliminating these funds, other NASA programs that a few weeks ago we were extolling would have to be cut. Voyager programs would have to be cut.

It was the "in" thing in this Chamber to be praising Voyager. We for the first time saw Neptune and the new moons. If it were not for moneys for NASA, we would not have seen those things.

The proposed substitute would also reduce the funding we recommend for Apache helicopters. The amendment provides nearly $1.7 billion to complete and wipe out the Apache helicopter program. Last year, the Congress authorized a multiyear program to buy 240 Apache helicopters.

By doing this under the committee bill, we will be saving our taxpayers $900 million. $900 million, Mr. President, is a lot of money. If by an amendment such as this we can save $900 million, we should take advantage of that.

In the revised President's request, the Defense Department lowered the overall quantity to buy from 240 to 132 helicopters. Army and Defense witnesses testified that the only reason for this action was to save money. Our amendment provides the funds to achieve this goal in fiscal year 1990. In that way, we could get the helicopters that are needed for our Active and National Guard and Reserve Forces, but not add to the burden of additional funding requirements in future years. This amendment would defeat this initiative.

The proposed substitute provides only $775 million for the Apache helicopter, enough to buy about 66 additional helicopters. However, there is a requirement that none of these funds can be spent until 1991. The Defense Department already intends to budget this amount in fiscal year 1991. Because of the delay in spending, this substitute proposal would merely replace the funding requirement for Apache helicopters in the fiscal year 1991 budget. It would not provide any additional Apache helicopters for National Guard and Reserve units. In essence, this substitute does nothing for the Army's Apache program, and would eliminate the potential to buyout the Apache program in fiscal year 1990.

The amendment also reduces several items included in the committee-reported bill.

The committee-reported bill adds $50 million to finish cruise missile integration testing on the B–1B bomber. Under current Air Force plans, such testing would be delayed and would cost much more to accomplish after the delay.

Despite Air Force assurances, the B–1B's viability as a penetrating bomber is highly questionable in the mid to late 1990's. The Air Force has yet to demonstrate that the aircraft's basic electronic countermeasures systems can be fixed. We need to keep open all options for deploying cruise missiles on the B–1B as early as possible.

The recommended funding preserves the options to maintain the effectiveness of the B–1B. Delaying cruise missile integration testing is militarily and fiscally unwise. The $50 million recommended by the committee should be retained in the bill.

The substitute reduces funding we provided for Guard and Reserve equipment to improve F-15 and F-16 aircraft. Mr. President, it is not clear what item is being reduced by this amendment. However, the committee-reported bill provides $49 million to continue the multistage improvement program on National Guard F-15 fighter aircraft. This program was accelerated by the Congress last year. The committee recommends continuing this effort.

The substitute also reduces funding for Blackhawk helicopter procurement by $68.1 million. This reduction would cut Blackhawk procurement by an estimated 16 helicopters and could breach our current multiyear procurement contract.

Finally, the amendment makes other adjustments, which do not appear to be well thought out, which would eliminate funding for needed programs provided in the committee-reported bill.

In closing, let me reiterate my concerns about this amendment.

We have funded SDI at zero real growth. This is a prudent position considering the current status of that program.

We have already provided all of the missiles requested by the President; this amendment is an unrequested add-on.

The amendment reduces the leverage I need in conference on several items.

The amendment would eliminate funding which is critically needed to enhance our sealift capabilities.

The amendment would eliminate $485 million proposed for space shuttle costs.

The substitute would defeat the initiative to buy out the final 240 Apache helicopters.

Mr. BREAUX. Mr. President, the measure before this body provides for the funding of many programs which can be fairly characterized as essential to our national defense. I would like to express my strong support for one of these which, while funded very modestly, promises to contribute greatly to our national security posture.

As chairman of the Merchant Marine Subcommittee, I am very pleased that the Defense Appropriations Committee has seen fit to provide $15 million for research and development in the field of fast sealift technologies, including the semiplaning monohull. The need for such R&D is recognized in the report by the Commerce Committee on the Maritime Administration reauthorization measure and by the Armed Services Committee in the report on the Defense authorization bill.

The objective of fast sealift is a fleet of vessels that can achieve speeds far in excess of those currently attainable with conventional hull designs and propulsion systems, and which is able to meet multiple military missions. Such a fleet would reduce or eliminate our substantial deficit in strategic sealift.

The development of new technologies has always been essential to our national security, and we cannot afford to ignore the potential of new designs, such as the semiplaning monohull, to improve our defense posture. Modernization of our merchant marine by the production of fast cargo vessels would serve our national interest in a strong defense, as well as restore our competitiveness in the carriage of cargo in international trade. The small investment represented by this $15 million appropriation may truly produce very large returns for both our national security and our economy.

Mr. DOLE. Mr. President, last week I placed in the RECORD a letter I received from Secretary of Defense Cheney. In that letter, the Secretary stated his deep concern about some of the actions taken by the Appropriations Committee on the Defense bill.

One of the issues he raised was the committee's amendment to restore $8.5 billion in budget authority to meet the levels agreed to in the bipartisan budget agreement.

Now, the Secretary supports the effort to raise the budget authority to the budget agreement levels, but he is seriously concerned about some of the programs included in the amendment—most of them are low priority defense or nondefense items.

This amendment is a substitute for the Appropriations Committee amendment. It would accomplish the same objective of meeting the budget authority and outlay levels agreed to in the bipartisan budget agreement. The difference is that it would meet those targets by including funding and adding funding for some of the President's higher priority programs.

However, this amendment also includes funding for some of the programs included in the committee's amendment, such as the overhaul of the U.S.S. *Enterprise*, the emergency response fund, and the modification of existing weapons systems.

This amendment would also provide appropriations for the munitions initiative that received broad support from this body a few weeks ago during the consideration of the fiscal year 1990 Defense authorization bill.

In addition, this amendment increases funding for SDI and the Trident II/D-5 missile. The President has stated that both programs are among his highest priorities.

The reduction in funding for these two programs was also cited by the Secretary of Defense as cause for delays in both programs, and possible cancellation—in the case of the SDI program—of experiments crucial to demonstrating the feasibility of defense against ballistic missiles, Both the SDI and the D-5 program are critical to the future of our nuclear deterrent.

In summary, I think that this amendment strikes the appropriate balance between the Appropriations Committee priorities and those of the President.

As I have said before, the Congress asked the President to make some tough choices and he did. He recognized that money was tight and that he could not have all of the programs he wanted. So, he set his priorities and sent the Congress a budget which meets the targets set in the bipartisan budget agreement. This was not an easy job.

Our job is not easy either. We have a responsibility to be responsive to the budgetary realities and to choose programs which are in the long-term interests of this country. It is not easy for some of us to support the program terminations in this bill. However, it is essential that we take a long-term view.

Mr. President, I believe that the Senate has been supportive of most of the President's priorities in the area of defense.

With this amendment, I think we can go a necessary step further in providing for the country's current and future defense needs. I urge my colleagues to support this amendment.

Mr. McCAIN. Mr. President, the AH-64 Apache is made in my State, and I am proud of that fact. My concern for this program, however, goes far beyond support for a "pet rock" or a special interest of my State.

Unless the current amendment is defeated, it would fund a production rate of 66 AH-64 aircraft per year in fiscal year 1990 and fiscal year 1991, and then shut down the production line after those 132 aircraft are delivered. This would deliver a total of 807 Apaches, well short of the Army's stated requirement of 1,031 aircraft or for the Defense Department's previously approved production program of 975 aircraft.

The reduced program would leave the Army with a force structure shortfall of 7 attack helicopter battalions from the 47 required; 2 from the active forces, 3 from the Army National Guard, and 2 from the Reserves. This required force structure was defined in the Army's aviation modernization plan [AMP], a well-executed study of the overall aviation force structure and attendant modernization program that was presented to Congress in 1988. No supporting rationale has been presented for undoing the goals of the AMP.

The Apache is widely recognized to be the best attack helicopter in the world. It operates in daylight, at night,

in poor weather, carries a maximum load of 16 highly effective Hellfire tank-killing missiles, has a 30mm cannon effective against enemy air defenses and softer ground targets, can carry an alternate weapons load of 2.76-inch rockets for use against personnel or lightly armored ground targets, and has a very low infra-red signature making it difficult to detect at night and difficult to acquire by heat-seeking air defense missiles.

The AH-64 is one of the few systems that can rapidly redeploy to deal with a Soviet breakthrough and can quickly deploy tank-killing power in low-intensity combat. AH-64's routinely perform night attack missions in training scenarios against enemy targets up to 70 miles behind the front lines of the battlefield and usually are undetected by the opposing forces until they perform their lethal attacks on their targets. In NATO Reforger exercises the Apache has proved to be a uniquely effective weapon in the NATO battle environment. Opposing forces in those military exercises have lauded the Apache as a truly unique and unsurpassed weapons system.

If we need further testimony to the combat effectiveness of attack helicopters, consider how our potential adversaries are utilizing them. The U.S.S.R.'s HIND-E is the closest single rival to the AH-64. Available information indicates that the Warsaw Pact deployed 993 Hind helicopters at the end of 1987. At that time, the United States deployed only 430 attack helicopters of any kind, and our allies 442. The U.S.S.R. has since maintained a production rate of approximately 400 military helicopters per year and this level of production is expected to continue. Furthermore, the U.S.S.R. is expected to introduce two new attack helicopters, the HAVOC and the HOKUM, into their force structure over the next several years.

With this in mind, the decision to curtail attack helicopter production appears extremely questionable. The continued buildup of U.S.S.R. attack helicopters clearly offsets any proposed reduction in tank forces and in terms of mobility and firepower actually increases their conventional capability.

This is why I believe we need to reconsider closing down the production lines of a weapons system that has proven to be extraordinarily cost effective, and where a basic shortfall in force structure exists that no other system can fill. We in Congress have focused on the issue of maintaining an effective national defense production and mobilization base for the last several years.

The reasons for such a production base also have not changed because of the current budget deficit. Indeed, the freak storm at Ft. Hood, TX on May 13 of this year, emphasizes the need to keep a warm production base for such a vital combat system. In addition to damaging 60 to 80 other helicopters, the storm damaged 101 Apache attack helicopters out of a total of 158. The full extent of the damage is not yet known, but early estimates suggest that the total repair costs may be in excess of $500 million. Whatever the total cost turns out to be, it certainly will be less than if there had been no ongoing production line for Apaches, which lends emphasis to the rationale for maintaining the warm production base.

The current force goals for the Apache also ignore both the needs being creating by the prospects of conventional force reductions in Europe, and the fact that Britain, France, and West Germany are falling far behind in their advanced attack helicopter programs. We now know no such programs will be deployed until late in the 1990's or early 2000's—if then.

We must also consider the fact that if the Apache line is shut down, there will be at least a 3-year hiatus before LHX production begins. In practice, the LHX still faces considerable technical and scheduling risks and cost factors. Furthermore, the LHX will never be a full replacement for the AH-64. The Apache is the only true day-night capable attack helicopter production line in existence in the free world today and will remain even when the LHX is in production. Even before the storm, there was a force structure shortfall in the U.S. Army that required production of at least 300 more Apaches, not just 132 as proposed.

I realize the problems that continuing the production of the AH-64 could present in terms of future defense budgets. I believe, however, that there is a cost-effective way to solve this Apache production problem. As you know, in May last year the Army recommended to the Congress a 4-year multiyear procurement [MYP] program for Apache at a production rate of 60 aircraft per year and forwarded supporting documentation that indicated the MYP would save $420 million—13.2 percent—compared to single-year buys.

All four cognizant committees of the Congress endorsed the Apache MYP and a $40-million increase in advance procurement funds was authorized and appropriated to support this MYP. In August 1988, an OSD program decision approved a 5-year procurement of Apaches at 60 per year, officially increasing the procurement objective to 975 aircraft. A subsequent Pentagon budget decision endorsed an MYP and increased the MYP production rate to 72 aircraft per year over 4 years, but with total procurement still at 33.

It seems to me that the best way to procure this vitally needed attack helicopter is by means of the program recommended by the House Armed Services Committee: A multiyear program at a rate of 60 per year. This MYP would allow a reduction of funds required by $27.5 million in fiscal year 1990 and by $61.1 million in fiscal year 1991. It will have several other important benefits:

First, it will procure the minimum-needed remaining quantity of 300 Apaches at the least cost;

Second, it will reduce the near-term budget requirements for Apache in fiscal year 1990 and fiscal year 1991;

Third, it will maintain a warm base for our only existing attack helicopter production line for at least 5 years;.

Fourth, it will provide a production base for potential foreign sales of Apache to our allies; and

Fifth, it will integrate the existing Apache production line into the future Apache MSIP remanufacture line in an optimum fashion.

These reasons for supporting a 5-year MYP of Apaches at a production rate of 60 per year make what I believe to be a compelling case for proceeding with the AH-64 program in that fashion. I believe the Senate Appropriations Committee is correct in recognizing this fact, and I reluctantly must differ with my distinguished colleagues in the Senate Armed Services Committee.

The PRESIDING OFFICER. The Chair informs the Senator all time on the majority side has expired.

Mr. INOUYE. I thank the Chair.

Mr. WALLOP. Mr. President, what is the time remaining?

The PRESIDING OFFICER. The time remaining on the minority side is 10 minues 23 seconds.

Mr. WALLOP. Did the Senator from Maine wish a portion?

Mr. COHEN. Two minutes.

Mr. WALLOP. I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I have listened to the debate with great interest. I have enormous respect for my colleagues from Hawaii and from Alaska and I respect their judgment. I also have some concerns because, obviously, I come from a shipbuilding State, and this action taken by the Appropriations Committee is designed to stimulate shipbuilding certainly in the commercial sector, and hopefully these ships could be used by the Navy in a time of war.

But there are certain things that trouble me about what has happened in the appropriations process. As I understand it, the House Appropriations Committee has already included $1 billion for the fast sealift program. Is that correct, may I ask my colleague from Wyoming?

Mr. WALLOP. Mr. President, the Senator is correct.

Mr. COHEN. We have $1 billion in the House version of the bill. So if the Wallop-Warner amendment were to pass, we are going to go to conference on that measure, and undoubtedly there will be some compromise achieved in that process. So we already have a conferenceable item assuming that the Warner-Wallop amendment were to pass.

Second, with respect to the so-called fast sealift: as I understand it, there have been no designs completed at this particular point for a fast sealift ship.

Mr. WALLOP. The Senator is correct; there is no design and no definition.

Mr. COHEN. So we have a rather amorphous, almost an amoeba-like situation that could shift and change its shape depending on what pressure is exerted at any given time. So what we are talking about is including a substantial amount of money for a ship that has yet to be defined, yet to be developed, and yet to be articulated in a coherent fashion. Am I correct in that?

Mr. WALLOP. The Senator is absolutely correct.

Mr. COHEN. I am the former chairman of the Sea Powers Subcommittee, now ranking member on that committee. I agree with virtually everything that has been said by the distinguished Senators from Hawaii and Alaska, that we need more sealift. Now, as they have designated it here, it says fast sealift. There is no fast sealift at this particular point. The fact is that if you had this $1 billion and we were to go out and buy some ships, you would have sealift, period—no fast sealift, just sealift. That certainly in itself is supportable; we need more sealift. But it seems to me based on the arguments I have heard that, if you include this $1 billion and you take only 5 percent that could be spent out in the initial years, we are talking about $50 million that could be spent in the coming year for fast sealift design. Is that not correct?

Mr. WALLOP. The Senator is correct.

Mr. COHEN. We have included $20 million in our budget. We have added through this amendment another $20 million. That brings us to $40 million. We only need to pick up in the House-Senate conference another $10 million, and there, lo and behold, will be the 5 percent we could have for that fast sealift design. This could be done in the coming year.

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

Mr. WALLOP. The Senator is correct.

Mr. COHEN. Based on that, Mr. President, I intend to support the amendment as offered by the Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself such time as remains.

Mr. President, I listened to this Alice in Wonderland debate: The Senator from Hawaii has said that if we build the Apache at the number suggested by the Appropriations Committee, we will save $900 million. We will save $90 million if we buy 108 more helicopters which the Army wants. If you do it the way our amendment says, you save approximately $1 billion.

Second, we come to the question of munitions. All of a sudden there is concern as to what the Army wants. They criticize us for asking for more of these munitions than the Army has suggested. The Senator also said we should add to the President's request.

Where is the concern for the President's request when we come to SDI? The problem is that we are dealing with formulas and not the defense needs of America. That is what was sought to be addressed by the amendment that was offered by Senator WARNER, myself, and others.

Let me turn for a minute to an area which I consider to be pretty serious; that is, the Appropriations Committee treatment of the Trident II missile.

While we are talking about saving money, we have a letter from Admiral Crowe who says that if we go the way the Appropriations Committee suggests, it will cost us approximately 5 years and $500 million.

The admiral says, in summary, that they understand the flight test problem. Solutions are in hand, and deletion of the fiscal year 1990 funds provides no relief for the present situation. Instead it causes significant cost increases and scheduled impacts to the program while diluting the nuclear deterrent capabilities of both the United States and the United Kingdom.

Also I have a letter from the Ambassador from the United Kingdom, Ambassador Acland, in which he says that:

In this form it will comprise time and cost penalties on the British Trident. In the interest not only of the United States' own strategic program but also of the British deterrent and the close bilateral relationship which it represents, I hope that you will reject the position of the Appropriations Committee.

Mr. President, what we are trying to do once again is get something for the American taxpayers' dollar when trying to buy a costly defense in short budget times. The time to reject hometown economics is today, and on this amendment. We cannot afford pet rocks on a national scale, or on a local scale. It is critical to the American taxpayer that he get something for this dollar that he spends.

Mr. President, it is my understanding that the Senator from Virginia would like to conclude this debate. But let me just make one last statement. The Department of Defense subsidizes NASA. I have no quarrel with the statements of the Senator from Hawaii about where NASA goes and what benefits it brings us, but it should not be at the cost of America's defense.

I yield.

Mr. WARNER. Mr. President, I thank my colleague. I wish to express my appreciation to him for his valiant efforts on this amendment which the two of us have sponsored.

Mr. President, first, I ask unanimous consent that I may insert in the RECORD a statement regarding three points. I will endeavor to cover them briefly, 2 seconds on each, and then amplify for the RECORD.

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

AH–64 APACHE PROCUREMENT

[In millions of dollars]

Fiscal year	Presidential request		SASC		SAC	
	Amount	Number	Amount	Number	Amount	Number
1990	788	(66)	738	(66)	741	(66)
1991	786	(66)	776	(66)	1,692	(174)
Total	1,574	(132)	1,514	(132)	2,433	(240)

COMPARISON OF COMMITTEE AMENDMENT AND SUBSTITUTE

[In millions of dollars]

Program	SAC reported	Substitute	HAC
Fully fund MOD kits	3,400.0	3,400.0	0
Fully fund Enterprise overhaul	1,293.0	1,293.0	0
Emergency response fund (increases level of funds available for emergency relief)	100.0	300.0	0
Icebreaker (funds 1 ship authorized in DOT authorization)	[1] 488.0	[2] 290.0	0
LHD–1 Amphibious assault ship (moves forward from fiscal year 1991 column of FYDP)	0	959.9	0
AH–64 (Apache) helicopter (funds President's full request for fiscal year 1990–91)	[3] 1,692.0	[4] 775.8	788.6
Conventional munitions (Stinger, Laser Hellfire, TOW II, ATACMS, Harm)	0	394.9	434.6
Trident II/D–5 missile (zeroed in SAC mark)	0	910.0	1,805.0
SDI (restore to $4,000,000,000 versus $3,700,000,000)	0	298.4	2,844.5
Space-based wide area surveillance radar	0	17.0	12.0
Fast sealift (funds at appropriate level for undeveloped program)	1,000.0	20.0	1,000.0
National training Center, Fort Irwin, CA	33.7	0	0
Space shuttle operations	485.0	0	0
Reductions to requested/authorized level:			
UH–60 Blackhawk		−68.1	
F–15/16 engine upgrade		−49.0	
B–1B R&D		−50.0	
Total	8,491.7	8,491.8	

[1] 2 ships. [2] 1 ship. [3] 240 helos. [4] 132 helos.

Mr. WARNER. Mr. President, I have gone back through the Apache helicopter issue very carefully. I am putting in the RECORD a clear documentation which will establish that unequivocally the committee amendment asks for 108 additional aircraft over and above any request by any President at any time, period.

Sealift—the Senator from Maine came in and expressed his views very clearly on that. Again, I am perfectly

willing to join at any time with any Member of the Senate in trying to work out a program providing for our merchant marine. But it is clear that the senior officer with the responsibility for the military transportation, namely, the commander in chief of the U.S. Military Transportation Command, has said we need a stronger merchant marine. But he does not—and I repeat, does not—support direct expenditures by the Government for civilian ship construction at this time.

Last, the famous flexibility issue. I have gone through carefully, for purposes of insertion in the RECORD, each of the items, and I can point to the fact that there is more than adequate flexibility left in this amendment offered by myself and Mr. WALLOP for the committee to exercise its judgment in the terms of the conference report.

I am hopeful that the Members of the Senate, having had the benefit of this debate, will now accord, basically, the two authorizers speaking for the committee, and I know the authorizers on the other side are going to join and support our amendment.

I thank the Chair.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the hour of 6:15 having arrived, the question occurs on amendment No. 855.

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

The assistant legislative clerk called the roll.

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

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 202]

YEAS—34

Armstrong	Gorton	Robb
Bingaman	Hatch	Roth
Boren	Heinz	Shelby
Boschwitz	Helms	Simpson
Bradley	Humphrey	Specter
Burns	Lott	Symms
Coats	Lugar	Thurmond
Cohen	McClure	Wallop
Dole	McConnell	Warner
Domenici	Nickles	Wilson
Durenberger	Nunn	
Exon	Packwood	

NAYS—66

Adams	Dodd	Kerrey
Baucus	Ford	Kerry
Bentsen	Fowler	Kohl
Biden	Garn	Lautenberg
Bond	Glenn	Leahy
Breaux	Gore	Levin
Bryan	Graham	Lieberman
Bumpers	Gramm	Mack
Burdick	Grassley	Matsunaga
Byrd	Harkin	McCain
Chafee	Hatfield	Metzenbaum
Cochran	Heflin	Mikulski
Conrad	Hollings	Mitchell
Cranston	Inouye	Moynihan
D'Amato	Jeffords	Murkowski
Danforth	Johnston	Pell
Daschle	Kassebaum	Pressler
DeConcini	Kasten	Pryor
Dixon	Kennedy	Reid
Riegle	Sanford	Simon
Rockefeller	Sarbanes	Stevens
Rudman	Sasser	Wirth

So the amendment (No. 855) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 825

The PRESIDING OFFICER. The question occurs on amendment No. 825.

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I urge adoption of amendment 825.

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

The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 825) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

TIME LIMITATION AGREEMENT

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee amendments be set aside, and that Senator LEAHY be recognized to offer a first-degree amendment on B-2 R&D limitation, that the amendment be considered under a time limitation of 1½ hours with time equally divided and controlled between Senator LEAHY and Senator INOUYE, or their designees, and that no other amendments be in order to the Leahy amendment; and that upon the use or yielding back of time that the Senate proceed to vote on or in relation to the Leahy amendment.

The PRESIDING OFFICER. Is there objection to this request?

Without objection, it is so ordered.

Who yields time?

The Senator from Vermont is recognized.

AMENDMENT NO. 859

(Purpose: To limit the use of funds for the B-2 advanced technology bomber aircraft program)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself and Senators HATFIELD, LIEBERMAN, ROCKEFELLER, SASSER, and WIRTH, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. HATFIELD, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. SASSER, and Mr. WIRTH, proposes an amendment numbered 859.

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

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

The amendment is as follows:

On page 108, between lines 4 and 5, insert the following:

SEC. 9100. Notwithstanding any other provision of this Act—

(1) none of the funds appropriated in this Act may be obligated or expended to commence production of any B-2 aircraft; and

(2) the funds appropriated in this Act and available for the B-2 advanced technology bomber program may be expended only for—

(A) the completion of the production of B-2 aircraft commenced with funds appropriated before the date of the enactment of this Act;

(B) research and development for the B-2 aircraft; and

(C) flight testing of B-2 aircraft.

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

First, Mr. President, I wish to have the attention of the manager of the bill.

I wish to thank the distinguished senior Senator from Hawaii for his usual courtesy, and even though he is not a supporter of this amendment, I wish to note that the distinguished Senator from Hawaii, who is managing the bill, makes sure that the rights of all, whether they agree or disagree with him, are protected, and I appreciate Senator INOUYE's help in that regard.

Mr. President, my amendment as stated, and as my colleagues know, is on the B-2 or Stealth bomber.

In July, the Secretary of Defense, Secretary Cheney, gave the Congress some very good advice on the Stealth bomber program. He said we should either fully fund the $70 billion project or kill it outright. He pleaded with the Congress not to nickel and dime the B-2 to death.

In this regard, I agree with Secretary Cheney. Today, I am offering an amendment to do just that, to end the Stealth bomber program effort after completion of the 13 aircraft that are now in production.

My amendment would do two things:

First, it cuts off funding for the production of B-2 once we finish the 13 aircraft already in production. It saves $2 billion this year and $40 billion over the life of the program.

Second, it permits continuation of necessary research and development work. There is a lot of technology that has been developed in this program and we should not lose it.

So I am offering this amendment because in this time of huge Federal deficits and declining defense budgets

we cannot afford the B–2 bomber. Aside from the fact we cannot afford it, I do not believe it is needed for our national security. There are much more affordable alternatives.

Mr. President, the Gramm-Rudman-Hollings budget deficit target this year is $100 billion. Only by some fancy budget smoke and mirrors are we going to reach that target. Two years from now we are expected to have the deficit down to $28 billion. Any Member of this body who actually believes that is going to happen, I would love to have a chance to chat with him. I have not met anyone on either side of the aisle who would agree with this.

Smoke and mirrors are not going to get us to that $28 billion deficit. We are only going to reach that goal with real cuts in programs, including the $300 billion defense budget.

Think of what our budget realities are, Mr. President. Despite these realities, Congress is about to commit this country to one of the most expensive weapons not only in the history of this Nation but in the history of the world. Each B–2 bomber will cost the American taxpayer an estimated $532 million. Incidentally, that $532 million is about the size of the State budget for my own State of Vermont.

Now, just to give some perspective to what this program means, to buy 132 B–2's, we are going to have to spend the entire Vermont State budget every year for the next 132 years.

In the Defense authorization bill, Congress ignored Secretary Cheney's advice not to nickel and dime the B–2. The House passed an amendment to cut B–2 spending by $1 billion in fiscal year 1990. Air Force officials inform my office that the House's action will drive up overall program cost by another $3.3 billion. In other words, the cost of this program is going nowhere but up.

Growing B–2 costs will compound another problem facing the Department of Defense—long-term budgeting. The Pentagon has a spending plan for the next 5 years. If you look at that spending plan, it far exceeds the money it is likely to get from Congress while we are cutting the deficit. It is an unrealistic spending plan. The money is just not going to be there.

In fact, this year, the General Accounting Office testified the gap between what the Pentagon plans to spend and what it is likely to get could be as high as $150 billion.

Mr. President, I have a chart over here and I think we might take a look at that. That shows the actual spending gap, which is around $147 billion.

The defense spending plan, is already $45 billion above the President's budget. It is based on a very unrealistic inflation rate. If we were to use the more accurate inflation rates, the spending plan is underfunded by another $48 billion. And, if the Defense Department budget reflects only real growth over the next 5 years, there will be a $54 billion shortfall. This totals $147 billion that needs to be cut from the defense budget before that Department even begins to share its part of the burden to reduce the deficit.

I might say to the distinguished occupant of the Chair, one of his predecessors from Illinois once said that a billion dollars here and a billion dollars there adds up to real money. One hundred forty-seven billion dollars here and one hundred forty-seven billion dollars there certainly adds up to real money.

Congress should help the Department of Defense live within its means.

Mr. President, in the past, I supported the development of the Stealth bomber and opposed the B–1. My view was that we did not need and could not afford two brand new U.S. strategic bombers within 10 years. I thought we should cancel the B–1 and concentrate on the B–2. But I never intended to write a blank check for the B–2. And the completion of the 100 B–1B's ended my support for the Stealth.

I oppose the B–2 not only because we cannot afford it, but also because we do not need it for deterrence. I think there are better alternatives.

We have the B–52H and B–1B force on alert right now. That is more than 170 bombers.

These aircraft can launch thousands of cruise missiles without having to penetrate Soviet air defenses. Cruise missiles can strike with pinpoint accuracy any targets which our thousands of ballistic missile warheads might have missed.

And, we have under development right now the advanced cruise missile, which itself will use stealth technology. In fact, I am convinced that Soviet air defenses will have no means to stop it.

Back in the mid-1980's when the B–2 was being sold to Congress in the development stage, we were told its main mission was going to be to attack strategic relocatable targets in the Soviet Union. That means attacking Soviet mobile missiles. The Air Force faced a logical question: What could carry on this mission that the cruise missiles cannot do? Everyone knows cruise missiles cannot locate mobile missiles. That is what we wanted the B–2 for.

The slight flaw in that argument is that the B–2 cannot locate and destory mobile missiles, either. In fact, an Air Force briefing paper released in July reluctantly admits:

> Attacking highly mobile targets is neither the reason for the B–2 nor is it likely to be accomplished with great efficiency in the near to mid-term future.

Of all of the arguments being made for the B–2, the one that angers me the most is to say that if we get rid of this we doom any future START agreement. It cynically exploits the deep longing of the American people and nearly every Member of Congress for deep cuts in nuclear weapons and a reversal of the arms race.

I get tired of the arguments that we hear on any strategic system around here, Mr. President. If our arms control talks are going badly or if there are no arms control talks, we are told we cannot cancel anything because that is the only way we are going to get the Soviets to the bargaining table. On the other hand, if the Soviets are at the bargaining table and the talks are going well, we are told we cannot cancel anything because that is all that keeps them there and we need it to bargain.

In effect, there is never, ever an instance where we might be able to cancel anything, no matter how much cost it is going to incur, no matter whether it is going to work, and no matter whether we need it.

Well, Mr. President, what we are saying is if the Pentagon ever says they want it, there is no reason under God's green Earth that we can ever say no. I am not sure that is the way democracy works and I am not sure that is the way checks and balances work. I am not sure that is the way the American taxpayers want it when they see that airplanes cost a half-billion dollars.

I recently attended the START negotiations as a representative of the distinguished majority leader. I am convinced there has been a profound change in the negotiating posture over there. During SALT, both sides were concerned with managing an arms race. Now, the atmosphere has changed. Under START both sides are sincerely attempting to make deep cuts in our strategic forces.

United States negotiating leverage in the START talks comes from the Soviet desire to reduce the defense burden on its staggering economy. The B–2 is irrelevant from a bargaining point of view.

I do not think the Soviets are really concerned about the B–2 as a special threat to the Soviet Union. If anything, the Soviets appear more worried about cruise missiles than about the B–2.

Mr. President, I have never bought the idea that we should simply build something as a bargaining chip. If something is necessary to the security of the United States, no matter what it costs, we ought to build it. If it is not necessary, then let us save the money and put it in those things that are necessary. That is not what we are doing with the B–2.

The recent talks in Wyoming between Secretary James Baker and Foreign Minister Shevardnadze indicate the Soviet desire to reach agreement

in a START Treaty. The Soviets agree to delink the START agreement from the talks on space weapons. They proposed to set aside the contentious sea-launched cruise missile issue and they agreed to test verification procedures in advance of a final START treaty.

Now, this is further than we see the Soviets going for years and years. What more signals do we need that they are actually, at this time, serious about negotiating something?

The fact of the matter is the B-2 is largely irrelevant to the Soviet's interest in a START agreement. If we cancel it, they are not going to stop negotiating a START agreement. If we go forward with it, they are not going to be more eager to negotiate a START agreement. They are going to go forward with negotiations. They are going to agree with what they feel is in their best interests, just as we will agree to what we think is in our best interests, with or without the B-2.

If that is the case, Mr. President, why in Heaven's name do we want to have this kind of bankruptcy? We should be preparing for the battleground, not for the bankruptcy court.

In this instance, it seems we are far more interested in setting up for bankruptcy rather than a strategic bomber that might actually be used in a future war.

Mr. President, another claim is that the United States needs the B-2 to preserve nuclear deterrence under a START agreement that slashes U.S. ballistic missile warhead numbers.

Under the outlines of START right now, each side would keep 6,000 ballistic and cruise missiles warheads. In addition, under the counting rules, the United States could actually deploy even more air-launched cruise missiles if it wished, as well as an unlimited number of short-range attack missiles and bombs. There may be no limits at all or sea-launched cruise missiles. Even under START, we will have a nuclear arsenal of 7,000 to 8,000 or more warheads of all types.

This Senator is utterly convinced that when each side has 7,000 to 8,000 nuclear warheads, each far bigger than the Hiroshima bomb, deterrence is secure. A tenth of those weapons delivered on either the United States or the Soviet Union would cause death and devastation on a scale never before seen in human history.

We should build weapons systems because we need them to deter war—not for bargaining leverage in Geneva.

Mr. President, this plane is not worth its cost. We should end this program. I urge all Senators to support my amendment.

Mr. President, I know there are other Senators who wish to speak on this on both sides. I would advise the distinguished managers it is my intent, provided it is precipitated on the other side, if there is time left over when the proponents have finished speaking, I would simply yield back whatever time is left because I know the distinguished manager wishes to complete this bill tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I am pleased to yield to the Senator from Nebraska [Mr. EXON] all the time he needs.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I rise in strong opposition to this amendment to delete procurement funding for the B-2 bomber program. As a member of the Senate Armed Services Committee and the chairman of its Subcommittee on Strategic Forces and Nuclear Deterrence, I have followed this program very carefully for a decade and believe that we should pursue its continued development.

My reasons for supporting the B-2 program are essentially threefold. First, bombers are the most stabilizing nuclear system in that they hold significant targets at risk but cannot be regarded as a first-strike system. This argues strongly for a modernized bomber force. The 97 B-1B's and aging B-52 force alone would be inadequate to meet the stated strategic goal of approximately 230 modern, heavy bombers.

I think it very important that we design our future nuclear forces with stability in mind and that we move away from those which have a hair trigger on them. Bombers meet the ticket like none of the other weapons or proposed weapons or weapon systems that we have.

Second, the stability offered by bombers is clearly recognized in our START proposal, agreed to by the Soviets, which counts penetrating bombers and their entire load of weapons as only one strategic nuclear delivery vehicle and one warhead against the START ceilings of 1,600 delivery vehicles and 6,000 warheads.

This counting rule was deliberately pursued with the B-2 bomber in mind. If the B-2 bomber proves unsuccessful or the Congress, for whatever reason, terminates this program, our entire START proposal becomes unglued. The Joint Chiefs have repeatedly testified that they could not support START as currently configured without a modernized bomber force including B-2's.

A responsible President could not agree to such a treaty without the B-2 nor should a responsible Senate approve such a treaty under this circumstance. Without the B-2, we would need to completely renegotiate our START proposal. And that will set back any chances, in my opinion, Mr. President, of any such agreement, which we all hope can be entered into, confirmed by the U.S. Senate, and made effective.

Third, the B-2 represents a revolutionary system which will render obsolete the huge Soviet investment in air defenses. Unlike our Nation which emphasizes deterrence, the Soviets worry a great deal about defending against a nuclear attack. They invest almost equally between strategic offensive and defensive capabilities. The B-2 will force the Soviets to continue this and will plague their defense planners for decades. This can only strengthen deterrence.

For these reasons, it is very shortsighted to view the B-2 as "just another strategic weapon" for which there are less expensive alternatives or no compelling requirement. Given its revolutionary design, we have had to design and build the B-2 like no other aircraft in history. Due to the complexity of the aircraft and the need to safeguard its stealthy secrets, we must have a reliable, trained work force with the necessary security clearances.

This amendment would deny production funds next year. That means that we would have to lay off trained and security-cleared personnel. Then, if we later decide to build the B-2, we would have to rehire these people—if they are still available. We would have to essentially retrain and recertify the work force. Delays in production would also upset the certification of subcontractors and vendors.

In addition, changing the planned production rate could disrupt advantageous fixed-price contracts which have minimum production rates. Denying production funding would be very ineffective and would no doubt add substantially to the program cost—the exact opposite of what we all want to see in defense spending.

Mr. President, I understand the concern of the sponsors of this bill. They want to ensure that the B-2 is successful before we build it. I wholeheartedly share this concern. But I disagree strongly with their response.

The Strategic Forces Subcommittee and the full Armed Services Committee debated this issue very thoroughly before it reported out the defense authorization bill. The committee members likewise were concerned that the B-2 prove successful before we buy it. But the committee took a different course of action to protect the taxpayers' investment.

Rather than deny production funding which will only be disruptive and ultimately more costly, the committee elected to adopt my subcommittee's proposal and fence B-2 funds pending the successful outcome of its tests. What this means is that production money cannot be spent until the plane's development proves successful.

Mr. President, the Armed Services Committee has held countless hear-

ings on this and everything to do with our national defense, calling in the real experts in this field, having a broad understanding and a staff that works relentlessly in this area. We simply said that the B-2 program had to jump through several hoops, if you will, to prove itself before we went forward with all-out procurement.

With the first flight and several subsequent flights of the B-2, the first of these fences, or hoops, has been successfully passed, but that is just for starters. To ensure that the B-2 works, the remaining fences include successful completion of block one aircraft flight characteristics and an independent review by the Defense Science Board before we proceed.

Successful completion must be met for additional performance milestones, cost reduction initiatives, contractor and quality assurance practices, and successful completion of the Stealth characteristics, with yet another report required by the Defense Science Board.

To ensure the affordability of the B-2 program, other fences require adequate funding for the B-2 in the defense 5-year plan and annual certification from the Secretary of Defense that the unit flyaway costs of 132 bombers, as envisioned in the program, measured in constant dollars as of 1990, shall not exceed $295 million per plane. Additionally, despite the fact the Armed Services Committee prepares a 2-year authorization bill, no funding for the B-2 was authorized in fiscal year 1991. These are hardly the actions taken by someone blindly committed to bettering an aircraft before it is fully tested for, if the B-2 fails to meet these fences, funding is simply denied.

Furthermore, in a 92-to-7 vote during debate on the authorization bill, the Senate stated that it had not made a decision on the ultimate number of B-2 bombers to be bought, and I think everyone should understand that. I submit that the approach taken by the Strategic Subcommittee and subsequently approved by the full Senate in the defense authorization bill is the better route, the wiser route, if you will, and is a course of action that we should maintain.

It shares the identical concerns and accomplishes the very same goal of protecting the taxpayers expense by the sponsors of this bill, but it does so in a way that will not add to the ultimate program costs. Accepting this amendment will unquestionably increase costs by disrupting the work force, the vendors and existing contractors. Taking the approach previously adopted by the Armed Services Committee and by the Senate as a whole, safeguards the taxpayer every bit as much without increasing the program costs.

If we are trying to objectively review the B-2 and give it a fair test, why do so in a disruptive manner that is proposed by this amendment? Mr. President, this approach is unwise and predisposed to terminate the B-2 program. I think that strategically this would be an extremely unwise move.

I urge my colleagues to defeat this amendment for a number of reasons. Foremost is the fact that those of us who have studied this program for a long, long time, have raised questions about it, those of us who have been involved from the very beginning on this program still are insisting that the B-2 prove itself before we go through any expensive buys.

The bottom line on all of this, Mr. President, is that any of us who are concerned about the ongoing negotiations with the Soviet Union that are progressing right now, all of us who are concerned about finally getting to a START agreement that would essentially cut the number of warheads on each side in half, we are all for that. I must emphasize once again, Mr. President, that if an amendment, like the one that has just been offered, ever comes to pass, there is not going to be a START agreement with the Soviet Union, as far as we can see into the future.

No less than Gen. Jack Chain, the commander of the Strategic Air Command, came in in open session and testified that when we went into the START treaty, when we went into the negotiations of that following Reykjavik, it was clearly understood by those of us on this side, as I cited in my remarks, that Stealth was a key ingredient to make us equal with the Soviet Union in the whole area of deterrence. Therefore, anyone voting in support of this amendment is, in a sense, saying, notwithstanding that, I want to kill this program. Those who vote that way are simply saying that we do not need the B-2 to properly have the deterrent that the strategic triad has given us for all of these years.

Not for a moment is the Armed Services Committee or this Senator saying that the B-2 is an assured plane that will do exactly what it is supposed to do. I cited in some detail, Mr. President, the hoops, the safeguards, the fence, call it what you will, that we have insisted upon before we make a large buy of this aircraft.

I can only hope and pray, Mr. President, that the B-2 does pass through those hoops, that it does pass through those fences because, as not only Jack Chain, the commander of the Strategic Air Command said, incidentally, also, in hearings last week on General Powell, the new chairman of the Joint Chiefs of Staff, he repeated the same statement, if we do not have Stealth, for whatever reason, whether the plane does not perform up to standards and we later decide to cancel it, or in the heat of a moment, the House or the Senate kills the program, then we are going to have to start all over again on our START negotiations, which will make it very difficult.

Last but not least in this area, Mr. President, let me cite the fact that if we adopt this amendment, now or in the foreseeable future, we would be tying the hands of the President of the United States in such a manner that it would not be possible for him to continue serious negotiations with the Soviet Union because gone—gone, Mr. President—would be that deterrent that we need that all of our military commanders at every level agree on, and that is that we need the B-2 operational in some reasonable number, or they would recommend to the U.S. Senate that we not confirm a START agreement even if it were signed.

I am confident, Mr. President, that that agreement would never be signed because the President of the United States himself knows that, without the deterrence that the B-2 has in our overall deterrence factors, we could not in good conscience move forward with a START agreement.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. INOUYE. Will the Senator yield for a few questions?

Mr. EXON. I will be happy to yield.

Mr. INOUYE. Mr. President, we are well aware of the work the Senator has done in this area, and we look upon the Senator as one of the foremost experts. Can the B-2 bomber be recalled from its mission?

Mr. EXON. Can it be what?

Mr. INOUYE. Can the B-2 be recalled from its mission?

Mr. EXON. Certainly. The B-2 bomber, like any bomber, has that inherent built-in safeguard where it is not a hair trigger system, and it can be recalled.

Mr. INOUYE. In other words, if after sending the B-2 out on a mission we learn that it was a mistake, it can be brought back?

Mr. EXON. Exactly.

Mr. INOUYE. Can we do the same thing with an intercontinental ballistic missile?

Mr. EXON. We cannot.

Mr. INOUYE. Can we do that with an air-launched or submarine-launched cruise missile?

Mr. EXON. We cannot.

Mr. INOUYE. Can we do this with the Trident II missile?

Mr. EXON. We cannot.

Mr. INOUYE. And so in this insane world the only stable strategic weapons system we have is the B-2?

Mr. EXON. It is the only one that will be effective in the future as a penetrator through the Soviet radar defenses. There are other systems that we have that can make partial pene-

tration, but it is the only one, according to the experts, that would be able to make the penetration through Soviet air defenses.

Mr. INOUYE. Is it not also true that in the development of new generations of systems there is always a huge R&D cost, such as when we progressed from propeller-driven aircraft to jets?

Mr. EXON. The Senator is correct.

Mr. INOUYE. And now we are entering into a new generation of aircraft, the Stealth. Is it correct that we have already spent $22.5 billion in this endeavor?

Mr. EXON. The Senator is absolutely correct. If I might expand on that for just a moment, you will remember that I told the Senate in my remarks a few moments ago that this is not just another bomber. This is a whole new system, and because it is a whole new system and new technique, it requires that we develop the production facilities, the production tooling, if you will, to run a line of bombers.

To try to clarify that a little bit, I might add that all of our other bombers we have made, going back as far as we can remember, were built up "by hand," to use an oversimplified phrase. We did not build up the production runs and the tooling which we had to do in this particular instance because of unique and new characteristics of the aircraft.

Mr. INOUYE. I realize that this can be very confusing for citizens. We have had many numbers mentioned in our debates. My friend from Vermont mentioned $532 million a copy for each B-2? That is the "program acquisition cost" which includes the research and development money; am I correct?

Mr. EXON. The Senator is absolutely correct. That would be total cost if you want to allocate the money that we have spent thus far to the end product, the eventual finished aircraft. And I might add, that is based on the full 132 production.

Mr. INOUYE. Today, if we were to purchase a B-2 bomber, the cost to the taxpayer we would calculate for the aircraft coming off the production line would be $315 million, would it not? This is the "flyaway cost?"

Mr. EXON. Flyaway costs of the bomber, yes, the Senator is approximately accurate. That sets aside the $22 billion that we have already spent.

Mr. INOUYE. That is gone.

Mr. EXON. That is gone. We are never going to get it back. We are never going to be able to have a chance for a return on that investment if the amendment before us is accepted by the Senate.

Mr. INOUYE. So now if we are to purchase additional B-2's, we will be paying $315 million a copy?

Mr. EXON. The Senator is correct.

Mr. INOUYE. Does the Senator have any information to suggest that the Soviets are working on a Stealth weapons system?

Mr. EXON. Much of that is classified information. I believe I could best respond to the Senator by saying there is not a system that we have ever talked about building or built that the Soviets have not come up with their answer. The Soviets, as much as anyone else, know how important that is. I simply remind the Senator what I said a few monents ago. The Soviets do not need a B-2 Stealth bomber as we need a B-2 Stealth bomber. They have an estimated $300 billion already invested in an extensive radar system, and they are building and adding to it all the time.

The reason for that, of course, is the fact that the Soviets, throughout their history, have been extremely defense minded as far as the motherland is concerned. We are essentially naked in that area. We do not have that extensive array and we are vulnerable today. I would say to my friend from Hawaii, if the Soviets decided to launch an attack with the non-Stealth bombers that they now have.

We have certain ways we could compensate for that, but that is all tied up in a very complicated matter of deterrence. Deterrence comes down to the fact that one side is not likely to do this because they know if they did that the other side would do that. Therein lies the reason that the Soviet Union has not been forced to develop a Stealth bomber, because they do not need it, because we do not have the array of radar around the United States that they would have to get through. The opposite is true with us.

Mr. INOUYE. Is it true that, in the present strategic arms reduction treaty talks, the START talks, in calculating nuclear weapons we count each warhead on an ICBM as one unit?

Mr. EXON. Correct. If there are 10, for example, on an MX missile, then those are 10 under START.

Mr. INOUYE. That becomes 10 bombs.

Mr. EXON. Yes.

Mr. INOUYE. Is the same method used with counting submarine-launched missiles.

Mr. EXON. Yes.

Mr. INOUYE. However, with the B-2 bomber, if the bomber carries 10 bombs, it is still counted as one weapon?

Mr. EXON. The Senator is correct, and that is a very key point that I addressed. I am pleased that he has emphasized that.

Mr. INOUYE. It is not true that the negotiators decided to take this stance to encourage, if we are to arm ourselves, that we arm ourselves with bombers instead of these nonrecallable ICBM's?

Mr. EXON. The Senator is very accurate. I would just emphasize that a point a little bit more if I might in response to the very point the Senator from Hawaii is now making. That is why, if we would accept this amendment, we would for all intents and purposes kill any chances of coming to a START agreement with the Soviet Union, because, as the Senator from Hawaii has so well pointed out, that is an integral part of the agreement we are working on now, and without that the United States would not be fairly treated in any give-and-take proposition as regards the deterrent if we eliminated the B-2.

Mr. INOUYE. So what the Senator is suggesting is that this amendment goes beyond just the budget constraints; it involves the START talks?

Mr. EXON. Again, the Senator is correct.

Mr. INOUYE. I thank my distinguished friend from Nebraska.

Mr. EXON. The Senator from Hawaii, if I might just respond a little bit further, indicated a $315 million a plane cost. The Armed Services Committee has that set at $295 million. I do not know where the $20 million difference is.

Mr. INOUYE. The difference of the $20 million could come from our having slightly different program information from the Air Force.

Mr. EXON. Came from where?

Mr. INOUYE. Perhaps it is slightly different information from the Air Force.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont controls 30 minutes 47 seconds; the Senator from Hawaii controls 17 minutes and 17 seconds.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. LEAHY. Does the Senator from Maine wish to take time from the proponents or the opponents?

Mr. COHEN. Actually, I would like half from each.

Mr. LEAHY. How much time does the Senator from Maine want?

Mr. COHEN. I would perhaps need 3 or 4 minutes total.

Mr. LEAHY. I ask unanimous consent that each side be able to yield 1½ minutes each of their time.

Mr. EXON. I thought he said 3 or 4. Can we make that 2 minutes each?

Mr. LEAHY. Fine.

The PRESIDING OFFICER. The unanimous-consent request is 2 minutes from each side for the Senator from Maine. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

Mr. COHEN. Mr. President, I asked each of the leaders to yield me time because I was not sure whether I should speak against or for the amendment because I think there have been some overstatements made on both sides.

On the one hand, a great deal has been made with the statement that without the B-2 there will never be a START agreement signed. That presumes that the B-2 is going to fly, technically speaking, not to mention fiscally speaking.

So if the B-2 were to miss some of the hoops and we decide we really should not build a plane that does not meet the specifications, we would never have a START agreement? That simply is not the case nor is that the testimony before the Armed Services Committee.

The START agreement is not doomed without B-2. It may be delayed without the B-2, but it is not doomed. I say that, and I also want to challenge the statement that the Pentagon is simply teasing the Soviet economy with enormous costs for a new system. I do not think that is the motivation. We have had a strategic triad over the years. This is an attempt to modernize one leg of that triad. And there are those individuals who have always been opposed to systems we have available or those in development and always in favor of a system in the distant future.

I think the B-2 technology is revolutionary. I do not think there is any question about that. The real issue is whether or not the mission still retains viability in view of the costs involved.

B-2 is held out as being slow flying. Indeed it is. Recallable, indeed, it is. Stabilizing, indeed, it is. But so is the B-1 bomber. That is also slow flying, recallable, stabilizing. And what we have to do is reach a judgment as to whether or not the B-1 bomber outfitted with air-launched cruise missiles, stealthy air-launched cruise missiles, would not pose just as severe a threat to the Soviet Union as the B-2. That is a judgment that may have to wait for further evidence but is one that I am inclined to believe is more and more supportable.

Second point is this: The B-2 bomber—and I have heard all of the discussion here today—is more attractive because of the so-called counting rules. The counting rules have been preliminarily established by agreement, but the rule for the bomber was actually proposed by the Soviets. They proposed the counting rule which gives the B-2 a count of one, even though it may have 20 gravity bombs on board. It gets a count of one.

It seems to me that you could change the counting rule and have a B-1 carrying 20 ALCM's, for example, and have that count as one. So the real key is whether or not we can or should change the counting rule. It seems to me we have to weigh the technology involved with air-launched cruise missiles, stealthy air-launched cruise missiles on a B-1 against the B-2 technology. I think that is a very close call.

I await the further deliberations that will come before the Senate tonight. But I am leaning more and more toward the conclusion that the mission for the B-2 bomber, a penetrating bomber, no longer has the viability that I once or we once thought it did, that we can accomplish virtually the same thing by having a standoff capability with the B-1 with air-launched cruise missiles.

We could alter the counting rules so as to favor the B-1 without the necessity of going to a B-2. We ought to send at least a signal to the Pentagon. I have heard rumors that there is sentiment among the Joint Chiefs to eliminate the current counting rule proposed by the United States which gives a favorable discount to bombers deployed with air-launched cruise missiles.

If I may have 1 additional minute from the Senator from Vermont.

Right now—and I would just take a bit of issue with what the Senator from Hawaii mentioned a moment ago—the B-2 counts as one under the Reykjavik counting rules. But the B-1 outfitted with ALCM's would count only as 10, assuming they even had 20, it would count as 10.

So there is a discount rule for the B-1 with ALCM's as well as the B-2. There has been some sentiment expressed that the members of Joint Chiefs might be inclined to change that counting ruling to eliminate any discount in favor of an ALCM-carrying bomber. I think that would be a very, very serious mistake at this point in time.

We may not have a B-2. If we were to have a counting rule which counted the B-1 with ALCM's on board as one for one; namely, 20, we would lock ourselves into a position where you might not have the B-2 and you have negotiated away the benefits of having a B-1 with ALCM's.

So I think we ought to send that signal at the very least to the Pentagon not to change that rule. I hope we could even go back and reconfigure the counting rule to favor the B-1 outfitted with ALCM's.

I thank the Chair for its patience and my time.

Mr. EXON. Mr. President, I yield 1 minute to myself as the proponent of the measure.

I thought the Senator from Nebraska and I also thought the Senator from Hawaii made it very clear that if we do not proceed with the B-2, and if the B-2 is never in our inventory, the START agreement is essentially dead in the water as of now.

I did not mean to indicate—and I do not think we did in our remarks—that it would be dead forever. What I am saying is—and I think we should agree on one point—if the B-2 for whatever reason never enters our inventory, then the START agreement has been put off for months, more likely many, many years because we would have to renegotiate the whole proposition. That might be possible in the long term.

I simply say that the head of the Strategic Air Command has testified publicly before the Armed Services Committee that by the year 1992 or 1993, the effectiveness of the bomber leg, the air-breathing leg of our triad, would be cut in half because of the combination of aging aircraft, basically the B-52, and the increased Soviet defenses against the B-52, and our inventory of B-1's.

So I think that point should be made very, very clear. Regardless, we might disagree on the time but there can be no argument that if the B-2, for whatever reason, fails to be part of our third leg of our triad, then the START agreement is going to be delayed at best, and there is a possibility that it might not ever come to pass.

I reserve the remainder of our time.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. WIRTH. I thank the Senator for yielding.

I was delighted by the discussion by the Senator from Maine which sounded to me like a pretty good analysis as to why we ought to support this amendment.

I would like to, first of all, before getting into some of the budget implications, to go further on the discussion by the Senator from Maine about the mission of this bomber.

We talk about this bomber as being absolutely essential for the triad. What we are really talking about is one leg of the Triad where we already have a redundant capability, making the leg of the triad a multi, tens and tens of billions dollars, just a little bit safer. Does that make sense? Probably not.

Second, in talking about the mission of this, the original justification of the Air Force was that this was to go after mobile targets. They gave that up about the same time they came in with the other justification that we had to build a B-2 because of START.

When we had that discussion in the Armed Services Committee, General Chain and others came up and said they had to have the B-2 in order to get START. When pushed by some of us at the bottom of the committee, we began to see them backing off that a bit. You get into how you recount if that is the appropriate thing we can do. We also already have 8,000 warheads. The START ceiling is 6,000. Do we not have enough on that front? Of course, we do.

There is a bit if, I say, hyperbole in the relationship of the B-2 and having to do START.

Fourth, they came in this mission and began to say to us that they had to have the B-2 because of all of the brushfire warfare that we were getting into. Seriously, are we going to use a bomber that costs hundreds of millions of dollars to attack a tent out in the African desert? I seriously do not think that we are going to. But leaving aside the mission, everybody got very confused up one side and down the other with the mission and counting and START Treaty, and so on. This is a bomber in search of a mission; we have seen its changed mission now four times. More important, we ought to talk about the priorities as to what we are here to debate and to think about. What is going on in this country today?

Mr. President, I suggest and remind my fellow Senators that we have a deficit of at least $100 billion by OMB's numbers, $130 billion by CBO's numbers, and any honest counting, putting in the real numbers, which include Social Security, as the Senator from Nebraska has said very clearly, we have no $130 billion deficit, but a $230 billion deficit, and growing.

Not only do we have that deficit, which is a cancer on the economy of this country, a cancer on our foreign trade situation, and a cancer on our ability to do anything in the future, we cannot invest in bridges, highways, tunnels, railroads, and education, just at a time when the capability of our young people is declining. We cannot even go about taking on the drug issue.

We have been debating for 2 weeks $1 billion in drugs, two B-2 bombers. We have been debating an enormous clash over that $1 billion, taking up a tremendous amount more interest and concern in this body, as it should, than this bomber program, which is a $70 billion program.

Our priorities are truly out of whack. They are truly out of whack within the military at a time when military has to cut its budget, Mr. President.

The Senator from Vermont was very clear. Look at the red ink, look at how much the military already has to cut its budget. They are trying to add to it with the B-2 bomber. We do not have that kind of money within the Department of Defense, and we do not have that kind of capability to spend within the overall budget program.

I know very few Senators on this floor who will come out here and be 100-percent advocates for the B-2. Almost everybody is uneasy about the B-2, and getting increasingly uneasy as the mission gets a little bit more slippery to get a handle on, as the Defense Department numbers get tighter, and as our overall budget picture gets worse and worse.

Everybody, I think, or almost everybody, is uncomfortable. We are going to get more uncomfortable when the cost goes from 550 to 650 to 750.

Mr. President, if we follow the same pattern that the B-1 program followed in terms of cost overruns, if we follow that same trendline the B-1 had, this bomber is going to cost $1 billion a copy. Let us get serious. Are we or do we really believe that we are prepared and want to spend $1 billion for a single airplane?

I suggest that not only within the Department of Defense are our priorities wrong, but overall our priorities are wrong, and we are going to have to make this decision. Let us do it now. Let us not nickel and dime it to death. Do it now by supporting the amendment which is in front of the Senate today.

Mr. President, at the time the B-2 was put on the drawing boards in the late 1970's, it may well have seemed an appropriate response to the pressing challenges facing America. But as we enter the last decade of this century, the B-2 seems a glaring symbol of misplaced priorities. The world has changed dramatically around us, and we must have the wisdom and the ability to keep pace with the change. It is in that spirit that Senators LEAHY, HATFIELD, SASSER, ROCKEFELLER, LIEBERMAN, and I offer this amendment.

In the late 1970's, the Nation was embroiled in debt over the need to strengthen America's defense in light of Soviet adventurism, our emergence from the post-Vietnam syndrome, and the perceived need to bolster American leadership of our security alliances. As we enter the 1990's, we face the twin trade and budget deficits which threaten to undermine the very foundations of our national strength. We face a worldwide environmental crisis, with untold implications for economic and political stability in the next century. Our national infrastructure is crumbling, our education system is failing—eroding our ability to be competitive in the global market of the 1990's. The cancer of drug abuse is destroying untold numbers of our countrymen. These are the challenges we as a nation must stand up to in the 1990's.

In light of these challenges, the Air Force is laying claim to $50 billion of national treasure to procure 132 Stealth bombers to add further redundancy to our overwhelming strategic nuclear arsenal—to "make the rubble bounce" in Churchill's phrase. The national security challenges we face are not in this arena, Mr. President. Those challenges are far more subtle and intractable—which perhaps explains why we focus so easily on weapons systems.

Mr. President, as we debate the B-2 on the Senate floor this week, we are all aware that next month we may face the specter of a Gramm-Rudman-Hollings sequester for fiscal year 1990. The Congressional Budget Office claims that the projected Federal deficit for fiscal year 1990 is likely to be $24 billion above the fiscal year 1990 Gramm-Rudman target of $100 billion. A sequester of that magnitude will mean cuts of $12 billion in the Department of Defense for fiscal year 1990—and if the President chooses to exempt military pay from that sequester, the entire $12 billion will be cut from procurement, research and development, and operations and maintenance.

The impact of that notional sequester for fiscal year 1990 should be at the front of every Senator's mind as we debate the fate of the B-2. The budget pressures are only going to increase, and with it, the competition for a shrinking pool of resources for national defense. Under Gramm-Rudman, we are expected to further reduce the Federal deficit from $124 billion in fiscal year 1990 to zero by fiscal year 1993. During this same time, the administration's projection for B-2 funding goes from $4.7 billion to $8.4 billion in 1993.

The pressure on the budget is not likely to let up. If you remove trust fund revenues from the Federal budget our current deficit is close to $240 billion. To this we must add all unforeseen yet urgent needs, such as: Environmental cleanup at our nuclear weapons complex, estimated at over $100 billion; the savings & loan bailout at $160 billion; and capital improvements in our Nation's infrastructure of highways, bridges, and other public services. The Economic Policy Institute suggests, for example, that we will need to spend at least $30 billion to address our infrastructure problems—or face declining productivity.

In addition to these macrobudget pressures, the Pentagon's own 5-year defense plan [FYDP] is counting on resources that are not likely going to be there. The Comptroller General of the United States told the Senate Armed Services Committee this year that planned defense spending over the next 5 years may outpace actual funding by $150 billion. The current 5-year plan assumes unrealistically low inflation, and a commitment to real increases in defense spending over that

period; it is also over the President's budget by $48 billion. All of these factors suggest that additional program cuts of $150 billion will have to be made at DOD—roughly a $30 billion annual cut in the administration's request.

During the defense spend-up of the first Reagan term, the opportunity costs of new programs were not felt because the entire budget was growing at such a dramatic rate. The opposite will be true in the coming years: In a shrinking budget, programs like the B-2 will increasingly be seen in terms of what we must give up to fund them. This will force upon us some very tough choices about the amount of additional security by investing in a given program. I do not think the B-2 can stand that test.

Mr. President, I would pose two very simple questions: "Do we need the B-2?" and "Can we afford it?" The answer in both cases, in my view, is a clear no.

The Air Force argues that we need the B-2 to maintain the strategic triad of land-based ballistic missiles, submarine-launched missiles, and strategic bombers. Yet our strategic forces have today and will have in the foreseeable future an awesome destructive capacity—more than adequate to deter Soviet aggression.

In the land-based leg of our strategic triad we deploy 1,000 missiles carrying a total of 2,450 warheads. More than half of these warheads, carried on MX and Minuteman III missiles armed with new Mk-12 warheads, have sufficient accuracy to destroy such critical hardened targets as ballistic missile silos. The remaining warheads, deployed on Minuteman II missiles, are huge 1-2 megaton warheads—each one capable of completely leveling even the largest Soviet city with a single blast.

In our sea-based leg, we have 34 highly survivable submarines carrying an astounding total of 5,312 warheads. Again, well over half of these warheads are deployed on the modern C-4 Trident I missile that has increased range and explosive yield over older C-3 Poseidon missiles. Furthermore, with the addition in the near future of the Trident II D-5 missile, our submarine fleet will not only gain added destructive power and range, but also the accuracy to threaten time-urgent hardened targets. In fact, the D-5 will nearly double American hard target kill capability. Mr. President, this deterrent force alone could inflict such horrible destruction on the Soviet homeland that even if a Soviet planner could be assured of destroying the other two legs of our triad, the destructive force contained in our sea-based leg would surely deter him from any aggressive action.

Last, in the air-based leg of our triad we have 372 aircraft—including 100 B-1B bombers—carrying approximately 5,500 warheads. Some 3,400 of these warheads are carried on highly accurate cruise missiles, which have the same capability to destroy Soviet command centers and hardened targets as do the weapons to be carried on the B-2. These weapons are, of course, in addition to the many short-range attack missiles [SRAM's] and gravity bombs that both the B-52, the B-1, and the FB-111 are designed to carry.

This Nation possesses over 13,000 strategic nuclear warheads—3,000 more than the Soviet Union. The total explosive yield in the U.S. strategic force structure is equal to approximately 2,500 megatons. In Europe, even after the implementation of the INF Treaty, we have 250 nuclear missiles, 4,000 nuclear capable artillery tubes, and 1,600 strike aircraft capable of reaching Soviet territory with nuclear weapons. Today, the President of the United States has the authority to release more explosive power in a half an hour than has been released in every previous war in the history humankind combined.

B-2 proponents argue that without the new Stealth bomber, our bomber force will be rendered impotent in the 1990's—that if we kill the B-2 we will be effectively forefeiting the bomber leg of our strategic triad. Mr. President, we are led by rhetoric from the need for a triad to the need for a penetrating bomber to the need for B-2. But what are we really talking about?

In the simplest terms, we require sufficient retaliatory nuclear weapons to hold key Soviet targets at risk and thereby deter the Soviets. Obviously, the B-2 provides additional capability to strike Soviet targets—and therefore can be said to provide greater options to the President. But it is a redundant capability—virtually all the targets we need to hold at risk can be covered by other means: Minuteman, MX, Trident D-5, and air- and sea-launched cruise missiles. Can we afford an additional $50 billion to provide greater redundancy and cross targeting options? Would such an expenditure buy the United States 50 billion dollars worth of national security? I do not think so.

Does the B-2 perform a unique strategic mission which justifies its procurement? The Air Force originally based its case for the B-2 on its ability to carry out a unique mission—to locate and destroy mobile targets, such as the SS-24 ballistic missile deployed on Soviet railcars. But there is a contradiction between hiding and seeing in this case, because to see mobile targets the B-2 would have to emit radar signals which would give away its location. Alternative methods, such as bistatic radar, are far in the future. The Air Force no longer justifies procurement of the B-2 on this mission.

The only unique strategic mission for the B-2, combining the great accuracy and high yield of B-2 weapons, appears to be the destruction of Soviet underground command bunkers many hours after the commencement of nuclear war. But does that make sense? Without Soviet leaders to talk to and to control their forces, how can a nuclear war ever be stopped?

Recently, the B-2 has taken on the additional mission of selective conventional strikes. This new mission was not part of the original requirement for B-2, and it is of course true that B-2 could be used in a conventional mode. But do we really need such an aircraft to strike targets in places like Libya? Would we really use it for such a mission? Even if one accepts that we would, as Senator COHEN put it, send a Rolls Royce into a combat zone to pick up the groceries, it is hard to justify purchasing 132 B-2 bombers for that purpose. The pending amendment would leave 13 B-2 in the inventory, a more than sufficient force to deal with most conventional missions.

Mr. President, much has been said recently about another B-2 mission—its role in the strategic arms control talks. At a hearing before the Armed Services Committee on July 21, senior Air Force officials stated that without the B-2 they would not be able to support the current U.S. Strategic Arms Reduction Treaty [START] proposal. The linkage between B-2 and START is in part an attempt to shore up support for the B-2 by holding START hostage to production of the new bomber.

But this linkage is also based in the START counting rules which allow us to build penetrating bombers by heavily discounting those weapons. That is an advantage—some would call it a loophole—we built into the treaty at the Reykjavik summit, arguing that bombers don't have the same probability of reaching targets as missiles and should therefore be discounted.

Thus, under START each bomber counts as only one warhead, although they may carry many nuclear weapons aboard. The 132 B-2's are programmed to carry 20 nuclear weapons internally, making them capable of delivering 2,640 nuclear weapons. For this reason, the advertised START warheard limit of 6,000 per side would translate into closer to 9,000 on our side because of the B-2 advantage. The bomber discount was considered a major Soviet concession, because in the long run, few believe the Soviet side will maintain as large a bomber force as ours. As Senator COHEN pointed out in debate on the defense authorization bill, it is difficult to understand why the Soviets agreed to this counting rule if they are so concerned about the threat posed by manned bombers.

The Air Force seems to be suggesting that without the 2,600 weapons

the B-2 could ultimately carry, the United States will not have enough nuclear weapons to ensure deterrence. Even without the B-2, under START the United States will have some 5,000 ballistic missile warheads, most of which carry the explosive power of dozens of Hiroshimas—and some 3,000 bomber weapons and air-launched cruise missiles of similarly ferocious power. Are 8,000 weapons not enough to convince Soviet leaders that a nuclear war would cause their country unacceptable damage? On the contrary, recent studies indicate that current United States strategic doctrine could be maintained after START I and even after a second treaty reducing United States and Soviet forces to some 3,000 weapons.

Mr. President, perhaps the cost of B-2 would not be so controversial had we not just completed B-1 production. President Carter canceled the B-1 program in favor of reliance on cruise missile-equipped B-52's and a new Stealth bomber. But rather than adhering to this decision, the Weinberger Pentagon sought and received funds to proceed with B-1, while researching B-2 and outfitting B-52's with air-launched cruise missiles. The result is that in the 1980's, nearly half of the budget for strategic forces has been consumed by the bomber force. We have spent a staggering $100 billion on our strategic bomber force in the last decade. And now we are told this is not enough. Now we are told that we need to spend an additional $50 billion for B-2.

Secretary Cheney asked the Congress not to "nickel and dime" the B-2 program because that will inevitably drive its cost to patently absurd levels. At $550 million per aircraft, we have already stepped into the realm of the absurd. And the $550 million figure assumes a buy of 132 aircraft, which few honestly believe will take place. We must add the costs, estimated at $5 billion, of the Levin warranty provision, and the additional costs incurred as we slow the rate of production: the Air Force claims that the Aspin-Synar B-2 amendment cutting $1 billion in fiscal year 1990 will add $3.5 billion in additional costs to the B-2 program. The B-2 will end up being the first aircraft to break the $1 billion barrier.

The Senate voted almost unanimously for an amendment to the DOD authorization bill that placed performance fences around the B-2 program funding. The unassailable notion that we should not buy the B-2 if it does not work was supported overwhelmingly. But what we did not address is whether we should buy the B-2 even if it does perform as advertised: Do we need it? Can we afford it? The pending amendment offers that opportunity. If Senators believe that we will not end up buying an operational force of B-2's, they should vote now to stop production.

Many Senators might feel that it is too early to kill this program, but the costs of indecision are high. CRS estimates that the cost of program termination would be approximately $1 billion. This amendment would cut $2.5 billion in fiscal year 1990 production moneys—from which $1 billion in program termination would have to be added back for a net savings of $1.5 billion. The cost of proceeding through fiscal year 1991 will be an additional $3.8 billion; through fiscal year 1992, an additional $6.8 billion. Our former colleague, Senator Dirksen, would appreciate that delaying B-2 program termination runs into real money.

America faces enormous challenges in the 1990's. Rebuilding our economic strength, adapting to a changing international political order, addressing global environmental degradation will all demand our attention and resources. Managing national security in a world of increasing demands on scarce resources will require that we choose between the desirable and the necessary.

B-2 is not necessary. I am convinced that we will see that to be the case, and hope that we will not allow our indecision and delay to squander scarce resources.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield the distinguished Senator from West Virginia 7 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Senator from Vermont for yielding to the junior Senator from West Virginia.

I am pleased to be a cosponsor of this amendment that will terminate procurement funding for the B-2 bomber after the 13 planes currently in production have been completed.

To put it bluntly, I have become more and more outraged as the story of the development of this plane has emerged. I deeply regret that the project was included in the so-called black portion of the Defense Department budget for so long and that over $22 billion of taxpayers' money has been spent without adequate congressional and public oversight. I am not sure what benefit there was from a decade and a half of secrecy on this project. Sometimes I think that the purpose was not to keep information from the Soviet Union but to keep the Congress and the American taxpayer in the dark.

I had hoped that the B-2 bomber would improve our Nation's defense, but I must object to it on two grounds—need and cost.

The B-2 is technology in search of a mission. Originally the purpose of the B-2 was said to be to destroy Soviet mobile missiles. Yet now the Air Force admits that the B-2 cannot do this on its own. It will need a costly new satellite system to locate these targets. But no one knows if those satellites would be able to find the mobile targets or if, in the middle of a nuclear war, the satellites would even be operating. In any case, even the Air Force won't defend the B-2 on the basis of its original mission.

Now we hear that the B-2 will be used against fixed targets. An advanced cruise missile can do the job just as effectively at a fraction of the cost.

The B-2 was originally supposed to be used for high altitude flight. Now it has been redesigned to fly at treetop level, the reason evidently being that this will help in avoiding detection. But this will reduce the distance it can fly and will require in-flight refueling which increase the possibility of detection. Besides, if the stealth technology works so well, why does the B-2 need to be operated in this inefficient manner to avoid detection?

Consider Soviet air defenses. Is the huge expenditure for the B-2 necessary when a German youngster was able to fly a small plane from Finland, penetrate Soviet airspace, and land in Red Square without detection? Is it necessary when Warsaw Pact radar was unable to detect the flight of a MIG-23 without a pilot from Poland to Belgium? These events raise serious questions about the Air Force's evaluation of present and future Soviet air defense capabilities.

Another claim is that the B-2 can be used for specific antiterrorist missions. We need new ways to fight terrorism, but the B-2 does not provide us with an additional alternative. The B-2 was designed to be a high-tech nuclear delivery system. It hardly seems wise to risk a $550 million bomber to take out a $10 million bridge. A cheap, highly accurate, pilotless weapon would certainly be a better alternative.

It this is not enough of a reason to question seriously the need for the B-2 bomber, the cost certainly is.

The cost estimates of the 132 planes in the B-2 program are truly outrageous. Two years ago, the total estimated cost was $58 billion. Today, the Pentagon says it will cost $70 billion, or more than half a billion dollars per plane. Others estimate that the ultimate cost could be as much as $750 million to $1 billion per plane. The total budget for the B-2 bomber program has increased by almost $17 billion over the last 2 years. And these figures don't even include lifetime maintenance costs, which will increase it dramatically.

As we all know, this is an era of limited Federal resources. We cannot fund everything we want to fund, or even everything that we clearly need to maintain a secure, humane nation. We are fighting and struggling to figure out how to pay for the drug war. We are desperately looking for antidrug funds while we are throwing over half a billion dollars into each B-2 bomber. This is a major reason why I cannot support the B-2 program.

We in the Senate have a responsibilty to watch how we spend every dollar, in both domestic programs and on defense. Yet the General Accounting Office recently concluded that President Bush's 5-year defense plan would require as much as $125 billion more than is budgeted in the plan. The B-2 makes up a significant part of this irresponsible plan. We are going to cripple our conventional forces in order to fund huge, strategic programs with very limited application. That is just plain dumb.

Let me put the cost of a single B-2 bomber into perspective. For the cost of three B-2 bombers, we could complete the Appalachian Regional Commission highway system in West Virginia, a project that is vital to the economic development of the entire region and the Nation. Two-thirds of one single B-2 bomber would fund the total Federal budget for community health centers. These centers provide primary care services to the millions of Americans who are medically underserved and unserved. A single B-2 bomber would finance the Federal Government's block grant for maternal and child health. The National Institute of Aging could be financed for less than we would spend on half of a single B-2 bomber.

Now, I am not suggesting, by these examples, that cancellation of the B-2 program would provide us with a so-called "dividend" that could be used in other vital areas. My point is that the cost of the B-2 bomber is totally out of proportion to the benefits gained, to the rest of the Federal budget, and to our national priorities.

As a final point, I recognize that technology can change quickly and that strategic requirements change as well. For that reason, this amendment provides for the completion of the 13 B-2 bombers currently under production. It also provides funding for test flights and continued research and development. In this way, we can build on the technology already developed, but we don't have to put the technology into this incredibly expensive bomber. I do not oppose the concept of stealth. I do oppose, however, the way in which the technology has been allowed to run amok in this program. I urge all my colleagues to support this amendment and terminate the B-2 program.

I thank the Chair and I especially thank the Senator from Vermont for his patience.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Vermont controls 13 minutes and 2 seconds.

Mr. LEAHY. The Senator from Hawaii?

The PRESIDING OFFICER. The Senator from Hawaii controls 13 minutes and 8 seconds.

Mr. LEAHY. Mr. President, I do not know if we have other Senators on my side who wish to speak. I see the distinguished Senator from Oregon. Does he wish to speak? I will yield shortly to the distinguished senior Senator from Oregon. Let me just say a couple things, Mr. President, while waiting.

I will inform Senators on this side that if they wish to speak in favor of my amendment we have about 10 or 11 minutes remaining. We will probably go to a vote before 8 o'clock.

Mr. President, I wish to respond to some of the more astounding arguments against my amendment that I have heard here tonight. First, it has been claimed that without the B-2 there will not be a START agreement. That is simply not so. In fact, it saddens me that the proponents of the B-2 will hang their arguments on a threat that somehow the B-2 is necessary for arms control.

I cannot believe for one moment that the President of the United States and the President of the Soviet Union, who have made commitments to their own countries and to the world that they are going to cut the number of nuclear weapons by 50 percent, are going to walk away from that commitment dependent upon what we do on the Leahy amendment here tonight. It makes no sense whatsoever.

Do Senators really believe the commitment made by President Bush and President Gorbachev hangs on whether we build the B-2 or not? I do not believe it does. I can tell you right now I cannot imagine any negotiator in Geneva on either side who really believes President Bush's or President Gorbachev's commitment will be affected based on what we do here tonight.

Second, it was said that the B-2 only costs $315 million apiece. That figure ignores the fact that we have already spent $23 billion on the B-2 program and somehow that $23 billion does not count. Well, it does count to the American taxpayers. Twenty-three billion dollars is twenty-three billion dollars. That is an awful lot of money.

Third, the opponents said the B-2 is essential for strategic stability and deterrence.

Mr. President, the United States and the Soviets even under START will have 7,000 to 8,000 warheads on 170 strategic bombers, 1,500 ballistic missiles and 2,000 cruise missiles. With that awesome power no sane leader in the world is going to attack the United States. Deterrence is going to be secure with or without the B-2.

I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, following consultation with the distinguished Republican leader I ask unanimous consent that immediately following the vote on the disposition of the pending Leahy amendment, the defense appropriations bill be temporarily laid aside and the Senate proceed without any intervening action or debate to third reading and vote on final passage of two appropriations bills in sequence: First, H.R. 2939, the foreign operations appropriations bill, and then H.R. 2990, the Labor-HHS appropriations bill. I further ask unanimous consent that the rollcall votes on these bills be 10 minutes each.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent to request the yeas and nays with one show of seconds.

The PRESIDING OFFICER. Is there objection to the single show of seconds? Without objection it is so ordered. Is there a sufficient second? There is a sufficient second.

The yeas and nays on each item is ordered on a 10-minute rollcall vote for each.

Mr. MITCHELL. Mr. President, so Senators will understand what is to occur, a vote on the pending Leahy amendment is scheduled to commence at approximately 8:10 p.m. That will be a regular 15-minute vote. It will then be followed immediately by two 10-minute rollcall votes each on the two listed appropriations bills.

Mr. DOLE. Mr. President, if the majority leader will yield, will it be his intention to have other amendments after those votes tonight?

Mr. MITCHELL. Yes, it is my understanding that Senator BUMPERS has an amendment dealing with Korea troop levels and that should take about an hour, and I anticipate that will be the final rollcall vote tonight, following which we will attempt to obtain consent on the broad agreement affecting the drug program which the distinguished Republican leader and I have been discussing during the day.

Mr. DOLE. I understand Senator STEVENS may have a substitute to the Bumpers amendment which may take 30 minutes.

Mr. JOHNSTON. Mr. President, will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. JOHNSTON. I thought I understood that the committee amendments would be the first order of business after the Leahy amendment. Is that not correct?

Mr. MITCHELL. I regret that I was not informed in that regard. But I will ask the distinguished manager.

Mr. INOUYE. We could take up the SDI amendment before the Bumpers amendment.

Mr. JOHNSTON. I believe that is the regular order.

Mr. INOUYE. Yes, we intend to set that aside to take up this Bumpers Korea amendment that the Senator is involved in.

Mr. JOHNSTON. The Senator would set the SDI aside?

Mr. INOUYE. Yes.

Mr. JOHNSTON. I think if we could do that. We really had most of the debate I think on SDI.

Mr. MITCHELL. It was not my intention to have the discussion between the distinguished Republican leader and myself intrude upon the specific order in which the managers would take up the amendment. I leave that to them, which way.

If I could ask the Senator from Louisiana, how much time would he need on SDI?

Mr. JOHNSTON. I think SDI could be handled in 30 minutes or less.

Mr. INOUYE. May I inquire of Senator BUMPERS how much time he would need?

Mr. BUMPERS. I would anticipate—Senator JOHNSTON and Senator BENTSEN are both chief cosponsors. I would want to clear it with them—but I would anticipate it should not take over an hour.

Mr. INOUYE. An hour equally divided?

Mr. BUMPERS. Yes.

Mr. DOLE. I think Senator STEVENS has a substitute.

Mr. BUMPERS. I am not aware of that.

Mr. INOUYE. The substitute will take 30 minutes, equally divided. So it is an hour and a half, equally divided.

Mr. BUMPERS. We are looking at the hour of midnight then?

Mr. INOUYE. No.

Mr. BUMPERS. That is fine with me.

Mr. INOUYE. We will be out of here by 10:30.

Mr. MITCHELL. I will leave that to the manager.

Mr. BUMPERS. If the distinguished floor manager and the distinguished majority leader will yield, just to clarify this, following these votes, we are going to SDI amendment and then the Korea amendment?

Mr. INOUYE. Yes.

Mr. BUMPERS. I thank the Senator.

The PRESIDING OFFICER. Who yields time on the pending amendment?

Mr. LEAHY. Mr. President, I yield 5 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President, let me first thank my colleague from Vermont for initiating this amendment. He and I have been on this floor many times over the years trying to inject a little sanity into the Federal budget. I am pleased to join him again, this time as a cosponsor of his amendment.

This debate, Mr. President, is about more than just the B-2 bomber. This bomber is about how much is enough. And it is high time—indeed, past time—that we admit that we have enough in our military arsenals. More than enough.

How I wish that we could say that about other parts of the budget. How I wish we could say that we have enough health care—or enough food for elderly shut-ins—or enough shelter for this Nation's 3 million homeless people—or enough treatment programs for pregnant women who are addicted to drugs.

But we do have enough in our arsenals, Mr. President. More than enough.

I have spent the last week in lengthy negotiations to develop a payment plan for our Nation's war against drugs. The plan we have developed is desperately needed—but it will take $9 billion to execute. That is for the first year. I do not need to tell my colleagues that it was tough to find that money. Very tough. Many worthy programs will suffer reductions—some more than others. In looking for offsets, we were forced to go line by line. Too often, we were forced to rob Peter to pay Paul.

But now the supporters of the Stealth bomber want us to play by different rules—no close scrutiny, no tough choices. Just a blank check.

Mr. President, I do not buy it.

First, take a look at the history of the Stealth's mission. In the early 1980's, we all waited with breathless anticipation as the Pentagon supplied us with tantalizing bits of information about a superplane which would fly into enemy territory without detection and take out mobile targets.

But now we are told that the Stealth will fly at subsonic speed and is designed to hit empty Soviet silos and military command posts.

Why the shift? Do the officials at the Pentagon know something about the Stealth that we do not? Maybe, just maybe, they are not so sure that the technology works. They want us to write a blank check for 132 planes, but it is entirely possible that the Stealth simply does not work.

Even if I were convinced that the plane worked, Mr. President, I do not believe that it will contribute to our security. I certainly do not believe that spending $550 million per plane while children in this country go hungry—while millions of elderly Americans live in poverty—while families walk our streets because they do not have a home—contributes to our security.

I know that some of my colleagues think I am missing the point. After all, we are not supposed to use this bomber anyway.

This is supposed to help us avoid nuclear war—just like the MX and the Midgetman, and the Trident II.

But to those who think I am missing the point, I say: I understand precisely. I understand the logic of deterrence—and I believe it is flawed.

There are those who argue that the Stealth is critical to our negotiating position with the Soviet Union—that each $550 million plane is a bargaining chip.

As one observer recently asked, Mr. President, how many chips can we pile on the bargaining table before it collapses under the weight? And how many people can we turn away from shelters—how many children can we turn away from Head Start—before the moral fibers of this Nation collapses too?

Mr. President, my arguments are nothing new to this body. My position is clear. I only wish that just this once, my colleagues will agree that enough is enough.

I thank the Senator from Vermont for yielding the time.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I thank the Chair and I thank my friend from Hawaii.

Let me respond, if I might, to some of the statements that have been made that I think are not entirely accurate.

First, during the debate tonight in support of this amendment, I heard that the Stealth bomber had been redesigned as a low-flying aircraft, therefore requiring more fuel and that standard that if an airplane flies at a low altitude it burns more fuel than the higher or medium-flight aircraft. Somehow it was implied that that change was made because characteristically the airplane did not do the stealthy job that it was designed to do.

Well, that is not accurate. This plane has not been redesigned and directed as a low-flying aircraft. This is a medium- to high-flying aircraft basically. There may be some runs that would require the B-2 to be at low level, and it would perform there as it has been built and thought out. But it is basically a high-flying, medium-flying aircraft that evades radar because of its stealthy characteristics without having to rely on the usual characteristics of a low-flying aircraft.

If I thought for a moment that the Stealth had been redesigned and was

programmed to be only a low-flying aircraft, then this would be the time to kill it right now. That simply is not the case.

There were some statements made by the supporters of this amendment that after General Chain testified early in his open testimony that some of the people down at the end of the table, whatever that means, questioned him and he backed off. I challenge that statement. I think there was no backing off whatsoever from Gen. Jack Chain. He said very firmly, as have all of the other military experts and leaders, including the new Chairman of the Joint Chiefs, that if the B-2, for whatever reason, is not in our inventory, then they would be required, under their conscience, and they use various phrases—I remember particularly that Gen. Jack Chain, the Strategic Air Command commander, said he would not only support Stealth, but he would not support START without Stealth; he would openly recommend against the START Treaty as now envisioned.

We also heard that this plane should not have a legitimate target as a tent in the desert. Well, obviously not. Those that are making those kinds of statements do not take into consideration the deterrent value of Stealth. Stealth would be an airplane that would cause the Soviet planners more trouble than anything else that was currently developed. Because if this aircraft performed as we think it will and as it is designed to perform—and I mention again that we have required in the Armed Services Committee that this system has to go through a lot of hoops—but if it performs as it is designed to perform, it could penetrate, it could be recalled, as the Senator from Hawaii has made a point of in our exchange. It could also be directed to certain targets that, when it got there, if that target had been destroyed by some of our other system, it would have secondary and third targets that it would be directed to attack.

The man in the loop as far as the third and very important leg of our triad, the air breathing leg, the man in the loop is tremendously important.

We have heard a great deal about the costs of this bomber. It certainly is a very expensive aircraft. But I think it should be properly pointed out, Mr. President, that as a percentage of the total defense budget—let us put this in proper terms so it is not misunderstood—as a total of the total defense budget the B-2 bomber is no larger a portion of the defense budget than was the B-1, when we introduced and built that, or was the old workhorse B-52, way back when that was built. We have to put these things in perspective, otherwise we get sticker shock.

I would add, Mr. President, if, for example, we could replace the Stealth with a giant jet, and go to Lockheed or Boeing or any place else and purchase it, it would be well over $200 million, without any of the expenses obviously built into this system.

Therefore, Mr. President, I sincerely hope the Senate will vote down this amendment. It is the wrong step in the wrong time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield 7 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am proud to join as a cosponsor of this amendment with my friend and colleague, the Senator from Vermont.

The Stealth bomber was designed to avoid foreign radar, but it seems to do nothing but attract domestic controversy, as doubts grow about its costs, and its value in the age of glasnost and cruise missiles.

The Air Force originally asserted that the Stealth's main purpose was to penetrate Soviet air defense to seek out and destroy mobile missiles and hardened command centers after an initial United States-Soviet nuclear exchange. Critics, however, pointed out that after such a catastrophe the least of our problems would be hunting down mobile missiles and the remnants of the Soviet leadership. U.S. leaders would want to negotiate an immediate halt in the exchange with the Soviet leadership rather than kill them. In any case, the Pentagon now acknowledges that the B-2 will not be able to find and attack mobile targets because it is beyond the technical capabilities of our satellites.

A more serious argument is that without the Stealth the Soviets would be able to move their air defenses closer to their borders. This in turn, it is said, would force United States bombers, armed with cruise missiles, to stay far away from Soviet airspace, thereby making targeting more difficult. This scenario, however, minimizes our ability to increase the range of our cruise missiles in order to avoid Soviet air defenses aircraft. Nor does it take into consideration the unlikelihood of the Soviets making the massive investments that would be needed to move their air defenses closer to their enormously longer borders.

The START counting rules have also been cited by supporters of the Stealth. The counting rules, which were agreed upon at Reykjavik in 1986, posit that bombers carrying gravity bombs will count as only one warhead against the 6,000 warhead ceiling. Thus, if we purchase 132 Stealth bombers, which can carry up to 20 nuclear bombs, we would be deploying in effect 9,000 warheads instead of 6,000.

But the Reykjavik counting rules are not set in stone. If this counting rule, which was devised by a small number of negotiators who are no longer on the scene, obligates the Government to embark on a major defense program, then it should be changed. We have all heard of Defense Department widgets costing several thousand dollars, but a counting rule that requires a $70 billion program is a mistake and should be modified. New counting rules can be devised that would favor bombers with cruise missiles. In fact, if the present United States position on counting cruise missiles is accepted by the Soviets, we would be able to deploy more than 1,000 warheads on cruise missiles that would not count against the 6,000 ceiling.

Stealth proponents have also tended to gloss over the technical difficulties that it would face in penetrating Soviet air space after an initial nuclear exchange. The Soviets, for example, could deploy space-based and multiple frequency radars to detect and destroy the Stealth. Moreover, if the Stealth used its radar to find targets, it would expose itself to enemy attack. There are other technical obstacles to a successful attack, but the main point is clear: every weapon system, no matter how new and sophisticated, is vulnerable to countermeasures and the Stealth will be no exception.

Given the alternative of the standoff bomber and the technical difficulties facing the Stealth, it is not surprising that the Pentagon has begun to emphasize the bomber's potential conventional role. In an era of declining alliances, it is said, the Stealth can attack Third World states anywhere in the world without requiring access to foreign military bases. This argument, however, underrates the capability of our fleet of 97 B-1's and 262 B-52's. These aircraft can also attack targets anywhere. While they need more tanker refuelings than the Stealth, we already have a large tanker fleet. Purchasing the Stealth, in fact, would require additional tanker purchases.

Senator COHEN has pointed out that sending the Stealth bomber against Third World targets would be like sending a Rolls-Royce into a combat zone to pick up groceries. In other words, the United States would be more likely to use a $30 million fighter aircraft or cruise missiles costing several million dollars each rather than risk a $500 million aircraft. These alternatives would also avoid the risk of having a Stealth bomber shot down and being examined by a hostile intelligence service. But even if we do decide to use the Stealth for a Third World mission, we could use the 13 Stealth bombers that this amendment would authorize for production. And if we need heavy bombers for a sustained

bombing campaign, we could use our B-1's and B-52's from high altitudes.

A final problem with the Stealth is that if a major production program goes forward, it will become another cash-cow like SDI. Stealth opponents will try to raid the Stealth program every year to fund other military programs. The inevitable disruptions will cause problems with long-term planning. This will raise the unit-prices for the various weapons systems that are being fought over.

Some may agree with these reservations but argue that we should go forward with the Stealth on the grounds that we have already spent $22 billion on development costs and that this money would otherwise be wasted. But Stealth research has yielded some useful applications for our next generation of fighter aircraft and for an eventual new bomber. Moreover, the 13 bombers authorized by this amendment would be put to use.

Retrospectively, it might have been better not to have built the B-1 and to have opted for the Stealth. But the B-1 was built and while it probably makes sense to manufacture a new bomber every two or three decades, it makes no sense to buy two new bombers within a single decade.

The $50 billion that cancellation would save would make an important financial contribution to solving various domestic problems, such as the budget deficit and the drug war. It would also take pressure off other areas of the defense budget that would probably be underfunded because of the Stealth. It is unwise to embark on a major weapons system just when the military budget is coming under enormous pressure.

Ending a major new weapons system is never easy. But an era of shifting priorities and new technological developments, such as the cruise missile, calls for tough decisions. Canceling the Stealth is one of those decisions. It is a difficult but wise step. It will stengthen our national security.

Mr. JOHNSTON. Will the Senator yield to me 1 minute?

The PRESIDING OFFICER. Senator from Hawaii.

Mr. INOUYE. I yield the Senator 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, if the question at issue was whether we build 136 B-2 bombers originally contemplated, I think the answer of this Senate would be no. Because I do not think we are ready to get into a program 136 airplanes in scope, considering what the cost of that program would be.

What we are involved with here though, Mr. President, is 13 bombers. Which is an amount sufficient to test out the program, to determine the capabilities of the B-2 bomber, to suggest any further modifications, if any, in the B-2 bomber, to determine its real worth as a combat—not only penetrator but as a standoff bomber—and in all the various uses that it can be employed for.

I hope in the meantime, Mr. President, glasnost and perestroika go so far and so fast that not only will we be able to say that we will pull down on the B-2 bomber, but with much of our other expense in national defense as well.

What this does in the meantime will give us the confidence in this system to know whether or not we can go forward with the program to make the choice for the future of the B-2 a meaningful choice.

I hope we will go with these 13 bombers which is a small buy, but an important one in making the decisions for the future.

The PRESIDING OFFICER. Who yields time? The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield 2 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, I know most of the arguments have been made. I am not going to try to recount the arguments. But I would like to strongly support the position of the Senator from Hawaii and the Senator from Nebraska and the Senator from Louisiana in opposing the Leahy amendment. It is enormously important that we give this airplane a chance to prove itself.

The Leahy amendment basically takes out all new production money. Some might ask, what will that do?

Anyone who thinks we have a price tag that is a little too high now, and I happen to think it is high, maybe I will strike the word little—it is a concern to all of us, the price tag. If we take out the production money on this aircraft and then you test it and it works and decide you go forward with it, you make darned sure then the per-unit cost is so high that nobody would dare buy it.

Really, if a Senator is against the B-2, period, if he does not want it no matter what it does, no matter how good an aircraft it is, no matter what the tests prove, then of course the Leahy amendment makes sense.

But, if my colleagues want to see if the airplane works, see if the stealthy characteristics are as advertised and as hoped, then the Leahy amendment makes no sense whatsoever because we will have prejudiced the case so badly with the increase in costs that this amendment will bring about, that it will not be able to be bought, even if it works.

This is a test of the B-2. I think it is a legitimate test. I do not question anyone's position on this one. It is a difficult decision to make.

I happen to believe because of the strategic arms talks, because of the hopes for moving to stability, because of the relative stability of the bomber compared to fast flying missiles, because of the Soviets very thick air defenses where we have none, that we should go forward with the manned bomber. This is the best option we have.

The question to me is really clear. Do we want to kill the B-2? If we want to kill the B-2, this amendment will give us a chance to do so. If my colleagues want to see if it works, this bill, the appropriation bill is the way to go because it tracks exactly what we did in authorization and it will make sure that every hurdle has to be taken on and that plane flies, before we spend the production money. That is the way we ought to be proceeding in my view.

The PRESIDING OFFICER. Who yield time?

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

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes and 42 seconds remaining.

Mr. LEAHY. Mr. President, I ask unanimous consent a number of editorials and articles regarding the B-2 bomber be printed in the RECORD. They are "Nine is Enough: Let's Bag This $70 Billion Bird," August 1989, Armed Forces Journal; "Ground the B-2," July 19, 1989, the Burlington, VT, Free Press; "The B-2's A Bomb," July 24, 1989, Montpelier, VT, the Times Argus.

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

[From the Armed Forces Journal, August 1989]

NINE IS ENOUGH: LET'S BAG THIS $70 BILLION BIRD

Fuller Brush men make a more convincing case for selling combs to bald men than the case the US Air Force has made for the B-2 stealth bomber.

It's time to amputate the program.

We've spent about $23-billion, apparently, and will have about nine stealth bombers (or 11, or 13, or 15, depending on whom you talk to in the Air Force or in Congress) to show for it. If the plane is really invisible, maybe that's enough. How will the Russians or Gadhafi know we really don't have 16 of them—or 32, or 132?

The B-2's last straw, in our view, was when Sen. Sam Nunn (D-GA), Chairman of the Senate Armed Services Committee, made his case for it after meeting with President Bush at the White house on July 24th. Nunn said that canceling the B-2 "would mean the United States would go into the 1990s without any bomber."

What happened to the $27.4-billion we spent on the B-1B? Is it that much of a turkey? A year or so ago, the Air Force told us it was "the world's best bomber." And what happened to the billions spent upgrading B-52s (old though they may be) to carry stand-off cruise missiles—and now, advanced (or superstealth) cruise missiles? If they don't work, why are we so confident the B-2 will?

The B-2 has become an invisible airplane with a phantom mission. The arguments for spending $70-billion—"only $50-billion more"—keep changing; they have begun to sound a little strained. Now we're told it really won't handle relocatable targets (mobile intercontinental ballistic missiles), which clearly was once the B-2 raison dêtre, recent Air Force protestations to the contrary notwithstanding. Thus, the latest sales pitches suggest:

We need the B-2 to bargain away in the strategic arms reduction talks. Did the agreement the Administration told us last fall was so close at hand suddenly collapse? Just how much do we need to bargain away, in any case—M-Xs, Midgetmen, the Strategic Defense Initiative, B-1Bs, and now the B-2? The negotiating tables are going to collapse under the weight of all these bargaining chips. Maybe we should give Gorbachev half the B-2 ante to alleviate his hard-currency problems—$25-billion, say (bribe him, frankly)—and pocket the change. Or use it to buy sealift and airlift for the Army divisions we can't get to war on time.

We need the B-2 to bomb Gadhafi. Won't nine B-2s handle the job? If one of them won't, what the hell are we getting for $530-million an airplane? We missed Gadhafi last time, not because the F-111 didn't work, but because Pentagon war planners failed to tell their logisticians to ship Paveway III low-level laser-guided bombs to England in time. Thus, the F-111 crews had to use medium-altitude Paveway IIs on a low-level strike—and missed. We may need better war planning more than we need better bombers.

There are no real test data yet, but Northrop has done a remarkable job of building an airplane with 1/xth the radar cross-section of the B-1B, which has 1/10th the radar cross-section of the B-1A, which has 1/10th the radar signature of the B-52. Have the Soviets invented new laws of physics? How invisible does a bomber need to be to be a deterrent? Have Soviet air defenses really improved that much since the 100th B-1B was delivered last fall? Or did the Air Force oversell it, promising far more than $27-billion could deliver?

How many billions do we need to spend buying a bomber to search out targets our ICBMs and Trident missiles missed? Why bother, if the B-2 can't really find mobile ICBMs—the targets that count most?

Arguments by the Air Force that the cost of the B-2 is actually only a tiny percentage of the GNP or the overall defense budget, or that it really isn't much more than we paid for the B-52 or the B-1, just don't hold water. The fact is, the B-2 is a very, very expensive weapon system, the value of which must be weighed against other priorities, both civil and military.

If there's a case left for the B-2, we haven't heard it. And for $70-billion, there ought to be something more persuasive than Sam Nunn's argument that the last $27-billion didn't buy us much.—Benjamin F. Schemmer.

[From the Burlington (VT) Free Press, July 19, 1989]

GROUND THE B-2

The B-2 stealth bomber finally got itself into the air. The Air Force, which desperately wants 132 of the $530 million bombers, has yet to prove that the plane should fly again.

At any cost, the B-2's purpose is questionable. Its ability to carry out its primary mission—to attack mobile missiles inside the Soviet Union—is dubious. Even if the plane's radar-evading technology works, the B-2's pilots need satellite guidance to find the moving targets. Those satellites would be among the first things destroyed by the Soviets in the opening minutes of a nuclear war. Without the satellites, the B-2's pilots would be flying blind.

Desperate to expand the rationale for spending at least $70 billion on a fleet of B-2s, the Air Force has also claimed that the plane could attack fixed targets in the Soviet Union or bomb terrorist camps elsewhere. That puts a high price on unneeded redundancy. America's aging, but still able, B-52s and new B-1 bombers can fire cruise missiles at stationary objectives from outside Soviet airspace. Much less expensive planes would surely be used if the United States again strikes a terrorist camp.

The Air Force is groping for reasons to build a fleet of planes the United States does not need and cannot afford. Even some cost-conscious congressmen are willing to go along. The most serious congressional threat to the program would still allow the Air Force to buy *only* 13 B-2s, for about $7 billion, before closing down production.

It has already cost $22 billion to get the first B-2 into the air just once. The plane should be permanently grounded. America would be more greatly strengthened if the money for the B-2 were spent to bring down the nation's $2 trillion national debt than to purposely expand the military's reach.

[From the Times Argus (Barre-Montpelier, VT) July 24, 1989]

THE B-2'S A BOMB

It flies! Of course, for $500 million apiece, the bat-winged Stealth bomber should at least become airborne. But if you believe the hype generated by the plane's backers, the bomber's maiden flight last week is something akin to the miracle wrought by Orville and Wilbur Wright.

Actually, what's amazing is that the radar-evading Stealth—also called the B-2—even got to the runway. In an era of trillion dollar budget deficits and warming relations with the Soviet Union, a plane which may not work and almost certainly is not needed should have been first in line for the budgetary ax.

Unfortunately, that is not the case. The B-2 for years was protected in the Pentagon's "black budget"—super secret accounts designed to evade the prying eyes of Congress and the Soviet Union. And now that the B-2 is public, President George Bush is personally lobbying for full production, telling Republican congressional leaders that he will not accept a plan to build 13 of the planes while testing continues. Instead, Bush wants to proceed with plans to buy 132 B-2s at a cost of about $70 billion. That's billion with a B.

Bush—who presumably does not see the need to raise taxes to pay for this profligacy—is joined in his B-2 boosterism by the companies that would build it. In an orgy of self-promotion, Northrop Corp., Boeing and LTV have purchased full-page ads in Washington newspapers extolling the Stealth's strategic virtues.

Bush insists the plane is essential to the nation's ability to defend itself and to give the U.S. a strong negotiating position in the upcoming Geneva arms talks.

But there are serious questions about the plane's mission and its effectiveness. Designed to penetrate deep into Soviet airspace, the plane's rounded contours and nonmetallic construction supposedly makes it invisible on Soviet radar screens.

The trouble is, nobody knows if it really works. The Air Force has said it needs two more years to test its ability to evade radar. And while the plane did fly in last week's test flights, its ability to remain airborne depends on a sophisticated computer system. Because the plane lacks a tail and other features of air-worthier craft, it stays aloft by hundreds of minute adjustments to its controls—adjustments that must be made by computer since no human is fast enough to work the control. Thus, an onboard computer crash could also crash the B-2.

There is also doubt about the plane's basic rationale. The job of sneaking by Soviet radar is easily accomplished by terrain-hugging cruise missiles, which are far less expensive—and far more expendable—than the Stealth. The Air Force has further admitted that the B-2 is probably incapable of attacking Soviet mobile nuclear missiles, one of the primary tasks for which it was designed.

The B-2's only function at this point is to enrich some defense contractors and to appease the Air Force, which wants to keep the nation's bomber fleet alive into the 21st century. Like the Star Wars defense system, the B-2 is an untested technological curio and it should be shelved.

Mr. LEAHY. Mr. President, I note one of the arguments made here on the floor tonight is that somehow all of this money is going to be lost if we stop with the B-2. In other words we spent so much money, to help the taxpayers out we have to spend enormous amounts yet again.

Not only is that argument fallacious on its face, I remind Senators much of what we spend will be used.

Certainly the Stealth technology that we have learned here is available to whatever applications it might be usable in the B-1B.

We have talked to the press and others and in open testimony talked about Stealth technology being available for cruise missiles. That type of construction will also be used in other weapons systems. Everything we have learned about Stealth technology in this is available to systems. The difference in the systems that it is available for is that those will work; they can be paid for. The Stealth bomber cannot really be paid for. We would be hard pressed to understand even a circumstance in which any commander is going to risk a half a billion dollar airplane.

Mr. President, the distinguished Senator from Hawaii is here. If he would like, I will be willing to yield back my time if he wishes to and go to a vote.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Hawaii.

Mr. INOUYE. I yield the remainder of my time to the Senator from Nebraska.

Mr. LEAHY. I withhold my time.

Mr. EXON. I thank my friend from Hawaii, and I understand there are only about 2 minutes left. I will wind up debate on my side. If there are no

further requests for anyone to talk on this, I think we will be prepared to go to a vote at that time.

Let me sum up, Mr. President, by saying that I heard a statement made on the floor of the Senate tonight that there was increasing uneasiness—I believe that was the phrase that one Senator used—about the B-2. I think what he was saying was that people are becoming queasy about the B-2. I think what he was saying was that the pressure was on and if we want to cut down the military budget, then it looks like the B-2 would be a good place to do it.

I want to confess, Mr. President, that I am uneasy about the B-2. I am uneasy about the B-2, though, for a different reason. I am uneasy that the aircraft as yet have not proven up to the hoops that I have mentioned on several occasions that that aircraft must jump through before the Armed Services Committee would proceed.

I simply want to tell you, Mr. President, and assure all of my colleagues, that the members of the Armed Services Committee would be the first ones who would come to the floor of the Senate and say, "Cancel this program; cut it out; eliminate it," unless we were vitally committed to the fact that we need the B-2 in the third leg of our triad for all the reasons stated, notwithstanding the fact that if we do not have it, we are going to do great harm for the chances of a workable START agreement.

Mr. ADAMS. Mr. President, tonight the Senate is considering an amendment to prohibit the use of funds in the fiscal year 1990 Defense appropriations bill for the procurement of any additional B-2 Stealth bombers. Construction of the 13 B-2 aircraft in the pipeline would be continued as would R&D on the B-2 and the flight testing program. I intend to support this amendment and I want to briefly explain why.

First, I continue to have serious doubts about the mission of the B-2 bomber. While I have received a classified briefing from the Air Force on the B-2 at my request, it is clear from public statements that one of the principal arguments for the B-2—its ability to find and destroy relocatable targets—is simply not achievable in the forseeable future. There is not, of course, agreement that there is strategic utility to attacking any remaining mobile ICMS launchers hours and hours after exchange of land and submarine based ballistic missiles.

Second, we should learn the lesson of the B-1 bomber and not commit ourselves to the procurement of billions of dollars worth of aircraft that have not been proven to perform as intended. It is now apparent that the B-1 is likely to never fulfill the capability originally intended and advertised.

We simply cannot ask the taxpayers to spend money on colossally expensive weapons like the B-1 or the B-2 when we cannot certify to them that they will work and that they have a mission that reflects a valid, understood national security strategy. When these programs cost tens of billions of dollars, when there are numerous domestic and defense needs that must be met within a limited Federal budget, we cannot just say to the public "trust us."

Third, we are at a crossroads in our relationship with the Soviet Union at which the B-2 would be targeted. With each passing day, that relationship is changing and evolving. While none of us can predict the outcome of these changes, we certainly can conclude that essentially all strategic and conventional defense requirements are subject to dramatic change and should be. Do we need to proceed full speed ahead with every single strategic weapons system, including the MX, Trident II, B-2, and Midgetman? I do not think so.

Some of my colleagues will argue that this amendment would simply kill the B-2 program because it would be too expensive to resume production. I am sorry, but I simply cannot accept the argument we should keep spending billions and billions of dollars on construction of aircraft because it would be to expensive to prove that they work and that they are needed beforehand. I also want to point out that this language is effective for only one fiscal year and the amendment would not cut any B-2 funding provided in the bill. The amendment would only restrict the use of that funding for fiscal year 1990 and if the need and capability of the B-2 can be proven, these fiscal year 1990 funds would be available for procurement.

Under this amendment, we will continue to develop the B-2. We will continue to develop the stealth technology not only in this bomber program, but also in the advanced tactic fighter program and the advanced cruise missile program. And we will continue to develop the capability to field advanced aircraft technology and to defend ourselves. There should be no mistake, restricting the procurement of B-2's does not mean that we will not continue to work on stealth technology.

Earlier this year I voted for an amendment to the Defense authorization bill, which included provisions authored by Senator GLENN, to require certification of performance of the B-2. At that time, I stated that I believed that amendment moved in the right direction toward assuring that the B-2 would perform its mission before we made a major commitment to procurement or "fly-before-buy, but that I had serious reservations as to whether these restrictions were stringent enough. This amendment would set a more stringent requirement. It would require the Air Force to prove that the B-2 works; that it has a logical, valid mission; and that the need for the B-2 justifies the additional $40 billion it will cost. It would place the burden of proof where it ought to be, on the advocates for this costly new aircraft, and not on the public who has to pay for it.

It is obvious that annual defense spending is going to continue to decline in real terms and we must make our investments in defense more cost-effective and not just more costly. When we are forced to make countless tradeoffs among critical domestic programs such as housing, the war on drugs, health care, education, research and development, we cannot ask the American people to believe that the B-2 program is sacrosanct. This amendment will help assure that we do not begin a $40-billion procurement program for the B-2 without subjecting it to the greatest scrutiny.

I reserve the remainder of the time and yield it back to the manager of the bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to announce at this time that at the conclusion of the three votes, the back-to-back votes, the pending business will be the Bumpers amendment. I will ask unanimous consent at the appropriate time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield back the remainder of my time for the vote.

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

Mr. LEAHY. Regular order.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Vermont. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 29, nays 71, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—29

Adams	Hollings	Mitchell
Baucus	Kennedy	Pell
Biden	Kerrey	Pryor
Bradley	Kerry	Riegle
Bumpers	Kohl	Rockefeller
Burdick	Leahy	Sarbanes
Cohen	Lieberman	Sasser
Daschle	Matsunaga	Simon
Harkin	Metzenbaum	Wirth
Hatfield	Mikulski	

NAYS—71

Armstrong	Burns	Danforth
Bentsen	Byrd	DeConcini
Bingaman	Chafee	Dixon
Bond	Coats	Dodd
Boren	Cochran	Dole
Boschwitz	Conrad	Domenici
Breaux	Cranston	Durenberger
Bryan	D'Amato	Exon

Ford	Johnston	Pressler
Fowler	Kassebaum	Reid
Garn	Kasten	Robb
Glenn	Lautenberg	Roth
Gore	Levin	Rudman
Gorton	Lott	Sanford
Graham	Lugar	Shelby
Gramm	Mack	Simpson
Grassley	McCain	Specter
Hatch	McClure	Stevens
Heflin	McConnell	Symms
Heinz	Moynihan	Thurmond
Helms	Murkowski	Wallop
Humphrey	Nickles	Warner
Inouye	Nunn	Wilson
Jeffords	Packwood	

So the amendment (No. 859) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 1990

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2939.

The Senate resumed consideration of the bill.

● Mr. DURENBERGER. Mr. President, as we complete debate and passage of fiscal year 1990 foreign operations appropriations bill, and as we witness remarkable changes taking place throughout the world, I believe that the time is ripe for us to reconsider the objectives and goals of U.S. foreign assistance.

As some of you know, I have just returned from an extensive trip to 18 Third World countries, most of which are part of the nonaligned movement. During the 3 weeks we spent visiting with leaders of these countries, we witnessed much poverty and deprivation, and often inhumane living conditions. It was devastating to see such human suffering.

But the truly amazing aspect of the situations that we observed in so many different countries is that the people were all hopeful for their futures—notwithstanding their current state of being—hopeful that change and improvement are possible.

Ever more so after this trip, I believe it is essential that this country reflect on the purpose and objectives of our foreign assistance funding. In the past, much of our aid has been related in some way to the East-West struggle—the political, military, ideological, and philosophical conflict between the United States and the Soviet Union. In the past, and still to a certain degree, there has been reasonable justification for this motivation in U.S. foreign assistance.

But the justification is no longer as certain or valid as it once was. We are witnessing dramatic changes in the Soviet Union and Eastern Europe. Poland has just installed its first non-Communist government since World War II. Hungary is tearing down its portion of the Iron Curtain separating it from Austria and the West. Some 15,000 or more East Germans—the best and brightest among them—have fled to the West through Hungary. And in the Soviet Union itself, the republics are demanding and receiving ever increasing amounts of freedoms and independence from Moscow.

And in the Third World, we are also witnessing dramatic changes. Many of the countries I visited have had friendly relations with the Soviet Union during the past several decades. Even though they may be officially nonaligned, they nevertheless have been closer to the Soviet Union and its style of government and society.

But I want to report to this body today, that I saw no affection for the socialism, Marxism-Leninism, or anything to do with the Soviet system of government and society. They are no longer so enamored of the Soviet Union. I do not know whatever fascinated them to begin with.

These countries, like an increasing number of countries in Eastern Europe and the Soviet Union itself, recognize that this system has nothing to offer them. It is a failed system, utterly and totally failed.

Throughout my travels, encouragingly but not surprisingly, I observed countries and citizens that have a great deal of affection for the United States, for the American style of political and economic participation, for our commitment to the rights and role of the individual citizen. They praise and admire our values and traditions, and our constitutional form of democracy.

They are seeking to emulate our economic strategy of real growth and opportunity to increase the prosperity of the people. And they were all in various stages of rewriting their constitutions, or restructuring their forms of government. These are very encouraging developments.

We have a remarkable opportunity to reflect on what we want to achieve with our foreign assistance. There are so many countries around the world that desperately need and deserve our assistance. We have it within our means, in real and demonstrable ways, to assist these countries to lift themselves out of the vicious circle of poverty and deprivation. I believe we must seize the opportunity to help these countries in resoundingly positive ways, to influence the changes that they themselves are initiating.

And these countries are looking to us for guidance, not for handouts. As President Bush has said, let us give those in need a hand up, not a hand out. They get from us our values and ideals, our love for liberty and individual freedoms.

In this foreign assistance appropriations bill, we have debated and will soon approve aid totaling some $14 billion. That's an impressive sum of money. Approximately 40 percent of that will be set aside for military aid. And then, let us consider the staggering sums that are being considered by Congress to aid Poland and Hungary, two causes I very strongly support, I'll add. The Senate Foreign Relations Committee, on September 20, approved $1.2 billion of aid in various forms. $1.2 billion.

The two recipients of the most United States economic assistance—Israel and Egypt—receive $1.2 billion and $815 million, respectively. The grand total of U.S. nonmilitary assistance last year for all of the countries I visited totals less than $800 million. Yet these countries have 22 percent of the world's population—20 times as much as Israel and Egypt combined. They also are temporary home to approximately 30 percent of the political refugees in this world.

I do not question that the assistance we will provide around the globe this year will serve good and noble causes—though I may not support each and every one of them. But given global circumstance, I can only conclude that the old paradigms that have guided U.S. foreign aid over the decades just do not apply any longer.

We should take the opportunity over the coming year to reevaluate and rethink the goals and objectives of U.S. foreign assistance. Let us return to this debate next year with enlightened views and perspectives on the matter. Let us reflect and deliberate on what this country is really trying to achieve, and what we should and can achieve. This country should make a difference in areas of the world where even a small effort can make an enormous difference.

● Mr. LAUTENBERG. Mr. President, since administration announced its plans to shift Soviet refugee processing from Vienna and Rome to Moscow, a number of concerns have been raised about facilitating a smooth transition. One of those concerns is that private volunteer organizations, which have been providing important counseling services for Soviet refugees who are in the process of emigrating to the United States, are not yet able to operate in Moscow. Although the State Department has raised the issue of voluntary agency presence with the Soviet Union, the Soviets have not provided assurances that private voluntary agencies will be able to operate in Moscow. I would hope that the State Department would continue negotiating with the Soviet Union until it agrees to permit United States private

voluntary agencies to operate in the Soviet Union.

I would like to ask the distinguished chairman and ranking minority member of the Foreign Operations Subcommittee if they share my concern about the presence of private voluntary organizations in Moscow and if they agree that the State Department should continue to vigorously press this issue with the Soviets?

Mr. LEAHY. Yes I do.

Mr. KASTEN. I do as well.

Mr. LAUTENBERG. Another concern is that since the Moscow/Washington Processing Center is a new concept in visa processing, we need to closely monitor it to ensure that the transition is processing, will be efficient and effective. For example, we need to make sure that we have adequate staff in place and that an appeals process for those denied refugee status is established. An amendment that Senator KASTEN, Senator KENNEDY, and I offered to the Senate fiscal year 1990 foreign operations appropriations bill addresses these and other concerns and would require the GAO to do a study on the implementation of the new processing plan. I would like to ask the distinguished chairman and ranking minority member if they share these concerns as well?

Mr. LEAHY. Yes I do.

Mr. KASTEN. I do.

Mr. LAUTENBERG. Since that is the case, I would ask the distinguised subcommittee chairman and ranking minority member if they would be agreeable to try to include language in the statement of the managers to highlight the concerns we have just discussed.

Mr. LEAHY. I will.

Mr. KASTEN. I will as well.●

The PRESIDING OFFICER. Under the previous order, the clerk will now read the bill, H.R. 2939, for the third time.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 89, nays 11, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—89

Adams	Boren	Burdick
Baucus	Boschwitz	Burns
Bentsen	Bradley	Chafee
Biden	Breaux	Coats
Bingaman	Bryan	Cochran
Bond	Bumpers	Cohen
Conrad	Inouye	Nickles
Cranston	Jeffords	Nunn
D'Amato	Johnston	Packwood
Danforth	Kassebaum	Pell
Daschle	Kasten	Pressler
DeConcini	Kennedy	Pryor
Dodd	Kerrey	Reid
Dole	Kerry	Riegle
Domenici	Kohl	Robb
Durenberger	Lautenberg	Rockefeller
Exon	Leahy	Rudman
Ford	Levin	Sanford
Fowler	Lieberman	Sarbanes
Glenn	Lott	Sasser
Gore	Lugar	Shelby
Gorton	Mack	Simon
Graham	Matsunaga	Simpson
Gramm	McCain	Specter
Grassley	McConnell	Stevens
Harkin	Metzenbaum	Thurmond
Hatch	Mikulski	Warner
Hatfield	Mitchell	Wilson
Heflin	Moynihan	Wirth
Heinz	Murkowski	

NAYS—11

Armstrong	Helms	Roth
Byrd	Hollings	Symms
Dixon	Humphrey	Wallop
Garn	McClure	

So, the bill (H.R. 2939), as amended, was passed.

Mr. INOUYE. I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

Mr. INOUYE. With respect to the foreign operations bill, Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LEAHY, Mr. INOUYE, Mr. JOHNSTON, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. BYRD, Mr. KASTEN, Mr. HATFIELD, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. NICKLES, and Mr. STEVENS, conferees on the part of the Senate.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION, 1990

The PRESIDING OFFICER. Under the previous order, we will now resume consideration of H.R. 2990.

The Senate resumed consideration of the bill.

● Mr. WILSON. Mr. President, last Thursday evening, the Senate engaged in a debate regarding SLIAG funding and the Federal Government's responsibility for immigration. But while I think those of us engaged in that debate underlined that the Federal Government and the Congress set immigration and refugee policy, those listening quickly surmised that when it comes to funding necessary legalization and refugee resettlement programs, State and local governments are left holding the bag. The Federal Government backs out of its commitments, shifting to local communities the financial responsibility of making these programs work.

During consideration of the Labor-HHS appropriations measure, the Senate dipped into the State legalization impact assistance grants [SLIAG] fund. Before the feeding frenzy ended, fiscal year 1990 SLIAG funds had been gutted by over $555 million which represents a cut of more than 50 percent.

And let me be clear in stating, Mr. President, that these cuts ignore the entire purpose of the SLIAG Program and the bipartisan compromise that brought this program together during final debate on the Immigration Reform and Control Act of 1986. The Senate's action is irresponsible. It unfairly penalizes California and other States for having large populations of persons legalized under IRCA.

In this same light, Mr. President, I would like to comment on the funding provisions in this appropriations measure for domestic refugee resettlement issues within the Office of Refugee Resettlement at HHS.

The Refugee Act of 1980 forged a partnership between the Federal Government and State and local governments. In essence, that agreement stated that the Federal Government would be responsible for decisions surrounding issues of eligibility, overseas processing, admissions levels, and the initial placement and costs associated with domestic resettlement. Moreover, the act was intended to hold States harmless for the cash and medical programs that they provide to refugees during the first 36 months of resettlement. In turn, States agreed to administer resettlement programs and accept the long-term responsibility for the integration of these refugees into their communities.

Unfortunately, Mr. President, we are finding that the Federal Government is shifting the burden of domestic resettlement onto the shoulders of the States and local governments who have been forced to absorb cuts in these programs despite a steady increase in the number of new refugee admissions. Already, funds for cash and medical assistance programs have been cut by one-third.

I am pleased to note that the bill before us would, at the very least, fund these resettlement programs at last year's level. While at first blush this may be seen as a positive step given our fiscal constraints, Senators may not be aware that this same amount of funds must be spread among a larger refugee population. It is particularly interesting to note that while the administration's fiscal year

1990 budget request was predicated on an admissions level of 84,000 refugees, its recent consultation with the appropriate congressional committees reveals an admissions figure of 125,000 new arrivals. We all agree that the U.S. Government should work toward the most open and undiscriminating refugee admission policies. However, there must be a recognition that actual refugee admissions should be linked with domestic resettlement costs. This action signals that added costs will be shifted onto the shoulders of local governments.

I want to commend the subcommittee for including report language pointing out this discrepancy and urging the administration to seek additional funds.

There is one aspect of the committee report that I find especially troubling and that is the report language on page 208 of the committee report. As I understand, this language to read, the Office of Refugee Resettlement [ORR] would reserve up to 20 percent of the targeted assistance account for grants to localities most heavily impacted by the influx of refugees, including secondary migrants for local schools, hospitals, employment services, and other institutions. The report language further indicates, in part, that the most heavily impacted localities would be those with populations of 75,000 or more, of which no less than 20 percent of the population is made up of refugees, including secondary migrants who entered the United States after October 1, 1979.

Under current law, targeted assistance funds are made available to communities where there are high concentrations of refugees who require increased levels of resettlement assistance to promote economic self-sufficiency and to eliminate dependency on public assistance programs. Because California is home to almost 50 percent of the Nation's refugee population whose welfare dependency rate exceeds 75 percent, one might ask why I am raising an objection. Well, Mr. President, the reason quite simply is that no California community meets the report's eligibility requirements.

In fact, California and other State coordinators inform me that the actual number of eligible communities is so few that this language is essentially an earmark. This means that of the $34 million appropriated for targeted assistance, 20 percent can be setaside for one or two communities. Coupled with other targeted assistance funding commitments in the bill, this amounts to a fencing off of one-half of the targeted assistance fund for, in part, schools and hospitals, which are nonemployment related activities.

I agree that such institutions are heavily impacted by refugee resettlement. But if it is the intent of Congress that such a large amount of targeted assistance is to be used for such services in only a few areas, then I believe that this decision should be the result of appropriate hearings and review in the authorizing committees so that all impacted communities can compete for the funds.

Given the original intent of the Targeted Assistance Program, which is to address high refugee welfare dependency rates and to facilitate employment and self-sufficiency, I urge the distinguished managers of the bill to review this matter in conference to ensure a more equitable distribution of targeted assistance funds. In closing, Mr. President, I ask that a letter I and 16 other Senators sent to the distinguished subcommittee chairman, Senator HARKIN, regarding fiscal year 1990 refugee resettlement funding levels be inserted in the RECORD at this time. I thank the Chair.

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

U.S. SENATE,
Washington, DC, August 3, 1989.

Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Subcommittee considers fiscal year 1990 appropriations for the Department of Health and Human Services, we are writing to urge your strong support for full funding for refugee resettlement programs at a level that is consistent with current programs and projected FY90 refugee admissions.

While it is clear that you are working within severe budget limitations, it is equally clear that any further reductions in federal refugee resettlement assistance only increase the resettlement costs that are being shifted to and imposed on state and local governments. Assuming that 116,500 refugees will be admitted to the U.S. during FY90, at least $579.6 million would be necessary to ensure a continuation of FY89 program levels.

In order for the federal government to maintain its commitment to reimburse states for their costs relative to providing various resettlement services to refugees, federal assistance for refugee programs should not be reduced from FY89 levels. Specifically, federal support for cash and medical assistance should not be reduced from the current 24 month reimbursement period to 15 months.

Given the number of people currently seeking refugee status in the United States, it is reasonable to base the Subcommittee's appropriation on 116,500 refugee admissions as opposed to the 88,000 refugee admissions under the State Department ceiling. Appropriating funds now for the actual expected level of admissions—at least 116,500—will prevent future cuts in these essential refugee resettlement programs and save state and local governments from additional fiscal hardship.

We know you share our concern that refugees receive the services and training they need to become productive members of our society.

As always, we appreciate your attention in this matter of critical concern to our states.

Sincerely,

Pete Wilson, Slade Gorton, Bill Bradley, Herb Kohl, Rudy Boschwitz, Alfonse D'Amato, Robert Kasten, Chuck Grassley, Connie Mack, Alan Cranston, Bob Graham, Daniel Moynihan, Claiborne Pell, Dave Durenberger, Bob Packwood, John H. Chafee, Paul Simon.●

● Mr. DURENBERGER. Mr. President, I would like to take the opportunity to compliment the chairman and other members of the Subcommittee on the Departments of Labor, Health, and Human Services, and Education and related agencies appropriation bill. While I have some grave concerns about the bill, basically, I am pleased with the subcommittee's work. It is only the unfortunate mandate to expand Medicaid funding of abortions which causes my negative vote on final passage.

In particular, I am pleased with the subcommittee's recognition of the importance of postsecondary education programs for the handicapped. This program was first authorized in 1974 to expand Federal support for postsecondary programs for the hearing impaired. Today, this program funds four regional programs across the country, including the St. Paul Technical Institute in my home State of Minnesota. Because this program is the only program focusing on trade and vocational training for the deaf, it draws students from across the United States. I visited this institute earlier this year, and was very impressed with the training and services provided for their students. It enables the students to become contributing members of society that benefits us all. So, I again thank the members of the subcommittee for continuing to fund this program.

Also, I am pleased with the subcommittee's "Action Plan for Rural America." The subcommittee recognized the difficulties rural areas face in getting quality health care and education but the plan and its Senate funding levels are an important step toward overcoming these difficulties.

Of the 12 health initiatives funded by the subcommittee in the Action Plan, the increased funding for rural health care transition grants is very important to me. The grant program was authorized by legislation that I first introduced in 1987. Under this program, rural transition grants of up to $50,000 a year for 2 years are awarded to small rural hospitals to help them develop and implement transition strategies that modify the type and extent of services such hospitals provide. The grants assist rural hospitals and their communities adjust to changes such as declining demand for acute-care hospital capacity, increasing demand for ambulatory and emer-

gency services, declining ability to provide appropriate staffing for inpatient services, and changes in service populations. In my home State of Minnesota, eight rural hospitals have received grants under the first round of this program. The increased funding means more hospitals will be able to get these very important grants.

I am concerned about several issues in the appropriations bill. One concern I have is the amount appropriated to conduct outcomes research. The subcommittee agreed during floor action to add $25 million to the original $10 million appropriation. This additional funding is essential to expand the mission of the patient outcomes assessment research program. The mission of this program is to ultimately provide health care professionals, consumers, and practitioners with sound information on effective medical practice. This research is also important in helping to control our escalating health care costs by identifying outmoded and ineffective medical care practice and is an essential component of the Rockefeller-Durenberger physician payment reform bill. As the subcommittee goes to conference with the House, I urge the Senate conferees to preserve the Senate funding level for outcomes research.

Another concern is the amount appropriated in operating funds for Medicare carriers and fiscal intermediaries. The amount recommended by the subcommittee is inadequate for the carriers and intermediaries to maintain their current level of payment safeguard activities. Payment safeguard activities include medical and utilization review, provider audits, and identification of Medicare secondary payer cases. Historically, every dollar spent for payment safeguard activities has resulted in a return of $8. The carriers and intermediaries argue, with good cause, that an additional $200 million is needed to conduct an adequate level of safeguard activities. The subcommittee agreed with my concern, but noted that the funding level is consistent with the administration's budget request. However, because of the subcommittee's concern, it agreed to support a sense-of-the-Senate resolution urging more funding for payment safeguard activities. As the subcommittee goes to conference with the House, I urge the Senate conferees to address and attempt to resolve this difficult problem.

As I have said, I support many of the steps taken and priorities set in this Labor, HHH appropriations bill. However, this contains a serious error in my judgment, namely expansion of the Hyde amendment to expand potential Federal funding of abortion. Throughout my career I have voted to prohibit Federal funding of abortions except to save the life of the mother.

For 11 years now I have waited on the Senate Finance Health Subcommittee to expand financial dollars to required medical sources for America's poor—especially her mothers and children. Mr. President, abortion is not such a medical service except where the mother's life is involved. I am hopeful that this matter can be resolved in conference and current law restored so that we can vote on a final appropriation that a large majority of the Senate can support enthusiastically.

Mr. BYRD. Mr. President, today we are considering H.R. 2990, the Departments of Labor, Health and Human Services, and Education and related agencies appropriation bill for fiscal year 1990. This measure provides necessary funding for: Education, AIDS; disease research, prevention and control; assistance to the homeless; safety and health programs, including black lung; maternal and child health; unemployment compensation and employment services, and assistance for the disadvantaged.

With respect to the subcommittee's 302(b) allocation, the bill as recommended is within both the budget authority and outlay ceilings.

I wish to commend Mr. HARKIN, chairman of the subcommittee and Mr. SPECTER, the ranking member, for their excellent work in accommodating the priorities of the Senate within the constraints of the budget agreement. Their work was greatly assisted by the cooperation of their colleagues on the subcommittee and on the full Committee on Appropriations.

I also wish to commend the staff of the subcommittee, Mike Hall, Jim Sourwine, Peter Rogoff, Carol Mitchell, Amy Schultz, Nancy Anderson, Sandra Kruhm, Maureen Byrnes, Craig Higgins, and Marva Bickle. These professionals have worked tirelessly to get this measure before us today.

The managers have explained in much greater detail the contents of the measure as recommended. The bill as reported by the Appropriations Committee deserves the support of the Senate.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read a third time.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—81

Adams	Ford	McConnell
Baucus	Fowler	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nunn
Bradley	Harkin	Packwood
Breaux	Hatfield	Pell
Bryan	Heinz	Pressler
Bumpers	Hollings	Pryor
Burdick	Inouye	Reid
Burns	Jeffords	Riegle
Byrd	Johnston	Robb
Chafee	Kassebaum	Rockefeller
Coats	Kasten	Rudman
Cochran	Kennedy	Sanford
Cohen	Kerrey	Sarbanes
Cranston	Kerry	Sasser
D'Amato	Kohl	Shelby
Danforth	Lautenberg	Simon
Daschle	Leahy	Simpson
DeConcini	Levin	Specter
Dodd	Lieberman	Stevens
Dole	Lott	Thurmond
Domenici	Mack	Wilson
Exon	Matsunaga	Wirth

NAYS—19

Armstrong	Hatch	Nickles
Boschwitz	Heflin	Roth
Conrad	Helms	Symms
Dixon	Humphrey	Wallop
Durenberger	Lugar	Warner
Garn	McCain	
Gorton	McClure	

So the bill (H.R. 2990), as amended, was passed.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I move the Senate insist on its amendments to the bill H.R. 2990 and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. DASCHLE) appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. ADAMS, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. MCCLURE, Mr. COCHRAN, and Mr. GRAMM conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Hawaii.

UNANIMOUS-CONSENT AGREEMENT

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee amendments be temporarily set aside for a Bumpers amendment on Korean troop strength reduction on which there shall be 1 hour equally divided to which Senator STEVENS may offer a substitute, at any time, on

which there shall be 30 minutes equally divided and that upon disposition of the Stevens amendment the Senate, without any intervening action or debate, will vote on the Bumpers amendment, as amended, if amended.

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

AMENDMENT NO. 860

(Purpose: To require a reduction in the number of U.S. military personnel assigned to permanent duty ashore in the Republic of Korea and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 860.

Mr. BUMPERS. 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 108, between lines 4 and 5, insert the following new section:

SEC. . (a) None of the funds appropriated by this Act may be obligated or expended after August 30, 1990, to support or maintain members of the Armed Forces of the United States assigned to permanent duty ashore in the Republic of Korea in a number greater than 40,872 or to support or maintain members of the United States Army assigned to permanent duty ashore in such country in a number greater than 28,406.

(b) It is the sense of Congress that the President should, at the earliest practical date after the date of the enactment of this Act, initiate discussions with the Republic of Korea regarding—

(1) mutually satisfactory arrangements for achieving the limitations provided for in subsection (a);

(2) the desirability of making a phased reduction, in addition to the reduction made as the result of subsection (a), of 7,000 members of the United States Army assigned to permanent duty ashore in the Republic of Korea and of completing such reduction not later than September 30, 1992; and

(3) the kinds and quantities of military equipment and other material that will be needed by the Republic of Korea as a consquence of the limitation provided for in subsection (a).

(c) It is further the sense of Congress that the President should submit to Congress, not later than May 1, 1990, a report in both classified and unclassified versions on the reduction of United States military personnel assigned to permanent duty ashore in the Republic of Korea. The President should include in such report a discussion of the following matters:

(1) The feasibility of making reductions, in addition to the reduction made as a result of subsection (a), in the number of United States Army personnel assigned to permanent duty in the Republic of Korea.

(2) The type of technical and planning assistance that the United States should offer to the Republic of South Korea as that country assumes a greater burden for its own defense.

(3) The options available, and the President's recommendations, with respect to the reassignment or other disposition of United States military personnel withdrawn from the Republic of Korea.

(4) The purpose and function of the presence of a substantial number of civilian personnel of the Department of Defense in the Republic of Korea.

(d) Congress reaffirms the commitment of the United States to the security and territorial integrity of the Republic of Korea.

Mr. BUMPERS. Mr. President, this amendment I think is a very important one, but it should not take very long to debate it because the facts are not in dispute. Once the facts are given to the body, then you reach a conclusion.

In my opinion and the opinion of my two principal cosponsors, Senator JOHNSTON and Senator BENTSEN, the facts are overwhelmingly in support of the amendment. We first introduced a bill in the Senate to withdraw 10,000 of the 43,800 troops we had in Korea as of June of this year.

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. We cannot proceed with the noise in the Chamber at this time. Senators will cease audible conversation. The Senator deserves to be heard.

Mr. BUMPERS. Mr. President, as I was saying, we have 43,800 troops in Korea. Broken down, it is roughly 31,400 Army, 11,500 Air Force, and about 1,000 Navy and Marines; all told, 43,800. We wanted to withdraw 10,000 troops over the next 3 years. But bear in mind this is an appropriations bill and you can only operate for 1 year on an appropriations bill, so what we did, instead of asking for the phased withdrawal of 10,000 troops over a 3-year period, we are asking for roughly one-third of that amount in 1990, by August 30. No big deal, in one sense of the word, out of 43,800 troops.

Listen to this. Listen to the history of our presence in Korea. We went there in the late 1940's. The war broke out in 1950. And of course our presence accelerated dramatically. Then it started dropping off.

But if you adopt this amendment tonight to withdraw 3,000 troops in 1990, we will still have over 2,000 more troops than we had in 1981.

When Korea was a poor country and could not defend itself, our presence there made some sense, because they were threatened by the North Koreans. Mr. President, we are talking about 40 long years later. We are still there. The taxpayers of America are paying $2.6 to $3 billion a year. We are closing bases all over the United States to the chagrin and dismay of many of my colleagues, but you name one base overseas that has been closed.

Where do you get the most applause, Republicans and Democrats alike, when you go home and you speak to the Rotary Club? When do they applaud the loudest? When you talk about burden sharing. Why do our allies not help themselves? Why is the United States, with a $160 to $170 billion deficit this year, spending $2.6 billion for that kind of presence in Korea when South Korea has twice as many people as North Korea?

Bear in mind the only threat to South Korea is from North Korea. They have twice as many people, 41 million to 21 million. The North Korean economy is a basket case, stagnant, zero growth. And the South Koreans have an eight times bigger gross national product.

Think of this. This is like asking Korea to come defend us against Mexico. It would be laughable if such a proposal were made. But here is South Korea, with twice as many people, eight times bigger GNP, and a $10 billion trade deficit against the United States.

I can walk outside this building and within 2 minutes see a Hyundai. They flood the American market with Korean products. They have one of the most vibrant economies of any nation on Earth. And they have one of the finest armies and navies of any nation on Earth.

What in the name of all that is good and holy are we doing? It is outrageous.

Mr. President, here is the real clincher. The real clincher is that in 1982 Korea was spending, when we had over 2,000 less troops there than we have now, they were committing 6.1 percent of their gross national product to their own defense; 6.1 percent of their GNP went to defend themselves. What do you think it is going to be in 1990? Twenty-two percent less; 4.75 percent of their GNP.

While Korea is reducing its commitment to its own defense, we stay and stay and stay, and spend the poor, hapless American taxpayer's dollar to defend people who absolutely refuse to defend themselves.

How many speeches have I heard on this floor about the trade deficit and who is causing it. How many times have I heard speeches on this floor about we have got to demand a greater share from our allies. We cannot be the policemen of the world.

Mr. President, we are not going to renege on our commitment. I am not suggesting that. I would not vote tonight nor in the foreseeable future to remove our Air Force, intelligence and communications systems from there. But with one little simple amendment tonight, you can save $220 million annually.

Do you believe that if we have 40,800 troops in Korea instead of 43,800, do you believe North Korea is going to attack? Why of course you do not believe it.

I told the Korean Ambassador, who came to see me when we first intro-

duced the bill, "Mr. Ambassador, our commitment to the freedom of South Korea is total. We are not going to renege ever on our commitment to you until you tell us to."

You will hear argument tonight: "This is not the time." Well, we have been hearing that now for about 30 years. This is not the time. The Korean Defense Minister was in the United States recently. They said, "Well, when is the time, Mr. Minister?" He said "Well, sometime after the turn of the century, around 2004 to 2006," He thought that would be a good time.

You will hear the argument tonight that Congress is usurping the prerogatives of the President or the Defense Department or the State Department. Do you know what that argument means? They say we do not want to unilaterally withdraw. We have to negotiate this with the South Koreans. Do you know what that means? That means we are hostage. If we cannot leave on our own initiative, then we can only leave with the permission of the South Koreans. And that means you will never leave, and you certainly will not leave, according to them, before the year 2004, 2006.

At some point, people have to defend themselves, and South Korea has a burgeoning democracy, and we want to nurture it and help them. But our presence there is just a lightning rod.

My colleagues know what happened at the 18-hole golf course, do they not? Every Korean who worked in Seoul going to work every morning went by this most beautiful and precious piece of real estate in all of Seoul, an American golf course.

My colleagues will hear people say that it is not true that the South Koreans resent us; they love us. If they love us, why did they have riots over our having that golf course downtown? Riots to the point that South Korea itself had to give us land outside the city for a new golf course and base?

I think we are respected in South Korea. But I will tell my colleagues something else. Talk about burning American flags, that is a favorite pastime in South Korea. Every time anything goes wrong, they blame the Americans, the dissidents do. And I think we foster democracy, there if we start diminishing our presence so they at least cannot blame everything that goes wrong on us.

Mr. President, I want to honor our commitments. Our commitment to South Korea has long since expired. The Armed Services Committee the other day in the authorization bill said: We want to study this. And we want the President to report back to us.

I will tell my colleagues something, the President cannot tell them one thing in his report that I have not told them in the last 5 minutes. And when the report comes back it will say we have it under study and we want to negotiate with our good friends and allies in South Korea.

So, Mr. President, I say the time has come not to put up with the arguments any longer that this is not the right time, that it ought to be studied, that we need to negotiate this with South Korea. We inherited those arguments.

We have heard those arguments for 30 long years. The time has come to fish or cut bait.

Mr. President, my distinguished colleague, Senator JOHNSTON, has some graphic charts that show the statistics I just described. At this time I will yield the floor. I think in order to keep the time more even it would be well for the other side to go.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I yield myself 10 minutes. If I need additional time, I will then yield additional time.

The PRESIDING OFFICER. The Chair will inform all Senators the Senator from New Hampshire controls time in opposition.

Mr. RUDMAN. I thank the Chair and I thank my distinguished colleague from Hawaii, for that courtesy.

Mr. President, this is really not a matter of numbers or graphs. It is not even a matter of relative strength, although that is important. It is a matter of how we regulate our foreign policy.

I say to my friend from Arkansas there is no question but that U.S. troop commitments worldwide are presently under review for a variety of reasons. First, because it would appear that in many parts of the world the tension level is changing; and, second, because of the fiscal realities that we face here in this country.

But I would say to my friend from Arkansas that the tension level in the Far East, and particularly along the 38th parallel in Korea, has not changed. Unquestionably, there well may be a time, and this well may be the time, for a reduction in forces. But to suggest that here in the U.S. Senate we will make this kind of foreign military policy by a vote of the Senate, followed, I am sure, by a vote sometime tomorrow on changing our troop strength in NATO, for which this may also be the time, I submit is shortsighted. This may be the time, but this is not the place.

Senator STEVENS will offer a substitute amendment which will, set forth the manner in which we ought to approach this.

Let me give my colleagues a little history, because there are people currently in this Chamber who do not remember that war very well. In early February 1950, the then Secretary of State, Dean Acheson, gave a speech at the National Press Club. In that speech he drew the defense perimeter of the United States, its worldwide commitments.

Any historian who has written on this subject will say that was probably the worst mistake a modern American Secretary of State has made, because 4½ months later, Kim Il-song, the irrational, and irresponsible, leader of North Korea, launched the attack across the parallel.

In interviews with Chinese diplomats and military officers, as well as Koreans, that was interpreted as a clear signal the United States did not consider South Korea as being within our defense perimeter.

The rest, of course, is history. We have a memorial to Vietnam veterans, a beautiful memorial, to the 55,000 Americans killed in Vietnam. America invested nearly that, 54,000 Americans killed, with total U.N. casualties of a half million between 1950 and 1953. On July 27, 1953, after a great deal of negotiation, an armistice was signed and a demilitarized zone established.

That armistice still exists. There is no peace agreement between the North and the South. North Korea is still ruled by the same irresponsible leader, and in my trip to South Korea in August, returning there for the first time since 1952-53, I found the tension level around that parallel something that anyone would find disquieting.

In my discussions with the Koreans, they agreed that a reassessment must be made and they would like to be part of that reassessment. They do not say that American troops will stay there indefinitely, and I believe we should look forward to some restructuring of forces. But that should not be decided here in the U.S. Senate. In the White House, in the National Security Council, in the State Department, yes. In consultation with the Congress, yes. But not by a unilateral action on the floor of the U.S. Senate.

Let me just deal in a few facts and figures. North Korea has a GNP of only $20 billion, but they devote 25 percent of it to the military. With their abnormally low wage rates and their police state, they get enormous clout for those defense dollars. The numbers are rather interesting.

Although we do have 40,000-plus forces there, the forces of North Korea are certainly superior quantitatively, and very few who fought against the North Koreans, and I did, would say that they were inferior qualitatively, as we found out to our surprise, given our superior attitude about Western arms and Western soldiers.

Presently, North Korea has 1,040,000 troops under arms; the South, 650,000 and building. Total reserve divisions stand about 25 to 23 in the South. Infantry divisions, 25 to 21.

Tanks, 3,500 to 1,500. Multiple rocket launchers, 25,000 to 37. And I should not have to tell my friend from Arkansas the value of those kinds of systems which he has supported for the U.S. Army many times on the floor of the Senate, the MLRS system, which I support as well.

They also have an air force that has 80 bombers, to zero in the South; 614 jet fighters, to 480 in the South, and an enormous surplus in antiaircraft artillery, field artillery, and armored personnel carriers.

In my conversations with people in Korea, they simply said that if the United States wishes to start reducing its troops and its commitment, it should be done in a phased and a careful way. We understand that the United States will not stay here forever, and we are building our forces and modernizing our structure.

As a matter of fact, Mr. President, the South Koreans presently are spending at a rate of about 6 percent in terms of their own GNP. But, I would add, they are totally modernizing their field forces, bringing in 1980's artillery rather than 1960's vintage, or 1950's vintage. They are likewise modernizing their air force, their navy, and all of their forces.

The point they make to me is that U.S. forces there in the current numbers essentially act as a strong message to Kim Il-song that the United States maintains its commitment along a tense border that has existed for 36 years.

Before I yield the floor, and I might take some more time after my friend from Louisiana speaks, let me say this. We are not dealing with a rational government. Let me just tell you a little bit about North Korea, which I referred to in committee the other day as the Albania of the Far East.

Everyone in North Korea has a radio. It has one frequency, and it is not tunable. Everyone in North Korea has one television set. It has one frequency, and it is not tunable. And Kim Il-song, who has been known for many years as the great and beloved leader, lectures the people of North Korea. There is thought control beyond belief. Bicycles are not allowed in North Korea. I ask my friends why? Simply because Kim Il-song and his son and heir apparent as well as the military that controls that country do not want civilians to have any mobility whatsoever because that could lead possibly to knowledge and dissension and discontent.

So here we have a country that essentially is unchanged since the cold war period of the fifties; a truly doctrinaire state ruled by the ironfisted Communist Party which still preaches the reunification by any means of the two Koreas.

Let me say to my friends from Arkansas and Louisiana that 250,000 Americans were killed, wounded or missing, and a half a million people on the allied side lost their lives and fought with great valor to give the Western World its only victory militarily over communism in the postwar world. In Korea, the purpose that President Truman courageously set forth was to establish and reestablish South Korea. What happened with General MacArthur is more history, but the fact is we are now exactly where we were on June 25, 1950, and to give any signal whatsoever without careful and thoughtful deliberation is a terrible mistake.

I do not believe United States forces should stay at their present levels indefinitely in Korea, and I will support reductions, but I do not want it done on the basis of debate on the floor of the United States Senate. I would like it done thoughtfully by people who understand the issues and all of their complexity.

There is no question in my mind that by 1990 or 1992, we will reduce forces in Korea. I have little doubt about that. Let us do it with consultation; let us do it with our allies, the South Koreans; let us make sure that their burden sharing, which is at a high level, and I have those figures if anyone is interested, will continue and increase. Let us eventually step down to a smaller force, but let us do it the way it ought to be done. And let us understand that when you are dealing with Kim Il-Song and North Korea, you are not dealing with Gorbachev or the Polish leadership or the Hungarian leadership or the East German leadership. You are dealing with an erratic, unstable dictator who, with the snap of his fingers, could unleash another attack against South Korea which would then cause the committal of major United States forces.

Mr. President, this is not a good amendment. It is offered in good faith. I understand the reasons. I do not necessarily disagree with them. This may be the time, Mr. President, but surely the United States Senate is not the place to signal the North Koreans that America is starting to reduce its commitment unilaterally to the Republic of South Korea. I yield the floor.

Mr. JOHNSTON. Will the Senator yield me 10 minutes?

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. JOHNSTON. Mr. President, I have now been in the Senate for 17 years. Some things have changed dramatically in that 17 years. The first is the limits that are placed on us by the budget. Seventeen years ago, Mr. President, we had much more money, it seems, to do all of those things we wanted to do. We had war in Vietnam which we were able to sustain, and we had a deficit which was much less. Today, Mr. President, we struggle to find money for the war against drugs. President Bush wants to be the education President, and there is no money for an increase in education. Our infrastructure is crumbling in this country. Our highways are deteriorating, our bridges are falling in. We do not have money for AIDS research; we do not have money for catastrophic health care; and we are facing a sequestration, and no one has quite the solution to it.

Mr. President, in this very bill, we are seeing all of our military systems, most of them, cut back, and we are told that we ought to have some money. Mr. President, just what is the solution? Surely the country needs money. Surely we have high priorities here. How do we solve it? Is it taxes? Well, you can read my lips as I read President Bush's: Taxes are not going to happen. I am against taxes. I think my colleagues are against taxes. I know the President is against taxes. So what is the solution, Mr. President? The solution has to come from this body. We just cannot continue to do business and wait for somebody in the Pentagon to come give us a plan to cut troops in Korea. That is never going to happen. Mr. President, if we cannot cut troops in Korea now, then we cannot solve our problems, and if the U.S. Senate is not the place, the elected body where the people of the country send their representatives to do this job, then I say we better quit.

Mr. President, some things have not changed since I have been here. One of those things that has not changed is the fact that we have been talking all that time about cutting troops in Korea, and it is always the same story. I remember when the late great Hubert Humphrey was here in 1976. He had an amendment to cut back troops in Korea. Here is what he said, and I quote him in part: I am insisting that the executive branch begin to plan in specific terms for the day that the defense of Korea can be turned over to the Koreans, said Senator Humphrey. And he continued: "The report"—that is the Ford administration report—"states that the earlier Korea modernization plan had been completed. This was supposed to have been the time when U.S. reductions could begin. If we leave things as they are, the Koreans will never prepare themselves militarily or psychologically to stand on their own." So sayeth Hubert Humphrey back in 1976.

Just what happened since that time? Mr. President, there were some reports. There was a report out of the House Appropriations Committee 2 years ago on the status of and prospects for troops reductions in South Korea. Guess what they said? Yes, we ought to do it, but now is not the time. They always say that, Mr. President. If you look at this chart which shows over here starting at about 1971,

which is about the time I came to the Senate—actually 1972—going up through the present time, it shows what our troop levels have been in Korea. They have actually been rising. All this time we have been talking about when is the right time to cut troops in Korea, and the numbers have gone up. What has happened to the Koreans? This is annual defense spending as a percentage of GNP. South Korea is here in red, and the United States is in blue. We are spending more as a percentage of GNP; they are spending less.

Mr. President, the figures I have are that they are spending, and this comes from Seoul, Korea, 4.75 percent of their GNP, considerabley less than we are spending.

Mr. President, there are some other things that have changed since 1976. The PRC is not a hostile enemy to us. They may not be a model of democracy, but they are not a hostile enemy to this country as they were in 1976 when Hubert Humphrey wanted to cut those troops and certainly in 1950 when they were part of the invading force in the latter stages of the war. Or certainly the Soviet Union with perestroika and glasnost, a vast change from the 1950 Soviet Union under Stalin or the 1976 Soviet Union under Brezhnev, I guess it was at that time.

Mr. President, things have changed dramatically. The trade surplus of this country with South Korea is now $10 billion. While we spend our money to support troops in Korea, they spend their money on R&D on Hyundai automobiles. Why should we do that, Mr. President? Why are we paying for a country that is relatively richer than us in terms of trade? Just why do we do that?

We are told, well, maybe sometime but now is not the place. Unless you make that crowd at Pentagon do it, they are not going to do it.

Mr. President, a year ago in this very bill we put in language that required the appointment of an Ambassador for burdensharing. We all made great speeches and that is now the law of the land.

Do you know, Mr. President, in a year they have not appointed that Ambassador. As high a priority as that ought to be, they will not even appoint somebody to go talk about it. They just ignore the law of the land.

Mr. President, if we wait for them to act on this thing rather than us to act on it, it is going to be like talking to somebody about quiting smoking. They ought to do it and they will do it from time to time but they just never get around to it.

And how about all those civilians over there, Mr. President? It is virtually scandulous. According to the report that we have received, they say that the tooth-to-tail ratio in South Korea is virtually scandulous in terms of the number of people that are there to support these Armed Forces.

This is 1989. All our amendment does is cut the first 3,300 troops from Korea and give us a report on how you would cut 10,000 over a period of 3 years. It is a very modest first step, Mr. President very modest. But for the first time we would be sending a signal that it is time for Korea, which has eight times the GNP of North Korea, twice the population, to do their share; otherwise, they are going to depend on Uncle Sugar forever. As Hubert Humphrey said, they will never be prepared psychologically to share the burden of their own defense. We need to get started and get started now.

With respect to all of these scare stories about how strong Kim Il-song is, I can tell you that General Memetrey, who is the commander in Korea, says that considering the air power of the United States, which is the key of the United States forces—it is not those 44,000 ground troops. If that is a problem, we ought to have a lot more than that, if we are going to defend against an invasion from over 1 million. Our key is the Air Force.

General Menetrey says, sure, we can defeat an invasion from the North using our air forces, but what we ought to do is bring home, at least begin to bring home, those doughboys that are not necessary in Korea. We are supporting their economy when they ought to be either phased out or stationed somewhere in the United States so that they can support the complete——

Mr. RUDMAN. Will the Senator yield? Is he still quoting General Menetrey? I just want to make sure that the record is clear because that sentence continued and I now have a report of what General Menetrey believes. I just want to be sure what the Senator is saying. Could he restate for us what General Menetrey believes because he went into his own statement and I was afraid people might be confused.

Mr. JOHNSTON. Mr. President, on the Senator's time, I will be glad to do this. I spoke to General Menetrey, and what General Menetrey told me is that with our Air Force we can defeat an invasion from the North. Now, if he is saying something different from that, that is exactly what he told me.

Mr. RUDMAN. I thank the Senator.

Mr. JOHNSTON. That is exactly what he told me. He also told me that he thought there was a very good chance they would begin to bring home troops now on their own without this amendment.

But, Mr. President, we keep hearing that every year. Oh, we are going to do it.

Mr. SYMMS. Will the Senator yield for a question?

Mr. JOHNSTON. But now is not the time.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. Time is very limited.

Mr. SYMMS. Is General Menetrey an Air Force officer or Army officer?

Mr. JOHNSTON. He is an Army commander.

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

Who yields time?

Mr. RUDMAN. Mr. President, I would like to yield a couple of minutes to Senator BOND and then I will yield some time to the Senator from Pennsylvania [Mr. HEINZ].

The PRESIDING OFFICER. The Chair would inform all Senators the Senator from New Hampshire has 18 minutes remaining; the Senator from Arkansas has 7 minutes, 53 seconds remaining.

The Chair would seek clarification. Did the Senator from New Hampshire yield to the Senator from Missouri?

Mr. RUDMAN. I am yielding 2 minutes to the Senator from Missouri.

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

Mr. BOND. Mr. President, there are so many points that the sponsors of this amendment have raised that must be addressed. Let me begin by quoting from Congressional Quarterly, page 2262, the statements of General Menetrey talking about Kim Il-song. "This rather formidable offensive power is in the hands of this unpredictable leader who has certainly exhibited his capability for irrational acts."

That is a quote from U.S. Army Gen. Louis Menetrey.

Later on that same page, General Menetrey is quoted again, "There is a Korean saying which says that the air and naval forces are like geese. They just honk and fly away. The commitment of ground forces is the greatest single deterrent we can have."

Mr. President, there are many other points that we ought to straighten out.

First, South Korea does provide about one-third of its governmental budget for defense—5.5 percent of its gross national product. South Korea faces the seventh largest army in the world, approximately 1 million men amassed on its border—troops who are under the control of a leader who for four decades has managed to keep his country outside the community of responsible nations.

The Kim Il-song regime clearly is one of the most militant and hostile in the world. Time and time again Kim has shown his willingness to use force against the South. From his 1950 invasion, through more recent acts such as the 1983 assasination attempt against President Chun Doo Hwan and his

cabinet, to the recent bombing of a Korean Air flight, Kim has shown that his is a terrorist regime.

Against this massive hostile regime, the South has deployed impressive—but clearly outgunned—forces, outnumbered almost two to one by the North.

The United States troops deployed in Korea play a critical role not only in helping the South to address the imbalance from the North but, more importantly, they play an important phsycological role—sending a clear message to the North that an attack on the South will not be ignored by the United States.

The sponsors make a number of arguments in favor of this amendment, and I would like to take a few minutes to address those.

First, they argue that South Korea is much stronger economically than is North Korea—having a Gross National Product eight times as large. This is irrelevant at best. A nation's overall GNP gives no indication as to the size of its military forces or the threat it poses. The United States, for example, has a much larger GNP than the Soviet Union. Yet the Soviets have forces that are in many ways equal or superior to those of the United States. The fact that the Soviet economy has suffered because of this tremendous military buildup does not make its military any less lethal or any less of a threat to the West.

A second argument raised by the sponsors is that South Korea has a $10 billion trade surplus with the United States. This truly is a specious argument.

I believe as strongly as anyone in this chamber that we must work to eliminate our trade imbalance with Korea. It would be a great mistake, however, to allow our distress over this imbalance to drive our military decisions. Yes we should be tough in talks with the Korean Government to get them to eliminate unfair trade barriers. Yes, we should keep pressure on them to eliminate improper currency manipulation and to bring their currency into proper valuation. And yes we should do everything possible to encourage and aid United States companies to sell their products in the Korean market. But it would be a great mistake to ignore our own security needs and withdraw troops in frustration over this trade imbalance.

Mr. President, I am not unaware of the fact that South Korea has a successful economy. South Korea is, in fact, one of the world's true great economic miracles. Yet we must remember that Korea's success is recent.

As few as 10 years ago, South Korea was an economic questionmark, and 20 years ago it was an economic basket case. On the political front, just last year South Korea took the historic steps of peacefully and democratically removing an authoritarian government and electing a new leader. I would argue that this is a country that we should encourage and nurture, not beat into the ground. The United States—and particularly the United States defense budget—benefits from strong, stable, democratic allies such as South Korea is becoming.

This is not to say that we should be the saps that we sometimes are and allow our allies to take advantage of us. I believe we should work hard to push our allies to pay a greater share of our mutual defense costs. However, we should do this in a way that meets—rather than defeats—our defense interests.

In Korea this means making it clear to the Koreans that they need to pay a larger and growing share of the cost of United States troop deployments.

Mr. President, one last point worth noting is that the sponsors of this amendment argue that it would result in a savings to our defense budget. That is not the case unless the troops are deactivated. Because of the large amount that South Korea pays to support United States trade deployments in that country, withdrawing our troops to the United States would result in an increase, rather than a decrease in expense.

Mr. President, I would simply conclude by urging my colleagues to oppose this amendment. If Senators are concerned that we are over extended in Korea, the way to address that is by working with Korea to pay a larger share of the bill, not by withdrawing our troops.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

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

Mr. HEINZ. Mr. President, South Korea has the ability and the obligation to bear a larger portion of the burden of deterring North Korean aggression. We should strive to elicit this enhanced contribution from South Korea in a way that does not undermine our strategic interests in the Korean Peninsula or squander the investment in blood and treasure we have made there since 1950. The debate on the Bumpers amendment is not about ends—it is about the means to an end.

There are key differences between the Korean Peninsula and other parts of the world. While glasnost and perestroika roar like a political hurricane through Eastern Europe and the U.S.S.R., and at least a breeze of reform lives on in China, the Democratic People's Republic of Korea lies isolated and any forces of reform utterly becalmed. While Solidarity blazes a new path for Poland, and Hungary opens its borders for East Germans traveling the freedom road, the policies of North Korea are a walk down a totalitarian memory lane.

The amendment now under consideration, while it aims at the desirable objective of boosting South Korea's defense contribution, risks precisely the sort of political fallout we cannot afford. For this reason I must oppose the amendment.

There is a group of countries that have long been branded pariah states—and North Korea still merits that description. The list of particulars against Pyongyang is long and grisly, and includes recent flagrant acts of international territories against civil aviation. It has been only 6 years since North Korean agents assassinated half the South Korean Cabinet with a bomb at an official ceremony in Burma.

The brutal, broad-daylight ax murders of two American servicemen at Panmunjom in 1976 seem distant, but that barbaric act serves as accurate symbol of the unrepentant perversity of the regime in Pyongyang.

North Korea's military might remains all out of proportion to legitimate defense needs. Modern systems including the latest Soviet fighter aircraft are in North Korea's arsenal.

And despite the struggle for democratic change in South Korea, which has made some progress, the North has not altered its hostile policies that prevent any moves toward reducing tensions on the peninsula.

In this context, Mr. President, a unilateral cut in American troops deployed in South Korea, whatever its motivation, would only put off the day that North Korea must come to terms with reality and with its southern neighbor. American troop reductions in South Korea must come some day—but they must be part of an integrated plan that coordinates the efforts of the United States and South Korea. Such reductions must come as a result of consultations with our allies in Seoul, and ideally in the context of a relaxed atmosphere in which North Korea is usefully engaged in negotiations to reduce the chances of war.

Mr. President, this past July, as an amendment to the Defense Authorization Act, the Senate adopted a provision offered by Senators NUNN and WARNER. This amendment required a report from the administration on the kinds of changes we would like to see in the United States-South Korean defense relationship.

The Nunn-Warner amendment, while calling for a general reassessment of American security arrangements in East Asia, pointed to specific measures to reduce the burden of protecting American interests in the region. Most importantly, the amendment mentioned increased South Korean contributions to offset direct

costs of United States forces deployed in South Korea.

The annual cost of maintaining United States forces in South Korea is $1.9 billion. At present, Seoul claims to provide, through both direct budget outlays and indirect methods such as free rent and discounted utility rates, about that same amount of support to U.S. forces. The South Korean figure can be disputed, but whatever the merits of their calculations, there is no doubt that the South Koreans could easily provide much greater support for United States forces deployed on their soil.

Over a billion dollars of the total cost of maintaining United States troops in South Korea are accounted for by operations and maintenance expenditures. In 1988 South Korea ran a national budget surplus of over $2 billion in addition to enjoying a $10 billion bilateral trade surplus with the United States. I see no reason the two sides cannot work out an arrangement whereby some of this budget surplus can be turned to offsetting the direct costs of American military deployments in South Korea.

The last two meetings of the security consultative meeting, the United States-South Korean bilateral security forum, have seen United States requests that South Korea increase its support of direct costs of the American presence. The administration is on the right track. I would urge them to look at the example of Japan, which pays for virtually all recurring costs of United States forces in Japan save their actual salaries. We should seek the same level of support from South Korea as many years of negotiating have yielded in Japan.

Instead of unilateral troops cuts, I believe the Senate should put its full weight behind the ideas approved in July—intense bilateral consultations leading to cost reduction, greater Korean contribution to United States deployment costs, and a more efficient regional strategy. In Europe, we all hope to see historic troop reduction through the CFR negotiations. In Korea, we should take the same approach—adopting considered, allied positions for bargaining with the adversary.

Mr. President, South Korea's contribution to its own defense must increase. We cannot care more than the people of South Korea about deterring their rival to the north. South Korea must assume the responsibilities appropriate to its economic stature. But America has responsibilities as well. We cannot afford actions that may encourage the unrepentant North Korean Government to deepen its intransigence or expand its troublemaking.

There are ways, some of which I have outlined, to reduce our burden in the Far East without endangering our vital interests there. Unfortunately, I believe this amendment is not among them, and I urge my colleagues to oppose it.

Further, Mr. President, I would like to speak in opposition to the Bumpers amendment but from a slightly different point of view than has been expressed so far. It is not that I disagree with the Senator from New Hampshire or the Senator from Missouri about the troop levels and strengths.

It seems to me that we are really arguing about is in the broadest sense burden sharing. It is an area we are often talking about when we are talking about Europe. It seems to me what we really are talking about is a means to an end. The amendment of the Senator from Arkansas seeks a particular means, namely, a unilateral troop cut toward an end that I think we all agree upon, at least if I have heard my colleagues today.

I think that when you have a country like South Korea which has a bilateral trade surplus with the United States of $10 billion, which has a budget surplus of $2 billion—would we not like to have a budget that was neutral let alone in surplus?—they clearly have a capacity to engage in enhanced burdensharing. They are a long way from it, and I think we should use every opportunity that we have to negotiate a much stronger amount of support and offsets in the normal sense of that word to reduce the cost of our taxpayers of having troops there.

But this Senator believes, for reasons said by others, that simply going about a unilateral troop reduction is the wrong way to do it.

Senator STEVENS is going to have an amendment tracking the Nunn-Warner amendment, as I understand it, later on that deserves our support. I will certainly be supporting that. I urge my colleagues to do so as well as an alternative to the Bumpers amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, we did generally think we would alternate. I see no one seeking recognition from the other side, so I will yield 3 minutes to the Senator from Maine.

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

Mr. COHEN. First of all, it has been represented by this chart and the argument of the Senator from Louisiana that his amendment is going to save some money. He talked about the need for highway repair, drug education, drug interdiction, AIDS, and all the problems that afflict us. This amendment will not save you a single penny, not a dollar. This amendment does not save any money because it does not require the inactivation of these troops. It will cost more money to bring those troops back home unless we intend to inactivate them. But the amendment does not do that.

The second point is this: The Senator from Louisiana supported $1 billion about an hour ago for fast sealift. What are we going to spend $1 billion for fast sealift for? To move troops and equipment—to where? I assume to Korea, and to other flashpoints in the world.

So on the one hand, we want to cut troops out of South Korea tonight and elsewhere—Germany tomorrow—and then use $1 billion to build a fast sealift. It does not make any dollars and sense.

Second, he says that the PRC is not an enemy. Maybe not, but who wants to bet the troops on the future? How friendly will they be at any given time in our relationship?

Let us not consult with our allies. Let us just do it. Let us just show the South Koreans for a change. Let us do it. Do not consult them.

Let me suggest to you that if the President of the United States just did it without consulting with our allies, the Senator from Louisiana and the Senator from Arkansas would lead, and I do not mean this in any partisan way, a mule train right into the Senate criticizing him, demanding to know what he's doing treating our allies that way? Why did he not consult with them?

I would like to go back to the point that they are rioting in South Korea; therefore, let us get out. When they riot in the Philippines, will we want to get out? If we want to get out of South Korea now, today, 3,000, 10,000, or whatever the amount will be, shall we get out of the Philippines, too because we're a lightning rod?

Let Japan defend that region of the world. The Soviet Union is not a threat. After all, their economy is a basket case just like North Korea's is. What is the problem? Why are we worried about the Soviet Union's presence?

There is not a more unstable, dangerous flashpoint in the world than North Korea today. Is our presence there a lightning rod?

I would suggest our presence is a stabilizing factor. We had a commitment. The Senator from Arkansas said our commitment has long since expired to South Korea. Our commitment remains to South Korea, to treat them as an ally. I think we have an obligation to deal with them frankly, and in a tough-minded way, and negotiate those troops down. But we should not treat them as if they are some sort of an employee and say, "We are going to do it," and, "See you later."

I hope we reject the Bumpers amendment, and overwhelmingly.

Mr. JOHNSTON. Mr. President, will the Senator yield 1 minute?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. Mr. President, my friend from Maine states that this amendment would not save any money. According to CBO reducing the U.S. military forces by 11,044 troops—that number came from a previous iteration of our amendment. In any event, by that number, over the years 1990 to 1992, it would save $2.67 billion in total if the troops were brought home and demobilized, or $131 million in total by 1994 if the troops were stationed in the United States, which, of course, would give us a more rapid deployment capability.

Frankly, General Powell, as others, has talked about needing a four-structure reduction. So if these forces were used as part of the reduction, then the number for 11,044 troops would be $2.67 billion according to CBO. Not only that, according to the inspector general's office, they review the United States military in South Korea. In an issue in February 1988, a report known as the Vandershaft Report, states as follows:

Summary. There are more Army administrative headquarters support and administrative personnel in Korea than there are war-fighting personnel, in a country where the number of dependents is relatively low. While there is no intent to reduce the number of people who are necessary to deliver support in services, the numbers appear excessive. Also excessive are the numbers of different organizations delivering support.

It goes on to point out that it is just ridiculous that there is that number of support personnel which we have, and if those came down to the fighting troops—and they ought to—then the numbers would be even greater than the $2.67 billion identified by CBO.

It makes common sense, Mr. President, and I do not know what the actual figure is. But you save money when you bring troops home from Korea. Anybody knows that.

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

Mr. BUMPERS. Mr. President, how much time does the Senator from New Hampshire have and the Senator from Arkansas have?

The PRESIDING OFFICER. The Senator from Arkansas has 5½ minutes; the Senator from New Hampshire has 11 minutes.

Mr. RUDMAN. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, what this amendment does is it asks that we in this body act as military strategists. That is something we all ought to do. I am not sure we are qualified along those lines. Indeed, it seems to me that it is the very type of action that we should avoid on this floor. Perhaps we believe that the number of troops in Korea should be reduced. But that is not our proper role.

It seems to me our role is not to take charge of every deployment of the United States forces throughout the world to say you are to have 80,000 in this place, so many in Korea, so many in the Philippines, so many in Okinawa, and so many in Japan. That is not the duty of the Senate.

What we should do, it seems to me, is to tell the armed services that this is the number of total troops you can have. Then we expect those who are skilled in these matters to determine where in the world they are to be deployed, and where they can be most effectively used. Perhaps the decision will be in South Korea. Perhaps it will be in Western Europe. But let us leave those type of decisions to those who we hire to do the job; namely, the military chiefs of the United States.

I think this amendment, with no criticism of those who honestly put it forward, to me is a meddler, and meddling in the deployment of the forces of the United States throughout the world.

I think it is an unfortunate amendment. I hope it will be defeated.

I thank the Chair.

Mr. BUMPERS. Mr. President, I wonder if the Senator from New Hampshire and the Senator from Rhode Island would be surprised to know exactly 1 year ago they both voted for precisely what we are talking about—a cap on the number of troops we can have in every single country in the world. It was in the appropriations bill last year, and they both voted for it.

Tonight everybody comes here saying we are going to renege on our commitment. Nobody said that.

Let me remind the Senator from Maine that in my opening sentence I said we are not reneging on our commitment to South Korea. I am for defending South Korea. I am not for keeping 43,000 troops there as long as they say we must keep 43,000 troops there. What is this body? We cannot do this. We cannot do that. What can we do? We can appropriate $2.6 billion every year to keep them there. The Senators voted for a cap on every single nation last year. And tonight they come in saying we are meddling.

The fact is that North Korea has more men under arms than South Korea. That is South Korea's decision. They have twice as many people, eight times the GNP, and any time they want to defend themselves they have the resources. Why should they? I do not blame them for taking our money, and using it for technological advancement so they can send goods to the United States, and take $10 billion out of this country every year.

Do you know something else? There are 18,000 American citizens, civilians, in Korea supporting those 43,000 troops. What do you think that does to our balance of payments?

If we do not save a dime, we could at least bring 18,000 jobs back to America.

I must say with all deftness, and I have the utmost respect for anybody who opposes this amendment. That is their privilege. There is nothing unique or original about it. It hurts all departments. But now is not the time. You cannot do it. We cannot set a cap and say:

General, you tell us how many troops you want to send over there, and you just go ahead and take them. We will have you decide how many troops we are going to have in every corner on Earth. We will have you decide how many troops we are going to have in every corner of the Earth. It is your prerogative, not ours. The people elected us to come up here and rubberstamp everything you want.

I will tell you that not many people watch C-Span, but I will tell you that the American people would be sick to death to know that we are spending this kind of money for a country, one of the most modern economies in the world, and that we have made a conscious decision that they are not going to defend themselves fully. On the contrary, according to the charts, and according to everything you have seen, they are reducing their own commitment to their defense. They are depending on us to do it. "Uncle Sucker."

Well, we may not prevail on this amendment tonight. But it is a debate worth having.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, I yield 2 minutes to my friend, the Senator from Arizona.

Mr. McCAIN. Mr. President, listening to the inspired thoughts of my friend from Arkansas, I am reminded of the immortal words of the great Yogi Berra, who says, "It is deja vu all over again."

I remember in 1972, the Presidential campaign slogan was "Come Home America." Back in 1978, we had a President who felt that we ought to withdraw 10,000 troops from Korea. At that point he was willing to consult with Congress rather than agree to a unilateral movement or decision, such as is being attempted here on the floor of the Senate.

Mr. President, surely my friend from Arkansas understands the difference between a cap on numbers of troops and a unilateral withdrawal. Certainly that semantical difference does not escape his attention. It is one thing for the Members of this body to vote for a cap on the number of troops that we may have stationed overseas, but then to announce a unilateral withdrawal no matter how big or small in the presence of an unstable and erratic

and indeed insane dictator, who not only has all of the qualities which were so eloquently described by my friend from New Hampshire in what I believe is one of the finest statements I have heard in the short time I have been a Member of this body. He neglected to mention the very disturbing development in the realm of biological, chemical, and atomic warfare.

We hear reports about events taking place in North Korea. It is the wrong time for a decision such as this to be made. I would like to remind my colleagues that we have an authorizing committee, we have a Senate Armed Services Committee, of which I am proud to be a member, as is my friend from Maine.

Under the chairmanship of Senator NUNN, along with Senator WARNER, we, the Senate Armed Services Committee, unanimously approved a burden-sharing package, which I am very frank to tell you I think is one of the most forward and important statements made by the Senate Armed Services Committee since I have been observing that committee.

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

Mr. RUDMAN. I yield an additional 30 seconds.

Mr. McCAIN. In that package is a clear outline for which the administration is in agreement that we can approach this issue of United States presence in Korea in a measured and mature and deliberative fashion, from which I believe we will see some reductions, we will see some changes in command structure, and indeed send the right kind of message at the right time, which this amendment clearly does not do.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Hampshire has 6 minutes remaining. The Senator from Arkansas has 2.

Mr. BINGAMAN. Will the Senator yield. Would the Senator from Arkansas be willing to add me as a cosponsor?

Mr. BUMPERS. Yes. I ask unanimous consent that the Senator from New Mexico be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. RUDMAN. I yield 2 minutes to the distinguished chairman of the subcommittee, the Senator from Hawaii.

Mr. INOUYE. Mr. President, the issue before us is military. It is also budgetary. Are they equally as important? It is a foreign policy issue.

I believe it is well for all of us here to pause a moment to realize that in the Pacific Rim are located 7 of the top 10 largest military units in the world. North Korea is No. 5. The second set of statistics, Mr. President, is we do more business in the Pacific area than the Atlantic area. In fact, our volume of business in terms of dollars doubles that of the Atlantic or European. For each jumbo jet that flies over the Atlantic, four jumbo jets fly over the Pacific.

Our presence in Korea has brought stability in that part of the world for 40 years. All of us who cherish democracy should know that we flourish in a stable world. Democracy has great difficulty flourishing in an unstable world.

It is true that 3,000 troops out of 43,000 should not make much of a difference, but in that part of the world a signal means something. Three thousand troops will be a loud signal. The signal that was issued in June 25, 1950 was less than that. As a result of that signal which was just a statement, we ended up with 500,000 casualties.

So, Mr. President, I hope that we will look upon the next substitute with favor, because that substitute will place us on record saying that Korea is our ally, that if any decision is going to be made, it will be made jointly, and that is the way it should be.

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes remaining. Who yields time?

Mr. RUDMAN. Does the Senator from Arkansas have any time remaining at all?

The PRESIDING OFFICER. A minute and a half.

Mr. RUDMAN. Would the Senator like to use his time?

Mr. BUMPERS. I will save it until the Senator from New Hampshire has run down.

Mr. RUDMAN. The Senator from New Hampshire will use about 2½ minutes. It has been a very spirited and, I think, a very sincere debate. I understand precisely what my friends from Arkansas and Louisiana are saying. We understand the issue. But I think there is just a little bit a rebuttal on a couple of points, in fairness to our friends in South Korea—and make no mistake, they are our friends.

That country was devastated during 1950 to 1954. It took a long time to rebuild. It is now young and thriving, emerging into a democracy—I would not say it is yet a democracy. It is becoming economically powerful.

But let me just make an observation that their GNP is growing at a very rapid rate. They are maintaining defense spending at a level of about 5.3 percent of GNP. I know the Senator from Louisiana thinks differently, but I think it is about 5.3 percent. Assuming it was 5 percent, the fact is that the dollars are increasing. They spent about $9 billion on defense in fiscal year 1989, and they have an enormous commitment to reserve forces, and to the modernization of artillery and tanks and so forth.

That is the first point, that they are not shirking their duty and are contributing an enormous amount of money to burden sharing, in billions of dollars.

It is unfair to characterize that nation as a nation of American flag burners. Granted, there are some very leftist students and others in that country who are sympathetic to the north and who are unhappy with their government and who demonstrate and do burn the flag. But the overwhelming number of South Koreans are truly friends of the United States, as well they ought to be, inasmuch as we lost 54,000 of our finest young people in that war.

Finally, on that point, let me simply say that in a luncheon I had with the six members of six parties, including the leading opposition party, the unified message from the ruling party and all of the opposition parties was this: We understand the United States must reassess its commitment with us, work it out with us, and if you must reduce your forces, let us do it in a phased way. Let us not send a unilateral message from the floor of the Senate to an ally and friend and emerging democracy in the Far East. That would be a very bad signal to send. How much time do I have left?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Senator from Arkansas.

Mr. BUMPERS. Mr. President, there is one argument that I did not review. That is that Kim Il-song is a lunatic. Nobody doubts that. He has been for 40 years. He led North Korea when the war started in 1950. The argument that we cannot leave now because Kim Il-song is a nut means that as long as he lives, he is going to remain a nut and we cannot ever leave.

It means if he is succeeded by a nut, his son, who is also a nut, that we will not be able to leave as long as he lives, and the Senator has just talked about that.

Here is what the Foreign Broadcast Information Service says, and the Pentagon, and I am not using this for this year. In 1982 the South Koreans paid 6.1 percent of GNP on their own defense; this year, 5.1; and next year, according to this figure from the State Department which they take from a Korean broadcast, it is 4.75 percent.

I have never seen such a bunch of suckers. Here is a nation that is one of the wealthiest nations on Earth, with twice as many people as its adversary, and by 1995 10 times bigger GNP, and cutting their commitment to their own defense, and we are picking it up when they send us $10 billion more in goods every year than we send them.

As far as democracy, I will tell the story of the three men, the Korean, Englishman, and Frenchman. Each came home and found their wife in bed with another man. For example,

the Englishman quietly excusing himself, closes the door; the Frenchman grabs the guy, beats him up and throws him out of the house; and the Korean goes down and starts a demonstration in front of the American Embassy to protest.

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

The Senator from New Hampshire.

Mr. RUDMAN. As usual, the Senator from Arkansas has excellent timing.

Mr. President, let me say I did not realize that my friend from Arkansas was a long-distance psychoanalyst, but I would say there was no question that there was a great instability in both the ruler and ruler's heir apparent.

But more importantly than that there is a feeling in North Korea that if the South continues to get stronger and spends more dollars each year on defense, although in a dynamic, growing GNP the percentage might drop, then the time to move against it would be soon. I do not think that will happen. We need not send a signal it will.

Finally, Mr. President, let me appeal to my colleagues. The Senate Armed Services Committee has a first-rate amendment as part of their bill which we hope becomes law. In the event it does not, the Senator from Alaska will soon be introducing an amendment very, very similar to it.

I believe we ought to consult with the administration. I think they have the message we all believe we should not have U.S. troops where we do not need them.

I simply say to my friends from Arkansas and Louisiana that this is not the time or the place to make a unilateral reduction to an ally that has been valiant and stood beside us and would stand beside us again if the need came.

I thank the Chair.

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

Mr. LEVIN. Mr. President, I will vote for the Bumpers-Johnston Korea amendment because I believe that the Senate must send a signal to the administration on the burdensharing issue. The United States currently has over 43,000 troops in Korea and this overseas deployment costs the United States taxpayer about $2.6 billion annually. At the same time, Korea has a $10 billion trade surplus with the United States.

I would prefer that the President present to the Congress, by the end of fiscal year 1990, a plan that was mutually derived with the Republic of Korea for a partial, gradual reduction of United States troops stationed in that country. This reduction would exclude our intelligence and air assets. If an adequate mutually derived plan were not submitted then it would be the intention of Congress to intitiate a partial, gradual reduction of United States military personnel from South Korea in fiscal year 1991. However, I doubt that the President would be willing to take that step and I believe that taking the action directed by the Bumpers-Johnston amendment is better than no action.

The simple fact is that today our national security depends on our economic strength. The American people and the Members of the Congress have made it clear that we can no longer afford to pay more for the defense of our allies than they do—especially when they use their resources in the economic arena.

The time has come for the United States to begin to seriously plan for the withdrawl of some troops from South Korea. The simple fact is that South Korea has grown strong since the end of the Korean War. It is much stronger than North Korea because it has twice the population, three times the GNP, and a larger defense budget than North Korea. At the same time the South Korean population has grown increasingly restless with our military presence.

AMENDMENT NO. 861 TO AMENDMENT NO. 860

(Purpose: To express the sense of Congress on the common defense relationship between the United States and the Republic of Korea)

Mr. STEVENS. Mr. President, I have an amendment at the desk for myself and the Senator from Hawaii.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator form Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 861 to amendment 860.

Mr. STEVENS. 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:

In lieu of the matter proposed to be inserted insert in lieu thereof:

SEC. . (a) Congress makes the following findings:

(1) The United States, as executive agent for the United Nations Command, plays a key role in preserving the armistice which has maintained peace on the Korean peninsula for 36 years.

(2) Partly because of the significant contribution that the United States has made toward preserving the peace, the Republic of Korea has been able to focus national efforts on economic and political development.

(3) The United States remains committed to the security and territorial integrity of the Republic of Korea under the terms of the Mutual Defense Treaty of 1954.

(b) It is the sense of Congress that—

(1) until North Korea abandons its desire to reunite the Korean peninsula by force and ceases to seek modern weapon systems from foreign powers, the threat to the Republic of Korea will remain clear and present and the United States military presence in the Republic of Korea will continue to be vital to the deterrence of North Korean aggression toward the Republic of Korea;

(2) although a United States military presence is essential until the Republic of Korea has achieved a balance of military power with the Democratic Peoples Republic of Korea, the United States should reassess the force structure required for the security of the Republic of Korea and the protection of the United States interests in northeast Asia;

(3) the United States should not remove any armed forces from the Korean peninsula until a thorough study has been made of the present and projected roles, missions, and force levels of the United States forces in the Republic of Korea; and

(4) before April 1, 1990, the President should submit to Congress a report that contains a detailed assessment of the need for a United States military presence in the Republic of Korea, including—

(A) an assessment of (i) the current imbalance between the armed forces of the Republic of Korea and the armed forces of the Democratic Peoples Republic of Korea, and (ii) the efforts by the Republic of Korea to eliminate the current adverse imbalance;

(B) the means by which the Republic of Korea can increase its contributions to its own defense and permit the United States to assume a supporting role in the defense of the Republic of Korea.

(C) the ways in which the roles and missions of the United States forces in Korea are likely to be revised in order to reflect the anticipated increases in the national defense contributions of the Republic of Korea and to effectuate an equal partnership between the United States and the Republic of Korea in the common defense of the Republic of Korea;

(D) an assessment of the actions taken by the Republic of Korea in conjunction with the United States to reduce the cost of stationing United States military forces in the Republic of Korea;

(E) an assessment of the willingness of the South Korean people to sustain and support a continued United States military presence on the Korean peninsula; and

(F) a discussion of the plans for a long-term United States military presence throughout the Pacific region, the anticipated national security threats in that region, the roles and missions of the Armed Forces of the United States for the protection of the national security interests of the United States in that region, the force structure necessary for the Armed Forces to perform those roles and missions, and any force restructuring that could result in a reduction in the cost of performing such roles and missions effectively.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Alaska has 15 minutes.

The Chair is presuming that the Senator from Arkansas will control the time in opposition.

Mr. BUMPERS. I think that was the agreement.

The PRESIDING OFFICER. The Senator from Arkansas has 15 minutes.

Mr. BUMPERS. Thirty minutes equally divided.

Mr. STEVENS. I yield myself 5 minutes.

We live in a period of great change. You think those who look at Western Europe and see the great changes there in terms of the movement in the Soviet Union and the Warsaw Pact, yearning apparently in many of the satellite countries for peace, and we hope and pray the same thing will take place in Asia.

Those of us who have visited Korea on many occasions and examined our deployments there have come away with the question as to whether the continued presence of so many troops is really necessary. I have no argument with the Senators from Arkansas and Louisiana about their questioning of the continued presence there.

I think everyone ought to question our deployment of forces abroad, but we ought to recognize that under our Constitution the President is the Commander in Chief of the Armed Forces. We have a series of treaties which we must keep. The troops that we have in Korea are the only United States troops on the Asian continent. They represent the defense of the United States and they represent the decision of a series of administrations that this presence is necessary to defend our interests throughout the world.

The amendment that I have called up is an amendment that is similar to the one that is contained in the armed services bill which is in conference. It is not totally the same because this is a sense-of-the-Senate resolution.

It calls on the President to prepare and send to us the same type of report on April 1 of next year reviewing the necessity for our presence in Korea, assessing the contributions made by our ally Korea, recognizing that Korea has been a good ally.

It asks the President to tell us what in his judgment should be the continued deployment there and whether there is a way to maintain our presence to the extent that it is necessary, at a lower cost.

I deem this to be the best way to handle this subject again tonight as it was handled in the armed services bill, and the amendment is offered as a means of proceeding cautiously because that bill is still in conference. It might not become law by the time this bill becomes law, and we ought not to leave this hanging in the sense of not requiring a similar report if this vehicle becomes the only vehicle to represent the views of the Congress in terms of dealing with the deployment of troops in Korea.

Mr. President, I am one who believes that we ought to recognize, as the Senator from New Hampshire has said, that North Korea is still a formidable military force; it is not only a military force, it is one of the sponsors of worldwide terrorism, as we know from the Rangoon bombing.

The Senator from New Hampshire spent a portion of his youth in Korea. I spent a portion of mine in China. I think those of us who have served overseas ought to use the experiences we have had to guide our judgments here and to try to convince the Congress to be careful about what we do. We should not have a destabilizing incident as far as our presence in Asia at this time, in my opinion.

If there is to be a change in the deployment of our forces in that area, it should be based upon military recommendations to the Commander in Chief, one that would be reviewed by and I hope endorsed by the Congress. It ought not to be initiated here.

That is my difference with the Senators from Arkansas and Louisiana.

It is not the fact that we ought to seriously question whether we should maintain these forces there and how long we should maintain them there. That question is obviously heard down Pennsylvania Avenue.

The question is in view of our treaty responsibilities and in view of our relationships to this gallant ally of ours, and they have been an ally, how should we initiate any sense of change in our relationship to them from a military point of view?

This Senator believes it ought to be based on military judgment, reviewed by the Commander in Chief and endorsed here. It should not start here. If it starts here it will be a political judgment, a political judgment I think which would be ill-conceived at this time in our history.

I long for the time that we can read about similar changes going on in North Korea, similar changes that will bring a different relationship between the nations of the Asian area and this country. I think I will live to see them. I hope I will. But I assure the Senator I will not support a mandatory withdrawal of troops until it is endorsed by the Commander in Chief.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield to the Senator from California 1 minute.

Mr. WILSON. Mr. President, I rise in support of the amendment of the Senator from Alaska and in opposition to the underlying amendment.

Mr. President, there are many reasons for doing so. This amendment, as I understand it, was offered and then withdrawn in the Appropriations Committee because it ran into strong opposition. It should have.

What the Senator from Alaska is doing is calling for an assessment.

Mr. BUMPERS. If the Senator will yield, I challenge that statement. That was not the reason the amendment was withdrawn. It was a hotly debated issue. I fully expected that. It was not withdrawn because of nonopposition.

Mr. WILSON. My friend from Alaska tells me it was simply withdrawn. I will be happy to accept that.

The PRESIDING OFFICER (Mr. GORE). The time is controlled by the Senator from California.

Mr. WILSON. I ask my friend for additional time.

Mr. President, the important thing is not only are we dealing with a gallant ally but a friendly ally. There has been no real change in the demeanor of the collosus of the North, in this case a terrorist and military force with whom we must reckon: If we are talking about saving money, I will have to say that we are not likely to save money simply by bringing these troops home because of the host nation support.

Because of the host nation's support, we are in fact probably able to quarter them and train them in Korea more cheaply than were they in the United States. And if we are asking about comparative commitment, the Republic of Korea is now devoting a third of its national budget to defense.

Mr. President, when they have begun to move in the way of democratization, it would be spectacularly ill-advised at this point to reward that effort and the steadfastness they have shown by going forward with a withdrawal that cannot help but be interpreted as the beginning of the end of a United States commitment to the mutual security of the Republic of Korea and, for that matter, a withdrawal of United States commitment to the security of our other allies in northeast Asia. That is particularly true, I might point out when recent events in China have indicated a great instability in that country.

So I think that the proper way to proceed is that which has been suggested by the Senator from Alaska. He is asking that there be an objective assessment of what is necessary for the United States to continue responsibly as the not sole defender of the security of freedom in northeast Asia, but as one whose presence is inevitably essential to maintain that security.

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

Who yields time?

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mr. BUMPERS. I yield the Senator 2 minutes.

Mr. JOHNSTON. Mr. President, there are some who oppose the Bumpers-Johnston amendment. But one should not be deluded by thinking there is anything to the Stevens substitute amendment.

Mr. President, if you think this is going to be the very vehicle for bringing the troops home, I ask you to read it. It starts off in the first paragraph by saying:

It is the sense of Congress that—

(1) until North Korea abandons its desire to reunite the Korean peninsula by force and ceases to seek modern weapon systems from foreign powers * * * the United States

military presence in the Republic of Korea will continue to be vital * * *.

That is the tone of this far-reaching amendment that has already concluded that it is vital that American troops stay. Now, in the face of all of the evidence, Mr. President, we are supposed to go along with this and say that we have already decided we ought to stay.

Mr. President, we are told we should not make this decision. This Congress, which is given the right and authority and the sole responsibility to declare war, is told it cannot deal with troop amendments.

Mr. President, we ought to be cutting these troops. What we spend in Korea is half what it would cost to fund the whole catastrophic health care bill, half what it cost for 44,000 troops. And what do they achieve in a country with a $10 billion trade surplus with the United States?

Mr. President, this chart says it all. While the United States' annual spending as a percentage of GNP in South Korea is going up, Korea's is coming down. Mr. President that ought to tell us something. Are we chumps? Are we suckers? Let us not pass this substitute amendment that does nothing except say we have already decided, you know, to make some more studies. We have been doing this virtually every year for 20 years.

We have had enough studies, Mr. President. We know what the GNP of Korea is. We know what the population is, and we know that it is time to reduce the troops.

The PRESIDING OFFICER. Who yields time?

The Senator form Arkansas has 13 minutes remaining.

Mr. BUMPERS. Mr. President, the Senator from Louisiana has made a point that I will try to build on ever so slightly. And that is that this study, the Stevens amendment, is something similar to what is already in the Defense authorization bill. And you know, if you do not want to do anything, that is fine. But this amendment means you are not going to do anything. You are going to study it. Once again we are going to study it.

You can make all of these philosophical arguments about what our role is compared to what the Commander in Chief's role is. You can make a philosophical argument about where the defense perimeter ought to be in the East. You can make a philosophical argument about the fact that North Korea has a lunatic for a leader. That is not philosophical. That really is a fact.

But as the Senator from Louisiana said, these are the irrefutable facts. Before I recite that, I was thinking, I hesitate to say this, but it seems that we are almost emulating North Korea with our military spending and they are bankrupt. They have a stagnant economy trying to maintain a military apparatus far beyond their ability. And the South Koreans are emulating Japan. As long as they can get us to pick up the tab and they can spend their money on technological advancements so that they can outcompete us in world trade, would you not do it? Why, of course, you would do it. It makes sense.

If you were the defense minister of South Korea, would you not come here and say:

We know that you want out, and we understand that. And we are agreeable to that in the year 2004 to 2006.

And then these arguments about how we ought not to be setting caps, we ought not to be unilaterally withdrawing troops. That is another way of saying, we ain't ever going to get out of South Korea. But the facts are very simple. Here you have a nation with twice as many people, 41 million to 20 million, and if they choose to have a smaller army than North Korea, that is their decision. And I would make the same decision they did if I had Uncle Sugar there backing me up.

I said in the opening, and I will repeat again, our commitment to the defense of Korea is total. If 43,800 troops is what it takes to deter the North Koreans; in other words, if we have to have a physical presence there, does it have to be 43,800 troops? Would 5,000 deter North Korea? No? 10,000? No? Twenty? Let us settle on 20. If it only takes a physical presence by the U.S. Army, Navy, Air Force, and Marine Corps, what is the magic number? I defy anybody in this body to tell me what that magic number is.

All I am telling you is the magic number, so far as I am concerned, is $3 billion by a country that this year, in about less than one week, will have incurred a $160 to $170 billion deficit, as Will Rogers said, spending our way into the poorhouse. And yet, one argument after another, specious arguments in my opinion, as to why we cannot do anything.

And that is the reason we have $160 to $170 billion deficit because we cannot do anything. Excuses, excuses, excuses.

There is not one single person here tonight who is going to vote against the Bumpers-Johnston amendment who believes that the withdrawal of 3,000 troops is going to entice North Korea to attack. Contrary to what the Senator from Maine said, you save $220 million if you bring those troops home. You save $10 million a year, according to CBO, even if you do not muster them out. It is just crazy—I cannot believe this debate tonight; absolutely crazy—to say that we ought to be propping up a country that has a much more viable economy than we have.

I yield the floor.

Mr. STEVENS. Mr. President, what is the time remaining?

The PRESIDING OFFICER. The Senator from Alaska has 6 minutes 39 seconds remaining; the Senator from Arkansas has 7 minutes 52 seconds remaining.

Mr. STEVENS. Let me take just 2 minutes and I will see what my friend from Arkansas wishes to do, Mr. President.

I think that the great difficulty we have is to adjust our sights here. This Senator, when I was chairman of the subcommittee that the Senator from Hawaii is now chairman of, our Defense Subcommittee recommended a limit on further deployment of troops to Europe. We stopped the further deployment of troops to Europe after consultation with the Department of Defense. We drew a line and said that is it. Do not go any further. I believe we can do that. But to say that we ought to start now and exercise the judgment of the Commander in Chief and order him to bring troops from Korea at this time, I believe is wrong.

We have already had the statistics concerning the number of forces that North Korea has. One of the things that has not been brought up, they have over 1 million men under arms. Sixty-five percent of those North Korean forces are within 100 miles of the DMZ.

It is the most heavily militarized area in the world today. Why? This nation of North Korea has treaties with Iran and Libya made just to prove that they were contrary to the interests of the United States.

South Korea still sits there. It is a very vibrant society. I have enjoyed going to see how it is developing and I marvel at their capacity to develop. But they still sit there totally alone if we are not with them. To send a message now from the floor of the United States Senate that we are starting to withdraw from Korea without the consultation of the Defense Department, and their consent, and that of the President of the United States, I still believe is wrong.

That is why I offer this amendment which reaffirms, again, what the Armed Services Committee did and what was supported here on the floor of the Senate by everyone who voted for the defense bill this year and made this statement. We reaffirm it again tonight in this amendment.

It is the sense of the Senate that the amendment which was reviewed by the Armed Services Committee be sent to us even if that does not become law before the appropriations bill is signed by the President. And it says:

Send us a report and tell us what do you, Mr. President, believe we should do.

I call the specific attention of my colleagues to this last paragraph of my amendment that Senator Inouye and I

have presented. It says the President should submit to Congress a report that contains:

> • • • a discussion of the plans for long-term United States military presence throughout the Pacific region, the anticipated national security threats in that region, the roles and missions of the Armed Forces of the United States for the protection of the national security interests of the United States in that region, the force structure necessary for the Armed Forces to perform those roles and missions, and any force restructuring that could result in a reduction in the cost of performing such roles and missions effectively.

I believe that is the kind of information we should have. I believe on the basis of such a review that this President may well tell us after consultation with our allies that we might bring some of these troops home. I hope and pray that is the case, but I want it to be because of the President's judgment and not because of the unilateral action by the Senate.

If we had started this unilateral withdrawal from Europe at the time it was suggested, we would not have glasnost, we would not have perestroika, we would not have the changing world that we live in today. And the Senate ought to consider that.

What is our role? Our role is to give advice to the President, but not to initiate action that is his power under the Constitution.

I ask unanimous consent that Senator RUDMAN be added as a cosponsor to my amendment.

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

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. STEVENS. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes 30 seconds remaining.

Mr. STEVENS. I will let my friend from Arkansas decide what he wants to do with the time. I will let him use some of mine.

Mr. BUMPERS. How much time have we?

The PRESIDING OFFICER. The Senator has 7 minutes 15 seconds.

Mr. BUMPERS. Let me yield to the Senator from Louisiana for such time as he uses to engage in conversation.

Mr. JOHNSTON. The Senator from Alaska is surely aware as ranking minority member of this subcommittee that this subcommittee, over the objections of the Pentagon, has recommended a reduction to Army, Air Force, and military personnel appropriations of $121 million associated with the reduction of Pershing and ground-launched cruise missiles, that is GLCM personnel in Europe, resulting from implementation of the INF Treaty?

Surely the Senator is aware of that in the four corners of this very bill. Our committee has, I think properly, said over the objections of the Pentagon that we ought to reduce these troops and yet when we do it in order to bring some home from Korea, somehow that violates some principle.

Would the Senator explain to me briefly why it is right to do it in Europe and not right to do it in Korea?

Mr. STEVENS. Mr. President, I am pleased to respond to that. At the time the Pershings were sent to Europe, the amendment I previously mentioned that set a ceiling on deployments to Europe was increased in order to accommodate that new system which was thought to be necessary to offset the SS-20's the Soviets had deployed in the Warsaw Pact.

Now that they have come down, our committee has said: Bring back those people that we allowed to go over in excess of the ceiling we previously set. It is entirely consistent with what we have worked out with the Department of Defense in the past. We see no reason for those troops to stay there after their mission has been performed.

Mr. JOHNSTON. I would tell the Senator the point is very clear that this committee and this bill reduce troop strengths, and the Pentagon did not request it.

The Senator from Alaska may believe that that is consistent with what the Pentagon wants or should ask or feels in their heart is correct. But I can tell the Senator it is not what they requested. They objected to it, and we did it in this bill because it was the right thing to do.

Mr. STEVENS. Mr. President, on my own time, we did it because we set the policy in the past which the President and the Department of Defense agreed with, in terms of ceilings. We yielded those ceilings, and now we are saying come back to them, which I think is consistent with the role of the Congress in advising the President in military affairs.

I am prepared to yield back the remainder of my time.

I yield to my friend if he wants the last word.

Mr. BUMPERS. How much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 5 minutes and 48 seconds remaining.

Mr. BUMPERS. I want to just make a short statement.

First of all, the authorization bill last year—I want to reiterate this just to show my colleagues the folly of this argument—set caps on how many troops we could have in every nation on Earth. We did that. And then we come here tonight and say: But we cannot do this. We cannot order a unilateral withdrawal of troops from South Korea. And we just got through setting the cap last year.

Somebody said, well, that is a cap. What if we set the cap in South Korea at 20,000? The Commander in Chief has no choice but to bring them home. Call it by any other name.

But when we point out we have already established caps here, we have already set a precedent, if we needed one—we did not—but we set a precedent last year to say the U.S. Congress has the right to decide precisely how many troops we are going to have in every nation on Earth.

But tonight, I do not know what it is. O, Lord, I used to be a trial lawyer. How I would love to take this to 12 good citizens, true and honest. It would take about 15 minutes to get a unanimous verdict.

I know something about the trial law. I know the native intelligence of people in this country. I do not know very much about it in the U.S. Senate.

So, Mr. President, I suppose the die is cast on this. This is foolish. The United States is being foolish in the extreme to allow the situation to continue. This is not South Korea bashing. This is simply talking sense about the budget. It is talking sense about our commitment to Korea, which is total. We are not suggesting we renege on the commitments to Korea.

But, when a nation with the tremendous resources they have, and twice as many people—I would ask the Senator from Alaska this one question. Why would the Senator from Alaska think, what would be his rationale for the South Koreans to have 400,000 fewer troops than North Korea, when they have twice the people and a 10 times more viable economy? What is the rationale for them having 400,000 fewer troops under on arms?

Mr. STEVENS. I am sorry. I did not hear the Senator's question.

Mr. BUMPERS. What would the Senator from Alaska guess is the rationale for South Korea, which professes to be deathly afraid of North Korea, for those people to have 400,000 fewer troops with double the people and 10 times the economy? What would be the rationale for them, all alone, to do that?

Mr. STEVENS. That is simple. I asked the question when I was there. The cost of Korean troops approaches the cost of ours, with their GNP. North Korea has a devastated economy, and their cost is just the cost of simply food. They literally can strip their people and keep them in poverty, and that is their military force. But it is a very formidable military force, nonetheless.

Mr. BUMPERS. So a nation that runs a $10 billion trade surplus against the United States, flooding the country with Hyundais and television sets and everything else, a country that has that kind of resources and economy cannot afford to keep up with a

country whose economy is absolutely stagnant; who is bankrupt? And they want us to?

Mr. STEVENS. If the Senator will let me answer, the Republic of Korea spends somewhere near 35 to 40 percent of its government budget on defense today. We spend about 26 percent. John F. Kennedy spent 52 percent.

I think when we get into these figures, it is all relative. They have a defense force that is probably the highest cost per capita in the world. And the Senator from Arkansas criticized them for not spending enough money? They are spending a lot more percentage for their army then we are on ours.

Mr. BUMPERS. How does the Senator account for the fact they pay us $6,000 for each troop we have there and the Japanese pay us $40,000 for each one we have.

Mr. STEVENS. That is not the same comparison at all because the Senator is talking about families. Most of the troops in Korea are unaccompanied and those in Japan are accompanied. I have a study on that, Mr. President. That is not a fair comparision.

I again state to the Senate, the Koreans do more to assist us. They have kept more of their pledges militarily than any other nation we have dealt with since World War II.

Mr. BUMPERS. You and I both agree the United States ought to be strong enough, strong enough that no nation on Earth would dare tinker with us. If 25 percent is enough, I am for it. But if South Korea is terrified of North Korea, why are they not willing to spend more to have another 400,000 troops under arms? I certainly would if I were in South Korea and I was afraid of them as they profess to be. No, I would not either, if I had Uncle Sugar backing me up.

Mr. STEVENS. Is there any time left, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute 40 seconds.

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

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

Mr. STEVENS. 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 Stevens amendment No. 861 to the Bumpers amendment No. 860.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

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

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—65

Armstrong	Gore	McClure
Biden	Gorton	McConnell
Bond	Graham	Moynihan
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bradley	Hatch	Nunn
Burns	Hatfield	Pressler
Byrd	Heflin	Robb
Chafee	Heinz	Rockefeller
Coats	Helms	Roth
Cochran	Hollings	Rudman
Cohen	Humphrey	Shelby
D'Amato	Inouye	Simpson
Danforth	Kassebaum	Specter
Daschle	Kasten	Stevens
Dodd	Kerrey	Symms
Dole	Kerry	Thurmond
Domenici	Kohl	Wallop
Durenberger	Lugar	Warner
Fowler	Mack	Wilson
Garn	Matsunaga	Wirth
Glenn	McCain	

NAYS—34

Adams	Exon	Mitchell
Baucus	Ford	Packwood
Bentsen	Harkin	Pell
Bingaman	Jeffords	Pryor
Breaux	Johnston	Reid
Bryan	Kennedy	Riegle
Bumpers	Lautenberg	Sanford
Burdick	Leahy	Sarbanes
Conrad	Levin	Sasser
Cranston	Lieberman	Simon
DeConcini	Metzenbaum	
Dixon	Mikulski	

NOT VOTING—1

Lott

So the amendment (No. 861) to amendment No. 860 was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the Bumpers amendment, as amended.

The amendment (No. 860), as amended, was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 36, LINE 22, THROUGH PAGE 37, LINE 2, RELATING TO SDI

The PRESIDING OFFICER. The question now recurs on the second excepted committee amendment.

Mr. INOUYE. Mr. President, I ask unanimous consent that we temporarily set aside the pending amendment in order that we may consider five amendments: One by Senator KENNEDY, one by Senator GRAHAM of Florida, one by Senator LAUTENBERG, another by Senator REID, and Senator BRYAN, and one by Senator HELMS.

All of these amendments have been cleared by both managers, and by both leadership.

Mr. STEVENS. Reserving the right to object, I would like to move to reconsider the vote by which the Bumpers amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Now the question is: Is there objection to the unanimous-consent request of the Senator from Hawaii?

Mr. JOHNSTON. Mr. President, reserving the right to object, I shall not object, I simply want to find out if the floor manager has plans tomorrow as to when he would like to bring up the excepted amendment, and if he wants to get a time agreement.

Mr. INOUYE. Mr. President, if the Senator will bear with me for a moment I have been advised by the leader that he plans to request that we return at 9:30 tomorrow morning, and that at 10 o'clock the Transportation appropriations bill will be pending. Am I correct?

Mr. MITCHELL. As I indicated earlier, and I believe both Cloakrooms have hotlines to Senators of both parties, I am going to subsequently this evening seek agreement to resolve the drug matter that Senator DOLE, several other, and I have worked out. That contemplates going to the Transportation appropriations bill tomorrow morning, disposing of Senator BYRD's pending amendment, and then there will be several amendments incorporated into the agreement completing action on those, and then proceed to return to the Defense appropriations bill.

So it is not possible to predict how long those other amendments will take, but I anticipate that it will not be until the afternoon that we will be back to the Defense bill.

Mr. JOHNSTON. Mr. President, does the distinguished floor manager anticipate going to the excepted amendment as soon as we return to the bill?

Mr. INOUYE. The Senator is correct.

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

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii that the second excepted committee amendment be temporarily laid aside, and that the Senate be allowed to consider the five named amendments? Hearing none, it is so ordered.

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, would it be appropriate to take these en bloc?

The PRESIDING OFFICER. It would require unanimous consent.

Mr. STEVENS. Mr. President, I state for this side of the aisle that we have reviewed these amendments, none are controversial, they have been cleared by both sides, and we would be

perfectly willing to consider them en bloc if the Senate would permit us.

Mr. INOUYE. I so request.

The PRESIDING OFFICER. Without objection, the five amendments will be considered en bloc.

AMENDMENTS NOS. 862 THROUGH 866 EN BLOC

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments Nos. 862 through 866 en bloc, as follows:

AMENDMENT NO. 862

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

SEC. . STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing——

(1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with

(2) two alternative plans, one to produce 90-100 B-2 aircraft and another to produce 60-70 B-2 aircraft.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B-2 aircraft program, including—

(A) annual program costs;

(B) total program costs;

(C) 20-year life cycle costs; and

(D) unit and flyaway costs.

(2) The impact on the military posture of the United States, including—

(A) strategic nuclear deterrent capabilities; and

(B) long-range conventional strike capabilities.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services and Appropriations of both the Senate and the House of Representatives a report in both classified and unclassified form containing the results of the study conducted by the Secretary under subsection (a). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than January 1, 1990.

Mr. KENNEDY. Mr. President, this amendment is essentially identical to one I offered on the Defense authorization bill, and which was accepted by voice vote.

It would direct the Department of Defense to report to Congress by next January on the implications of a reduction in the planned procurement of 132 B-2 bombers.

Specifically, the amendment would require the Department to detail the cost and military implications of two alternative B-2 force structures: The first consisting of 90 to 100 bombers, and the second consisting of 60 to 70 bombers.

In my view, this information is indispensable for sensible congressional decisions on the future of the Stealth bomber.

The B-2 has been in development for more than a decade.

I supported it at the beginning, because it was a better answer than the B-2—both militarily and economically—to the problem posed by the obsolescence of our B-52 bombers. But, with the double vision that characterized the Weinberger Pentagon, we pursued both the B-1 and the B-2.

The issue now is whether we need or can afford two strategic bombers, on top of the force of B-52's armed with cruise missiles.

The idea of a Stealth bomber, invisible to radar, is appealing. But so far, the most invisible part of the B-2 program has been the plane's mission.

Originally, we were told that the plane was needed to attack Soviet mobile missiles. But the Pentagon now acknowledges that no weapon—including the B-2—will be able to find and attack mobile targets.

Then, we were told that the B-2 was needed to strike bunkers, silos, and other hardened targets. But for this role, we have a multitude of other weapons: The MX missile, the DS-5 missile, and the new advanced cruise missile.

Most recently, the Pentagon has argued that the B-2 is needed to ensure we have enough nuclear weapons in the event that a START agreement leads to significant reductions. But even without the B-2, the United States would retain 7,000 nuclear weapons under a START regime—more than enough for a massive nuclear deterrent.

What is clear from these rapidly changing rationales is that there is nothing magic about the so-called requirement for 132 B-2 bombers.

The contribution of the B-2 to deterrence would result not from the number of weapons that it delivers, but from the diversification that it provides to our nuclear deterrent. Any force of B-2's—32, 62, or 132—provides a new threat to Soviet defenses that bolsters our deterrent.

The prospect of a continuing squeeze on the Defense budget makes it imperative to examine options to buy fewer than 132 bombers. Some say that we have to buy 132 to maintain a reasonable unit cost. But the same is true if a family buys two or three cars from a dealer.

It will get a better unit price than if it only buys one car. But no one buys more cars than they need. The bargain derived from a lower unit price is outweighed by the fact that buying too many cars can bankrupt the family.

We should not buy more B-2's than we need. If we need only 50 to 70 aircraft—and I strongly believe that this number will be sufficient to meet our military needs—then it makes no sense to buy another 50 to 70 B-2's just because they have a lower price.

The number 132 is not written in stone. The purpose of the study required by this amendment is to ensure that Congress has sufficient data to make judgments on the size and cost of the B-2 program before we begin full-scale production in the next few years. I urge adoption of the amendment.

AMENDMENT NO. 863

(Purpose: To require the Secretary of Defense to design a comprehensive strategy to involve civilian and military employees of the Department in partnership programs with elementary and secondary schools)

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

PARTNERSHIPS WITH SCHOOLS

SEC. . (a) DEFINITIONS.—For the purposes of this part—

(1) The term "school volunteer" means a person, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(2) The term "partnership program" means a cooperative effort between the military and an educational institution to enhance the education of students.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(5) The term "Secretary" means the Secretary of Defense.

(b) The Secretary shall design a comprehensive strategy to involve civilian and military employees of the Department of Defense in partnership programs with civilian and military elementary schools and secondary schools. This strategy shall include:

(1) A review of existing programs to identify and expand opportunities for such employees to be school volunteers.

(2) The designation of a senior official in each branch of the Armed Services who will be responsible for establishing school volunteer and partnership programs in each branch of the Armed Services and for developing school volunteer and partnership programs.

(3) The encouragement of civilian and military employees of the Department of Defense to participate in school volunteer and partnership programs.

Mr. GRAHAM. Mr. President, I rise today to offer an amendment to H.R. 3072, the fiscal year 1990 Department of Defense appropriations bill. This amendment would require the Secretary of Defense to design a comprehensive strategy to involve civilian and military employees of the Department in partnership programs with elementary and secondary schools throughout the Nation.

Educators today fulfill many rules in our children's lives. In addition to teaching, they befriend, coach, and counsel their students, many of whom are disadvantaged and at risk. This difficult task is being made easier in Florida where some 140,000 school volunteers are helping teachers and schools meet this difficult challenge.

Many of these volunteers come from military installations throughout the State.

The Navy has lead the Nation in the formation of partnerships between schools and the military. Naval volunteers have gained firsthand knowledge of the spirit and power of volunteerism through active involvement in schools.

There are 275 partnerships nationwide between schools and the Navy. Seventy-five of those are in Florida where such partnerships continue to expand as enlisted personnel learn of the valuable contributions they can make in their neighborhood schools, and the personal satisfaction gained through volunteerism.

Partnerships with the military, such as Florida's Adopt-a-School Program, Saturday Scholars Program, and the math-science initiative greatly benefit their participants. Naval squadrons in Jacksonville adopt local schools by tutoring students, organizing sporting events, and other outreach activities.

In the Saturday Scholars Program, students and Naval volunteers give up six Saturday mornings for tutoring sessions. The program culminates in a ceremony on base where graduates receive and cherish the white Dixie cups, or hats, of their tutors. Schools have had to turn away students for this popular program.

The math-science initiative allows Naval officers with technical expertise to volunteer in schools by tutoring students in math, science, and computer skills. At a time when math and science teachers are in short supply, this program has been a valuable resource to participating schools and students.

Mr. President, Florida has an effective network of partnerships between its schools and local military installations which I believe can be replicated elsewhere to the benefit of students, schools, and the military. This amendment will encourage the growth of military partnerships in each branch of the armed services and in every State. It requires the Secretary of Defense to designate a senior official in each branch to coordinate and encourage the formation of such partnerships, and to encourage civilian and military employees of the Department to participate in them.

Through a coordinated Department of Defense effort such as this, military partnerships will continue to flourish and provide valuable services and role models for our Nation's young people. I urge my colleagues to support this amendment.

AMENDMENT NO. 864

(Purpose: To release certain reversionary rights of the United States on certain lands previously conveyed within the Caven Point Terminal and Ammunition Loading Pier, New Jersey, to the New Jersey Turnpike Authority)

On page 108, between lines 4 and 5, insert the following new section:

SEC. . The Secretary of the Army shall execute such documents and take such other action as may be necessary to release to the New Jersey Turnpike Authority, a corporate body organized under the laws of the State of New Jersey, the reversionary right, described in subsection (b), reserved to the United States in and to that parcel of land conveyed by the United States to the New Jersey Turnpike Authority pursuant to the Act entitled "An Act to authorize the conveyance of certain lands within Caven Point Terminal and Ammunition Loading Pier, New Jersey, to the New Jersey Turnpike Authority", approved February 18, 1956 (70 Stat. 19). The release provided for in this section shall be made without consideration by the New Jersey Turnpike Authority.

(b) The reversionary right referred to in subsection (a) is the right reserved to the United States by section 6 of the Act referred to in subsection (a) which provides that in the event the property conveyed by the United States pursuant to such Act ceases to be used for street or road purposes and other purposes connected therewith or related thereto for a period of two consecutive years, the title to such land, including all improvements made by the New Jersey Turnpike Authority, shall immediately revert to the United States without any payment by the United States.

AMENDMENT NO. 865

(Purpose: It is the sense of the Senate that the Secretary of Defense should halt continued land and airspace withdrawals in the State of Nevada pending submission of the Special Nevada Report)

At the appropriate place insert the following:

The Senate of the United States finds that:

(1) Public Law 99-606 requires that a report (Special Nevada Report), evaluating the impact on Nevada of the cumulative effect of continued or renewed land and airspace withdrawals by the military, be submitted to Congress no later than November, 1991;

(2) Public Law 99-606 also requires that appropriate mitigation measures be developed to offset any negative impacts caused by the military land and airspace withdrawal; and

(3) the military has continued to propose additional land and airspace withdrawals prior to submitting the Special Nevada Report required under Public Law 99-606 to Congress;

Therefore, it is the sense of the Senate that, absent critical national security requirements, the further withdrawal of public domain lands or airspace in Nevada be halted until the Special Nevada Report is submitted to Congress as required under Public Law 99-606.

MILITARY AIRSPACE AMENDMENT

Mr. REID. Mr. President, this amendment is on behalf of myself and Senator BRYAN.

I am proposing this sense-of-the-Senate resolution in the form of an amendment which states that the Secretary of Defense should halt continued land and airspace withdrawals in the State of Nevada pending the completion of the Special Nevada Report.

This report is mandated in section 6 of Public Law 99-606. The law requires that no later than 5 years after the date of enactment, which was 1986, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior shall submit to Congress a joint report, which shall include an analysis and an evaluation of the effects on public health and safety throughout Nevada of:

First, the operation and uses of aircraft at subsonic and supersonic speeds;

Second, the use of aerial and other gunnery, rockets, and missiles; and

Third, will include an evaluation of the cumulative effects of continued or renewed withdrawal on the environment and population of Nevada.

Most important is this last consideration: the cumulative impacts on public and private property in Nevada and on the fish and wildlife, cultural, historic, scientific, recreational, wilderness, and other values of the public lands of Nevada resulting from military and defense related uses of the lands withdrawn.

The intent of this section of public law, and its straightforward language, has been the basis of numerous conversations between myself, the Secretary of the Air Force and other top-ranking military officials, and Congressman, MOE UDALL, chairman of Interior, John Seiberling, former chairman of the House Public Lands Subcommittee.

These discussions resulted in what was an understanding that no further action would be taken with regard to military airspace in Nevada until the Special Nevada Report was completed.

Recent events, however, have triggered grave concerns about the strength of our agreement.

I ask unanimous consent to submit, for the RECORD, two newspaper articles describing actions taken by the military that clearly run counter to the intentions of our agreement, and run counter to Public Law.

One of the articles explains the military's plans to expand the airspace of Saylor Creek Bombing Range, which straddles the Idaho/Nevada border, significantly into Nevada. This space would be used for testing live bombs and missiles.

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

[From the Reno Gazette Journal, Aug. 19, 1989]

BRYAN, REID SAY NAVY'S PLAN TO FIRE CRUISE MISSILES ACROSS STATE ILLEGAL

(By Mike Henderson)

Nevada's two U.S. senators said Friday the Navy should halt plans to fire unarmed Tomahawk cruise missiles at an imaginary target 32 miles east of Fallon.

U.S. Sens. Richard Bryan and Harry Reid, both Democrats, say they will write letters to the secretary of the Navy asking him to cancel plans for the two or three missile firings per year—the first aimed toward Fallon.

The senators argue that it is illegal for the military to begin any new programs in the state until a congressionally mandated Special Nevada Report is completed in 1991 and approved by Congress. The report will detail all current and proposed military uses of Nevada land.

Reid said the military already controls 40 percent of Nevada's air space—and wants more.

Citizen Alert, a statewide public watchdog group, joined in opposing the missile program.

But the Navy contends the training program is safe and crucial to the nation's defense because the unmanned missiles save airplanes and pilots. A Navy spokesman would not comment on the senators' challenge.

As planned, the Navy would coordinate the simulated nuclear-missile launchings with flights of 80 to 85 airplanes in mock combat. In the test firings, seven airplanes would chase the missile and monitor its 456-mph flight.

A missile would be launched from an undersea platform off Point Mugu, about 50 miles north of Los Angeles, fly just north of Tonopah, then turn northwest toward the Bravo 17 landing site near Fallon. There, parachutes would be triggered and the $2 million missile would make a soft landing so it could be used again.

The Navy announced Thursday it has found the flights will have no significant impact on the state. Navy officials said that was the last obstacle to conducting the tests. Test dates are classified information but the launchings can begin at any time, the Navy said, assuring that the tests will be safe.

But at least two cruise missile accidents have occurred in Nevada since 1983. Neither resulted in injury or great damage. The Navy has been flying Tomahawk cruise missiles into southern Nevada and over Nevada into Utah since 1978.

In 1985, an unarmed cruise missile was deliberately ditched in the Nevada desert near Cherry Creek in a remote area of northwestern Nevada about 45 miles north of Ely. Its target had been Dugway Proving Grounds in Utah.

The planned Fallon flights will not go over populous areas, the Navy said.

But the senators disagree.

"I think there are considerable safety risks," Bryan said. "I was a fairly decent geography student and if they're going to launch these things off the coast of California and they're coming into Nevada, there are people in between.

"My concern is not if things go well, but if things go wrong."

And while the Navy says the program faces no further obstacles, "There is a congressional obstacle that they need to be aware of," Bryan said. "When they say there is no significant impact, I don't think that would be the response of the man on the street who is told that missiles are going to be overflying his street."

Reid echoed Bryan's concerns and added that the Navy's announcement is another unwarranted military encroachment on Nevada airspace and land.

"I think they ought to halt the cruise missile overflights until we get this matter resolved," he said.

Both senators said they are concerned not only about the missile project but about the cumulative impact of all military operations on the state.

Bob Fulkerson, head of Citizen Alert, said that below the missile's flight patch, the Army National Guard wants to deploy 300 tanks and 12,000 troops. The Navy also want to use a Hawthorne-Fallon-Walker River Reservation route to fly up to 112 aircraft a day, 24 hours a day, he said.

"The cruise missile flying through there presents no profound hazard, but when you consider the cumulative layers of military encroachment on the air and on the ground, it's very significant," Fulkerson said.

The senators said they were not briefed on the missile plan, in the works for three or four years. But a spokesman for Fallon Naval Air Station said the senators, the governor and the Legislature had been briefed.

Rep. Barbara Vucanovich, R-Nev., who said she does not oppose the plan "at this moment," also said the briefings had occurred.

"We may not all have been briefed at the same time, but we were all briefed," Vucanovich said, adding that she believes the Navy has acted very responsibly.

Another Navy spokesman said there were briefings in 1978 about overflights of southern Nevada. That was before Reid and Bryan became senators.

Scott Craigie, Gov. Miller's chief of staff, said Miller agrees the Navy should abide by terms of the Special Nevada Report legislation and "he is philosophically opposed to their (the Navy) going forward."

In event of a mishap on the Fallon route, one of the chase planes would take over radio control of the missile, guide it to a remote spot, then trigger its parachute, said Olin Briggs, spokesman for Fallon Naval Air Station. The missile would descend at 15 foot per second, he said.

Bob Holsapple, director of public affairs for the cruise missile project in Washington, DC., said he does not know how the secretary of the Navy will react to the senator's request that the program be stopped.

"I can only say that because of the world situation that exists, cruise missile training missions in coordination with manned aircraft is in the best interest of the national defense at this time," he said

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LAND WITHDRAWAL KEY TO BOMB RANGE EXPANSION

(By N.S. Norkkentved)

TWIN FALLS.—If Congress approves a land withdrawal for the Saylor Creek Bombing Range expansion, the Air Force can do what it wants with the land, warned a Nevada activist.

Once the land is withdrawn, it's their land, and there's nothing you can do about it. They can do whatever they want," said Grace Bukowsky, military projects director for Nevada's Citizens Alert.

During the last six months, two major highways near Nevada bombing ranges had to be closed to detonate 500-pound bombs next to the highways, she said.

Bukowsky spoke to nearly 100 Magic Valley residents gathered to hear about Nevada's experience with military bombing and training ranges and to learn what they can do about the proposed expansion of the Saylor Creek Bombing Range.

The meeting was sponsored by the Committee for Idaho's High Desert. Capt. Carlos Roque from Mountain Home Air Force Base attended the meeting but did not speak.

The Air Force wants to increase the bombing range to about 1.5 million acres but has said the entire area will not be closed to current uses. Though expansion plans are not definite, four areas with the expanded range would be closed and used for live bombs and missiles.

"We're definitely opposed to this expansion of the Saylor Creek range," and Tom Biessinger, member of the Owynee Cattle Association steering committee.

Sixty-four stockmen use the area within the Air Force's proposed expansion, he said. Each one will be affected differently, but they all will be affected.

The expansion also will eliminate about 15,000 acres of private land from Owyhee County's tax base. The Air Force says it will compensate the county by building and maintaining roads on the range, Biessinger said. "But if you can't get out there, what good are roads," he said.

What's to keep the missiles inside a livewire fence, one member of the audience asked.

Ranchers in the audience feared they would be reimbursed only for the value of the land they lose to the expansion, not for the impact that loss would have on their operation.

"Most operations are well-balanced," said Bert Brackett, president-elect of the Idaho Cattleman's Association. "It's taken most of them years to get that way, but if you take out part of the range, its not balanced any more and probably not economical."

The association has not taken a position yet, he said, but it supports multiple uses and the expansion doesn't seem like multiple use to the ranchers.

"Some people have worked for a lifetime to develop their operations," said Three Creek rancher Randall Brewer. The expansion will "take the heart out of it."

Once those grazing allotments are gone, they're gone forever, Brackett said.

"We've got everything to lose everybody else does, plus a living," Brewer said.

Though Air Force officials compare the expansion with the present range, the difference in size and the fact that live bombs will be used on the new range makes a realistic comparison impossible.

"The live bombs are the most objectionable to me," Brackett said.

But Idahoans are faced with more than just the land withdrawal, Bukowsky said.

The land withdrawal must be approved by Congress. But the Air Force's proposed Supersonic Operations Area over Owyhee County must be approved by the Federal Aviation Administration. The change can be implemented in 90 days without public hearings and without public notice, she said.

The Environmental Protection Agency has no jurisdiction over airspace, and the FAA only considers aeronautical issues. If the affected population wants a hearing on the proposed Supersonic Operations Area, they have to request a hearing, Bukowsky said.

"If you don't do it, you won't have one," she said.

The FAA can be contacted at 800 Independence Ave. S.W., Washington, D.C., or the Northwest Mountain Region, 17900 Pacific Highway, Seattle, WA, 96168-0966.

Mr. REID. Mr. President, already, in the last 6 months, two major highways in Nevada have had to be closed so that 500-pound bombs could be detonated nearby.

Nobody in Nevada—neither the congressional delegation, nor the Governor, nor the people of the State—were consulted on this proposed plan.

I also ask unanimous consent to print in the RECORD a letter dated August 31 that I wrote to the Secretary of the Air Force about this proposed expansion.

The letter reiterates my understanding that no new withdrawal plans be implemented until the special report is published in 1991.

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

U.S. SENATE,
Washington, DC, August 31, 1989.

Hon. DONALD B. RICE,
Secretary of the Air Force, The Pentagon, Washington, DC.

DEAR SECRETARY RICE: The present plans to withdraw airspace for the Saylor Creek Bombing Range concerns me greatly, especially the expansion of Paradise MOA to the southwest, which encroaches on Nevada.

Over the years, the military has taken control of 40 percent of Nevada airspace, and no impact study of this withdrawal has ever been done to my satisfaction. I refer you to Section 6 of Public Law 99-606 requiring a Special Nevada Report on the cumulative effects of continued or renewed withdrawal of airspace. It is my understanding that no new programs such as you are planning would be undertaken until this Special Report is published in 1991.

I, therefore, make three requests: 1) that all withdrawal of military airspace be halted until the Nevada Special Report is completed; 2) that public hearings be held in the effected areas of Nevada; and 3) that the Nevada delegation and the governor of Nevada be briefed on these proposed plans.

I thank you in advance for your cooperation, and I look forward to your reply on this matter.

Sincerely,

HARRY REID,
U.S. Senator.

Mr. REID. Mr. President, I have requested that the Air Force halt its pending new operations and expansion plans; hold public hearings in Nevada; and brief Nevada's congressional delegation and the Governor on any proposed plans for airspace withdrawal or new operations.

I have not yet received a response.

The second newspaper article submitted for the RECORD details the Navy's plans to fire Tomahawk cruise missiles from off the coast of California at an imaginary target 32 miles east of the town of Fallon, NV.

These plans also involve maneuvers by more than 80 airplanes in mock combat.

The Navy says these activities will have no significant impact on Nevada. How could they draw such a conclusion?

In 1983, a crippled missile crashed into Pilot Peak, not 10 miles from the town of Montello, NV; and in 1985, another cruise missile was ditched just north of Ely, NV, on its way to Utah.

Yet, the military says there will be no impact on Nevada.

At this time, nearly 40 percent of Nevada's airspace is controlled in some way by the military. The Navy and Air Force are given virtually free rein to use the skies of Nevada.

It is only fair that they are accountable to the people of our State—that they hear our concerns and ensure that their operations do not jeopardize the quality of our environment and the livelihood and safety of our citizens.

It is only fair that they keep their word and follow the spirit of the law.

Clearly, no further action to withdraw airspace or initiate new operations in existing airspace should be considered until the special Nevada report is completed.

Therefore, I ask that the Senate go on record—once again—to reaffirm that military airspace withdrawal be halted until the Nevada special report is submitted to Congress. We would only be following the law.

Mr. BRYAN. Mr. President, this amendment expresses the sense of the Senate that proposed withdrawals of military land and airspace in Nevada be suspended until the Special Nevada Report required under Public Law 99-606 has been completed.

The State of Nevada is home to a variety of military activities and the State has always been proud of the role it plays in protecting our national security. We are host to the Nation's only nuclear weapons testing site, the Fallon Naval Air Station, the Hawthorne Army Ammunition Depot, Nellis Air Force Base, and many other military facilities.

In conjunction with these facilities, Nevada's land and air is used for various military operations areas [MOA's], military training routes [MTR's], supersonic operations areas [SOA's], and for other purposes such as cruise missile testing runs.

As the training needs of the military operations have grown over time, a piecemeal approach has been adopted by the various branches of the Department of Defense to Nevada's air and land resources. As a result, a patchwork quilt has grown over the State with over 40 percent of Nevada's airspace restricted for Department of Defense uses.

The Nevada Report mandated by Public Law 99-606 is intended to be a comprehensive review of the current and planned future uses of Nevada's open space resources by the military, and a planning document to help mitigate the impact on our citizens of military activities. Because little or no coordination existed among the disparate DOD activities within the State previously, there was no effort made to consolidate training facilities and each new military need saw a further—and often overlapping—encroachment upon Nevada's resources.

With much of Nevada's population located in isolated rural areas that are affected by military overflight operations—including jets flying as low as 100 feet above ground levels—the specific impacts of these activities is significant. Noise can be more than a nuisance for people and wildlife. It can be a hazard when coming as a surprise, it may pose health and stress risks, and it can cause hearing loss. Sonic booms can cause structural damage.

Some examples of the problems Nevada has faced are illustrative:

As Governor, I encouraged the military users of Nevada's airspace to consolidate and mitigate the effects of their activities in the State. For instance, Bravo-16 is a training range located between two rapidly growing residential areas—Fernley and Fallon, NV—and it should be closed.

I made that request as Governor and I am renewing that request to the Secretary of the Navy. It is sensible public policy that military activities that encroach upon populated areas should be conducted, if possible, in more remote, less populated areas.

Also the Fallon facility has separately proposed both a 181,000-acre land withdrawal and a 230,000-acre withdrawal to accommodate closely related activities. I am requesting that these proposals be consolidated, and that one environmental impact statement be prepared so that the cumulative effect of this proposal can be considered in its entirety.

The Navy has proposed eliminating a safe corridor for private pilots flying between Fallon and Austin, NV, and replacing it with a radar system to vector private aviators through the area. I am requesting that the Navy establish this system and prove its feasibility before the corridor is eliminated.

The Navy has proposed a low-level route in which up to 112 jet flights per night would fly 300 feet above ground level from the Fallon NAS directly over the Walker Indian Reservation. I am requesting the Navy route such flights over unpopulated areas instead.

Recently I learned that the proposed expansion of the Saylor Creek bombing range associated with Mountain Home Air Force Base in Idaho from 100,000 acres to 1,500,000 acres would encroach upon areas of Humboldt and Elko Counties in northern Nevada. I have requested that the Secretary of the Air Force conduct public hearings to solicit the views of Nevada citizens

who may be affected by this expansion.

One persistent problem Nevada faces is the lack of continuity by the branches of the military about Nevadans concerns. The turnover at each facility is rapid due to military officers' periodic reassignments, and maintaining an institutional and historical perspective about the concerns of Nevadans has been difficult for the branches of the military using Nevada's resources.

To combat that I am requesting through the Secretary of Defense that the Secretary of the Navy and the Secretary of the Air Force establish a permanent Nevada Military Office [NMO] staffed by senior staff to serve as civilian liaisons between the military and Nevada's citizens, and between the branches of the services and Nevada's State and local governments.

With proper planning, mitigation, and cooperation, the military needs and the needs of the citizens can both be accommodated. This amendment will serve to facilitate that planning and mitigation process by allowing a timely completion of the Nevada Report before further military withdrawals in Nevada are considered.

AMENDMENT NO. 866

At the end of the bill, add the following new section:

SEC. . (a) Congress makes the following findings:

(1) As of July 18, 1989, the Federal prison population reached an all time high of 49,418 inmates.

(2) The design capacity of Federal prisons is only 31,091 beds.

(3) The overcrowding rate at Federal prisons is 159 percent of capacity.

(4) The Bureau of Prisons projects that the Federal prison population will exceed 83,500 by 1995.

(5) The President declared a war on drugs and has endorsed the idea of using old military facilities as prisons.

(6) The Federal Bureau of Prisons states in its 1988 report that using old military bases is the most cost-efficient method to obtain more space to house minimum security offenders.

(b) It is the sense of Congress that—

(1) in selecting an agency or instrumentality for receipt of property or a facility scheduled for closure under the Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2629; 10 U.S.C. 2687), the Secretary of Defense should give priority to the Bureau of Prisons; and

(2) the Commission on Alternative Utilization of Military Facilities should give priority consideration to utilizing the military facilities that are scheduled for closure as minimum security prisons; and

(3) before making any decision about transferring any real property or facility pursuant to the Base Closure and Realignment Act, the Secretary of Defense should consult with the Governor of the State and the heads of the local governments in which the real property or facility is located and should consider any plan by the local government concerned for the use of such property.

Mr. HELMS. Mr. President, the pending sense-of-the-Senate resolution states that the Federal Bureau of Prisons should be given priority to acquire some of the military bases that are scheduled to be closed under the Base Closure and Realignment Act.

Under existing law, the Bureau of Prisons must wait in line with all other agencies in order to acquire such a military facility. There is a rapidly growing feeling across America that top priority should be placed on locking up drug users and drug dealers, thereby solving at least a part of the drug problem.

Mr. President, more prison space is desperately needed. As of July 18, 1989, the Federal prison population reached an alltime high of 49,418 inmates. The design capacity of Federal prisons is only 31,091 beds. This is an overcrowding rate of 159 percent of capacity.

Several weeks ago, the President declared a war on drugs. I applaud the President for his initiative. He proposed a tough and comprehensive program to fight the drug problem. We must get tough on drug dealers and drug users. In order to get tough, we must put these criminals in jail. But Mr. President, at the present time we do not have enough prison space to house these criminals.

Furthermore, the prison overcrowding problem will only get worse as we crack down on drug dealers and drug users. The Bureau of Prisons projects that the Federal prison population will exceed 83,500 by 1995. The U.S. Sentencing Commission projects the number of Federal prisoners could be as high as 125,000 by 1995.

The States have similar problems with prison overcrowding. The State prison population hit an alltime high this summer of 577,474. State prisons can only hold 481,430. Many States are under court order to reduce the number of prisoners in their prison systems. As a result of prison overcrowding, States are releasing prisoners from jail before their terms are completed.

Mr. President, this is equivalent to giving criminals a "Get Out of Jail Free Card" because of lack of prison space. These criminals go back on the street, and many go back to robbing, raping, and killing innocent Americans.

The National Institute of Justice estimates that the crimes committed by released prisoners cost society as much as $430,000 a year per prisoner.

President Bush recognizes the need for more prison space and he has request an additional $1 billion for new prisons. In his drug plan, the President endorses the idea of using old military bases as prisons.

It is just common sense to convert at least some of the military bases that are scheduled for closure into prisons. It will cost a lot less than building new prisons. The costs could be as low as $4,000 per bed compared to the $40,000 to $100,000 it costs for new prisons. The Federal Bureau of Prisons states in its 1988 report that using old military bases is the most cost efficient method to obtain more space to house minimum security offenders.

Mr. President, by using old military bases, we can increase prison capacity in a cost-efficient manner. This will enable us to lock up more drug dealers and drug users and to keep them behind bars where they belong.

If we are really serious about fighting a war on drugs, more prison space is imperative. We must ensure that there are enough prisons to lock up the drug dealers, and keep them locked up. Otherwise, any declaration of war is nothing but an empty threat.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 862 through 866) were agreed to, en bloc.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 36, LINE 22, THRU PAGE 37, LINE 2, RELATING TO SDI

Mr. STEVENS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question occurs on the second excepted committee amendment.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

ORDER OF PROCEDURE

Mr. INOUYE. Mr. President, I request that the pending business when we return tomorrow to consider the DOD bill be the second excepted committee amendment.

The PRESIDING OFFICER. That is the regular order.

Mr. INOUYE. I thank the Chair.

COMPUTERIZED JOB CENTERS

Mr. HARKIN. Mr. President, I would like to enter into a colloquy with the chairman regarding the report language accompanying the Defense appropriations bill for fiscal year 1990. On page 39 of Senate Report 101-132, there is a paragraph entitled "Job Centers." I understand that the intent of this language is to save money at military bases in the United States by using existing, state-based career guidance computer software packages, instead of commercial software packages intended for nationwide use.

Mr. INOUYE. Yes, in many States, computer software packages have been developed under section 422 of the Carl D. Perkins Vocational Education Act of 1963 and section 464 of the Job Training Partnership Act. These pro-

grams provide career and job guidance that may be useful for our men and women in uniform. Whenever possible and appropriate, military installations should take advantage of these existing programs, which are low-cost or free.

Mr. HARKIN. I understand that the Department of Defense has also qualified two software programs under a competitively bid pilot program. These data packages provide educational and career guidance for our military personnel around the world. They include information from across the United States, so that our military personnel can select the best possible educational and career information. Some of the state-based career or job guidance packages may focus on specific training and job data for a given State.

Am I correct that this report language was not intended to preclude the use of these educational guidance programs that have been qualified by the Department of Defense?

Mr. INOUYE. Our intention is simply to keep the Department of Defense from duplicating existing capabilities. Evidence is that state-based systems are considerably cheaper than some of the commercial systems that the department is considering. However, where state-based systems are unavailable or are inappropriate, we recognize that the Department of Defense will have need to provide the desired capability. Our intention is not to deprive Department of Defense personnel of access to systems which will enable them to advance their careers but rather to provide adequate information systems at the lowest possible price.

AMENDMENT TO AUTHORIZE THE RELEASE OF CERTAIN REVERSIONARY RIGHTS ON CERTAIN LANDS PREVIOUSLY CONVEYED WITHIN CAVEN POINT TERMINAL AND AMMUNITION LOADING PIER, NJ, TO THE NEW JERSEY TURNPIKE AUTHORITY

Mr. LAUTENBERG. Mr. President, this amendment would relieve the New Jersey Turnpike Authority from certain restrictive covenants of a deed on property within the former Caven Point Army facility in New Jersey.

Let me say at the outset that I understand this amendment has been cleared by the authorizing committee—the Committee on Armed Serivces, and that the Army has no objection to it.

In 1957, certain property in the vicinity of Jersey City, NJ, was transferred at fair market value from the United States to the New Jersey Turnpike Authority, to be used for the Hudson County extension of the turnpike, and for related service areas. At the time, the Caven Point facility was already being phased out of operation. It now has, for many years, been out of operation.

This area is now undergoing considerable economic development. The city of Jersey City has entered into agreements with major development companies to improve the area and expand the region's economic base. A total of approximately 8 to 9 acres of the property previously transferred to the Turnpike Authority is needed for this development.

I am pleased to note that many areas of New Jersey are undergoing an economic resurgence. The Hudson Riverfront area is at the center of much of this growth. Transfer of the property now under control of the Turnpike Authority would allow further commercial and residential development to occur in this important region of New Jersey.

When the property was transferred in 1957, it was then common practice to include a reverter clause in the deed. Such a clause stipulated that the property in question would revert back to the United States if it ceased to be used for the purposes intended at the time of the transfer.

Today, this 8- to 9-acre parcel is no longer needed by the Turnpike Authority. Nor is it needed by the Army, as made clear by a July 24, 1989 memo from the director of Housing and Engineering of the New York Area Command/US Army to the Commander of the New York District Army Corps of Engineers. In that memo, it is stated that—

It is the opinion of this office that there is no reason that this restrictive convenant should remain. However, in conferring with New York District and First Army, there appears to be no easy way of negating the restrictive covenant, short of Congressional action.

Mr. President, that brings us to the amendment being offered today. It would simply negate the restrictive covenant of the 1957 deed, allowing the Turnpike Authority to transfer the property for economic development under contract with the city of Jersey City, NJ.

This amendment is supported by State and local officials, and will enable private developers to infuse significant funds into the local economy. It has been cleared by the appropriate committees, and the administration.

I greatly appreciate the cooperation of the distinguished manager of this bill, Senator INOUYE, and the ranking member, Senator STEVENS, in considering this amendment, and I urge its adoption.

THE FATEFUL CHOICE ON SDI

Mr. SYMMS. Mr. President, I ask unanimous consent that an excellent article by our distinguished colleague, Senator MALCOLM WALLOP, entitled "Showdown Hour for SDI" and published today in the Washington Times be printed in the RECORD at the end of my statement.

Mr. President, MALCOLM WALLOP argues persuasively that Congress faces a fateful choice on SDI—either to vote enough funds to allow President Bush to make a deployment decision by 1992, or scrap the program and leave America vulnerable to Soviet nuclear blackmail. I agree with Senator MALCOLM WALLOP that Congress should vote enough funds to enable a Presidential decision to deploy SDI as soon as possible. America can not afford to wait any longer for SDI deployment, and we can afford to fund a program that is truly a national defense.

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

SHOWDOWN HOUR FOR SDI

(By Malcolm Wallop)

For the first time in the history of the Strategic Defense Initiative program the Congress, the president, and indeed the nation, face a fundamental choice of direction.

We can no longer put off, in view of the maturity of the SDI program and the irresponsible cuts that the House of Representatives is attempting to foist on the administration, a decision on the future direction of the program.

The issue before the nation is whether we will have a defense against ballistic missiles in place before the end of the century, or instead have an interminable research program with no final purpose except to escape the political cost of terminating that capability.

Earlier, it was easy for the Reagan administraton and Congress to avoid tough choices about the program. The R&D effort recommended by the Fletcher Commission, after President Reagan had launched SDI in March 1983, was a broad and purposefully unfocused program to explore the feasibility of advanced defenses.

Predictably, this unfocused research program came under attack from Capitol Hill. It lacked direction by seeking a romantic dream. It was hard for representatives and senators to see how this research-only program—which planned to spend some $30 billion over five years—would provide the nation with its "impenetrable shield that would make nuclear weapons forever obsolete."

Reacting to this criticism, and budget cuts that ensued, the Reagan administration trimmed much of the fat in the program and restructured it into a more feasible, phased approach to defensive deployments.

The first phase of that approach—based on both ground- and space-based kinetic-energy weapons—was slated for deployment in the mid-1990s. It was designed to counter a threat validated by the Defense Department and a set of military requirements established by the Joint Chiefs of Staff.

Subsequent cuts in Mr. Reagan's requests were painful, but because they were more limited than these, they could be absorbed by the program by slipping deployment a year or two while retaining a sense of purpose.

The Bush administration, after reviewing Mr. Reagan's program, affirmed its direction and committed America to an informed deployment decision in the next four years. Even the much-publicized emphasis on Brilliant Pebbles was in reality the result of initiatives taken during the Reagan administration. In essence, then, Mr. Bush wisely

decided to keep intact the phased deployment approach advocated by Mr. Reagan.

The difference in these two approaches cannot be clearer.

The SDI program of old was a shopping bag of sorts. There were a few basic things to keep in the bag—milk, vegetables and meat—but the unfocused approach allowed a mix and match of the bag's contents. Since there was no goal by which to justify the added expenditure of any part of the program, the bag was left half empty.

Today's program is more like a bicycle. One can eliminate the bell, or maybe put on a smaller reflector, but a bicycle needs two wheels, handlebars, a frame and a seat to make it work.

Likewise, the SDI program needs its central elements fully funded to move toward the late 1990s deployment, to make the program "work."

The choice before the congressional conferees, and then the president, is between a House version that does not even maintain basic research and will never provide any defense for the country, or the Senate's support for the president's more robust program to get us to that deployment decision before he leaves office.

To achieve this, the president requested $4.6 billion dollars this year. The Senate essentially supported the request with a mark of $4.3 billion, but the House savaged the program by allocating only $2.8 billion, almost a $1 billion reduction from last year's funding.

If the House number prevails, or even if the conference were to meet halfway, as in the past, the result would be to dismantle the president's plan completely. He could not possibly make an informed deployment decision in the next four years, or even in the four years after that. These cuts would also require him to terminate support for allied cooperative research programs, such as Israel's Arrow ATBM program, a missile designed to intercept ballistic missiles that have proliferated throughout the Middle East.

The national work force committed to SDI research would be reduced by more than 8,000 personnel, and defense contractors would be forced by fiscal constraints to take their best engineering teams off SDI projects and reassign them to other programs.

This is exactly what happened when we abandoned the Expendable Launch Vehicle business in the 1970s and focused exclusively on the NASA Shuttle. It is why we faced a series of ELV failures—Scout, Delta and Titan—when we tried to get back into the ELV business after the Challenger disaster in 1986.

Most important, the space- and ground-based kinetic-energy programs would have to be dismantled and restructured, eliminating any Phase I deployment in reality, if not in name. Any initial deployment would be delayed indefinitely, until well after the year 2000, with no provision for follow-on systems to offset any Soviet countermeasures.

As Secretary of Defense Dick Cheney rightly said: "The House and Senate have voted on SDI programs with fundamentally different objectives, and the differences cannot be solved simply by selecting a funding level to split the difference in the authorization values."

At the House funding level, as the SDI program's detractors are well aware, there is no point in continuing any research at all.

The history of our strategic defense program after signing the ABM Treaty in 1972 makes the point. Try as they might, proponents of strategic defense in the 1970s were not able to sustain a research program that was not headed toward some future deployment.

At the end of the day, dollars for programs that create real weapons will always win out over those that remain in perpetual research and development. Such a program would create nothing but a white-collar welfare program and congressional blind in which to hide from public judgment.

The time has now come to choose between two opposing visions of the future.

One has America endlessly vulnerable to Soviet and Third World ballistic-missile attack. It has us eschew the technology we have in hand today to defend ourselves, in favor of endless research that squanders the nation's technical resources and the taxpayer's wealth, but protects its advocates from the judgment of Americans.

The other commits America to the defense of her people and homeland as best we can by the end of this century. We will provide future generations with the promise of an America, in concert with her allies, defended against all types of ballistic missiles.

We should thank the House membership for so clearly framing this choice. Now Congress must choose. Let us hope we choose wisely.

THE WILD HORSES ON WHITE SANDS MISSILE RANGE

Mr. DOMENICI. Mr. President, I would like to say a few words in support of a particular provision of the Department of Defense appropriations bill that is essential to saving over 1,000 wild horses. These wild horses currently run free on the Army's White Sands Missile Range in southern New Mexico.

The desert Southwest was once a wide open space, where animals were free to roam. Those days are now history. Man has tamed the desert, and wild animals have been pushed off the land.

One area that remains relatively undeveloped is White Sands Missile Range. Currently, a wild horse herd of approximately 1,000 is roaming the missle range. It is believed that these animals are the descendants of horses set free by ranchers when their land was taken by the Government in 1942 to form the range.

Over the last several years, the herd has grown tremendously in size. In just the last 3 years, the horses have nearly doubled in number.

The Army feels that it is necessary to thin the herd to a size that can be adequately supported by the grazing resources of the range. It believes this number to be approximately 300.

One option the Army and the State of New Mexico have for the horses that are rounded up is to sell them at public auction. When such auctions occur, however, it is unlikely that these animals go home with caring citizens. In most instances, slaughterhouses purchase the horses and they are destroyed. This option is inhumane and unacceptable.

A provision in the Department of Defense Appropriations bill would provide the Army with a better option.

This provision would allow the Secretary of the Army to transfer any wild horses removed from White Sands Missile Range to the Secretary of Interior for their inclusion in the Bureau of Land Management's Adopt-a-Horse Program. The Department of the Interior's cost of processing these animals would be reimbursed by the Army, provided these costs do not exceed $200,000.

This provision is a humane response to the problem caused by the extraordinary growth of the wild horse population on White Sands Missile Range. It will allow us to maintain a viable herd of wild horses on the range, and will permit the Army and the BLM to find caring individuals to take the excess horses. It avoids the unacceptable option of allowing these creatures to be auctioned off and destroyed.

Mr. President, I am pleased that the committee has included this provision in the fiscal year 1990 Defense appropriations bill, and I urge all Senators to support it.

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

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 3015

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Transportation appropriations bill, H.R. 3015, that it be considered under the following limitations: That Senator BYRD be recognized to modify the pending amendment to reflect the bipartisan negotiators agreement; that immediately upon the disposition of the Byrd-Hatfield amendment, the Senate proceed without any intervening action or debate to vote on the underlying committee amendment; that upon the disposition of the committee amendment, the following legislative language amendments be the only first-degree amendments in order, and that they not be subject to points of order when offered, or if amended; amendments to be offered by the minority leader or his designee: One regarding drug treatment plans, one regarding drug-free school plans, one regarding waivers for international narcotics assistance, one regarding transfer to special forfeiture fund for the drug czar. Amendments to be offered by the majority leader or his designee: One regarding pregnant women, one regarding abused children, one regarding training professionals; that ger-

mane amendments to these amendments will be in order and not subject to point of order. That further amendments to the bill relative to the allocation of the increased $800 million in budget authority shall be in order only if agreed to by the chairman and ranking member of the Appropriations Committee; such amendments shall not be subject to further amendments or points of order; that no motions to recommit the transportation appropriations bill shall be in order.

I further ask unanimous consent that immediately following the passage of the final regular appropriations bill and the anticipated continuing resolution, the Senate shall proceed to the immediate consideration of a bill to be introduced by Senator DOLE that totally incorporates the remaining legislative initiatives of the President's drug strategy; that this bill will be opened solely to drug-related amendments; amendments dealing with the matters to be included in the following bill will not be in order to this bill; that the majority leader, acting in consultation with the minority leader, shall determine the method for consideration of a bill or a motion to proceed to such bill dealing with the death penalty, habeas corpus reforms, exclusionary rule, Justice Department reorganization, international money laundering, and the availability of firearms for purchase; that this vehicle or motion to proceed to such vehicle shall be sent before the Senate no earlier than October 20, 1989, and no later than sine die adjournment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, I want to commend the majority leader and chairman of the Appropriations Committee, Senator HATFIELD, and others. I think we have an agreement here that I hope will be approved. I make just one comment with reference to sine die adjournment, and we have had this conversation. I think the RECORD might reflect that there will be a reasonable time before sine die adjournment to take up the crime bill; is that correct?

Mr. MITCHELL. Yes. Mr. President, the distinguished Republican leader and I and several of the Senators who participated in these negotiations discussed this at some length earlier today. The original agreement provided no later than November 15, 1989. I objected to that on the grounds that I do not know when sine die adjournment is going to occur and did not want to tie up the Senate for such a period after November 15, were that necessary.

I also indicated to the distinguished Republican leader that, in my judgment, two factors will control my actions with respect to this latter matter. The first is that this agreement does not preclude the raising of these issues prior to the time when such vehicle will be presented to the Senate. If they are in fact presented to the Senate, all or some of them, and discussed at some length prior to them, obviously, what is or is not a reasonable time for their consideration under this agreement will be less than if there is no raising of these issues prior to them, and this is the first time between now and then. When I say this, I mean the time set forth in this agreement, that would be the first time that those issues would be raised.

In any event I told the Republican leader that I thought something in the order of 3 days is a reasonable time for consideration of this without attempting to define it precisely, just so there is no misunderstanding on anyone's part as to what my intention is and what we had in discussion today.

Mr. DOLE. There is no agreement to limit it, if there is a filibuster or motion to proceed. We understand. I thought for someone reading the RECORD, that it would be helpful to them to have an explanation.

Mr. WILSON. Mr. President, reserving the right to object, and I shall not object, I would be grateful if the majority leader would clarify the point here.

Mr. President, it is my understanding, if I heard the majority leader correctly, that certainly first-degree amendments, and he recited those, will be in order offered by both the minority leader and the majority leader and that second-degree amendments to those first-degree amendments will be in order if they are germane. Is that correct?

Mr. MITCHELL. That is correct.

Mr. WILSON. They shall not then be subject to points of order themselves?

Mr. MITCHELL. That is correct. The agreement explicitly states that immediately—and I am reading now from the agreement—immediately following the listing of the seven amendments, the sentence that I read reads, therefore, I repeat, "that germane amendments to these amendments will be in order and not subject to points of order."

Mr. WILSON. I thank the majority leader.

I wish as a matter of courtesy to let him know that I will be offering an amendment, a germane amendment in the second-degree, and I appreciate his comments.

Mr. DECONCINI. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. DECONCINI. I would like a clarification. In the next-to-last paragraph the majority leader refers to the "Majority leader and minority leader acting in consultation shall determine a method of floor consideration of a bill or a motion to proceed to a bill." He is talking about one legislative vehicle here that will permit the attachment or inclusion of all of these items spelled out in that paragraph? Is that what the Senator is talking about?

Mr. MITCHELL. Yes, but precisely because that matter has not been defined or resolved it was phrased in this manner. We discussed that specifically today and it may be that it will simply be a motion to proceed to a specific legislative vehicle which has not yet been identified or developed.

Mr. DECONCINI. If the majority leader will yield, I do not want to prolong this, but it is my understanding that if the majority leader and the minority leader find the death penalty bill to be the vehicle that comes to the floor, does this mean that all of these other bills could be offered as amendments, no prohibition against that but also no guarantee there will be a vote on them or any action on them? It would just be a vehicle to throw the stuff on if you wanted to try to amend it.

Mr. MITCHELL. That is exactly correct. Neither I nor the distinguished Republican leader, nor any other Senator, I believe can at this time assure a vote on any one of these matters.

What may occur from what we discussed as at least a possibility is developing a vehicle, making a motion to proceed, and if that encounters what might be opposition then filing a cloture motion and having a vote on cloture on the motion to proceed. That may occur. I do not mean to suggest either that will occur or that exhausts the possibilities of what might be occurring.

Mr. DECONCINI. I thank the majority leader.

What he is saying, he is going to put forth his best effort to get a vehicle that could be amended, including all of these under normal procedures of legislation brought to the floor.

Mr. DOLE. If the Senator will yield, it means the bill reported might have more than one of these provisions or all of these provisions and they could be stricken out. But we are going to try to make certain that everybody gets an opportunity to discuss it. Someone may have a particular interest in it. I am not certain where it finally ends up, but it may be a lengthy debate.

Mr. DECONCINI. I thank the majority leader and minority leader.

Mr. MITCHELL. I thank the Senator from Arizona for raising the question. It does clarify the point.

So no Senator is under any misunderstanding, I am not committing to or even undertaking to assure ultimate disposition or even a vote on any one of these matters. As you can just tell

from the reading of them they are very controversial, and we will do our best to present a vehicle and take it from there.

Mr. KERRY. Mr. President, I would like to just clarify, also, if I can, one quick point which I think is understood among the parties, but I want to make sure the record reflects it. There is in the unanimous-consent agreement a prohibition regarding the raising of five matters, death penalty, habeas corpus reform, exclusionary rule, Justice Department reorganization, and international money laundering except in the form mentioned by the majority leader at a separate time, and in discussion today it was agreed among the parties, and I would simply like the record to reflect it, hopefully with the assent of the minority leader, that international money laundering within that context refers to the wire transfer amendments and to the actual overseas aspects of international money laundering, but that domestic actions, actions that can be taken within the confines of the United States by our authorities here with respect to U.S. currency or with respect to enforcement are permissible under the terms of the agreement.

Mr. MITCHELL. If I may interrupt the Senator, there is no prohibition in this agreement on any of these matters being brought up at any time prior to this.

Mr. KERRY. The prohibition is that international money laundering is cited as one of the items that would be brought up separately as a matter of floor consideration at the last moment as per the majority leader's last comments.

Mr. MITCHELL. That is correct.

Mr. KERRY. But that are within the legislation that will follow immediately after the appropriations bill. There is an agreement that therein there can be consideration of some international money laundering but domestic concerns, and I just wanted the record to reflect that.

Mr. DOLE. That is correct because I think it says matters included in the following bill will not be in order to this bill which means international money laundering will not be in order to the bill I intend to introduce.

Mr. MITCHELL. Is the Senator relating to the opportunity to present domestic matters to the bill?

Mr. KERRY. Yes. They are domestic matters but they pertain to money laundering. All I am trying to do is avoid confusion so someone does not raise points suggesting they are out of order as a consequence that they relate to money laundering.

Mr. MITCHELL. As I understand it, what the Senator is saying is that when we take up the bill that is referred to here to be introduced by Senator DOLE to which drug-related amendments may be offered, he is saying that he wants it clear that he will be able to offer an amendment to that bill that deals with the subject he is just describing?

Mr. KERRY. That is correct. When we proceed to the consideration of the bill incorporating the remaining goals and strategy, that is accurate.

Mr. DOLE. My understanding is if there are sanctions on foreign banks or international agreement, they would not be in order?

Mr. KERRY. That is correct. That is accurate.

Mr. MITCHELL. But as described in more detail by the Senator earlier, he wants to make clear he does intend to offer an amendment.

Mr. KERRY. Within the context of domestic, right.

Mr. DOLE. Marcos on currency and things of that kind?

Mr. BIDEN. Reserving the right to object.

Mr. KERRY. I thank the distinguish leader and the minority leader.

Mr. BIDEN. Reserving the right to object, I know we are all in agreement. It would be nice to have in the RECORD so all the colleagues do not ask us all these questions tomorrow when the staffs can read the RECORD. In the further unanimous-consent agreement immediately following the passage of the regular appropriations bill, the continuing resolution, where Senator DOLE is going to introduce a bill relating to legislative initiatives of the President, I want to make it clear to make sure we understand at that point the Senator from Delaware and others will introduce what is referred to as the Democratic strategy, goals, and initiatives.

The reason I raise that is that a number of my colleagues have asked that question, and they should know that that will be available and will take place at that time. I have no objection.

Mr. MITCHELL. Presumably, that will be offered as an amendment to the bill, as a substitute, but that will be offered as an amendment to the Dole proposal or not necessarily amending a particular provision, but adding a provision to the Dole proposal at that point.

I have no objection.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous-consent agreement propounded by the majority leader is agreed to.

The text of the agreement is as follows:

Ordered, That when the Senate resumes consideration of H.R. 3015, the Transportation appropriations bill, Senator Byrd be recognized to modify his pending amendment to reflect the bipartisan negotiators agreement and that immediately following the disposition of the Byrd amendment, the Senate proceed, without intervening action or debate, to vote on the underlying committee amendment.

Ordered further, That upon the disposition of the committee amendment, the following legislative language amendments be the only first degree amendments in order, and that they not be subject to points of order when offered, or if amended:

Amendments to be offered by the minority leader, or his designee:

One on drug treatment plans;

One on drug-free school plans;

One on waivers for international narcotics assistance; and

One on transfer to special forfeiture fund for drug czar.

Amendments to be offered by the majority leader, or his designee:

One on pregnant women;

One on abused children; and

One on training professionals.

Ordered further, That germane amendments to these amendments be in order and not subject to points of order.

Ordered further, That amendments to the bill relative to the allocation of the increased $800 million in budget authority be in order only if agreed to by the chairman and ranking member of the Appropriations Committee, with such amendments not subject to further amendments or points of order.

Ordered further, That no motions to recommit the Transportation appropriations bill be in order. (Sept. 26, 1989.)

Ordered further, That immediately following the passage of the final regular appropriations bill and the anticipated continuing resolution, the Senate proceed to the immediate consideration of a bill by Senator Dole that solely incorporates the remaining legislative initiatives of the President's drug strategy.

Ordered further, That this bill be open solely to drug related amendments; amendments dealing with the matters to be included in the following bill will not be in order to this bill.

Ordered further, That the majority leader, acting in consultation with the minority leader, shall determine a method for floor consideration of a bill, or a motion to proceed to such bill, dealing with the death penalty, habeas corpus reform, exclusionary rule, Justice Department reorganization, international money laundering, and the availability of firearms for purchase.

Ordered further, That this vehicle, or motion to proceed to such vehicle, be set before the Senate no earlier than October 20, 1989, and no later than sine die adjournment. (Sept. 26, 1989)

Mr. MITCHELL. Mr. President, I wish to thank all those who have been instrumental in bringing us to this point—the distinguished Republican leader; the chairman and ranking member of the Appropriations Committee, who led the negotiations on both sides; the Senator from Delaware, who is here; the Senator from Massachusetts; and others who participated, as well.

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

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

THE ERROR AND HOPE IN TODAY'S RELIGIOUS LIBERTY DECISION

Mr. ARMSTRONG. Mr. President, this morning the U.S. Court of Appeals for the District of Columbia Circuit issued its opinion in Clarke versus United States, the religious liberty case.

As Members of the Senate will remember, 2 years ago the D.C. Court of Appeals ordered a religiously affiliated university to give tangible benefits to homosexual student groups even though the university has moral and religious objections to homosexual practices. One year ago, Congress and the President enacted the Nation's Capital Religious Liberty and Academic Freedom Act which ordered the D.C. Council to change D.C.'s Human Rights Act so that a religiously affiliated school could decide for itself whether it would extend recognition or benefits to homosexual individuals or groups. A Federal district court found that the Religious Liberty Act unconstitutionally abridged the free speech rights of members of the city council, and today the court of appeals affirmed the lower court.

As Senators will also remember, just a few days ago, on September 14, the Senate adopted this year's version of the Nation's Capital Religious Liberty and Academic Freedom Act as an amendment to the D.C. Appropriations bill, H.R. 3026. This year's version amends the D.C. Code directly; last year's version ordered the council to make the amendment. Therefore, this year's amendment raises none of the constitutional issues in today's decision. When this year's version is enacted, therefore, Congress itself will have amended the laws of the District of Columbia to protect religious liberty.

The court proceedings have served to delay enactment of the Religious Liberty Act, and delay simply means that the D.C. Council has continued to sit as a board of 13 moral authorities who have power to compel religious institutions to violate their moral principals with respect to homosexuality. I hope Congress will soon enact this year's version of the Religious Liberty Act so that religious schools in the Nation's Capital can reclaim a portion of their autonomy and moral authority.

I might add that, since the first amendment reads, "Congress shall make no law respecting an establishment of religion * * *" and since the Constitution clearly establishes that Congress is the legislature for the District of Columbia, one wouldn't have thought that the Nation's Capital Religous Liberty and Academic Freedom Act would be necessary. Unfortunately, the D.C. Council, sustained by the District's highest court, made congressional action necessary.

The court of appeals did not seem to understand the need for the Religious Liberty Act. Writing for the court, Judge Harry T. Edwards said:

> Rather than seek review of the decision in the United States Supreme Court, Georgetown (University) agreed to a settlement based on the District of Columbia Court of Appeals' decision, indicating publicly through its President that it regarded the outcome of the case as an essentially fair one. Nonetheless, certain members of Congress disagreed. * * *" *Clarke* v. *United States*, slip op. at 7-8 (D.C. Cir. No. 88-5439, decided Sept. 26, 1989) (citation omitted).

Mr. President, the Religious Liberty Act did not come about because any Member of Congress believed Georgetown's settlement with the student groups was not a fair one. Indeed, under the Religious Liberty Act, Georgetown University or any other religiousy affiliated school in the District will be able to make an arrangment it deems appropriate with respect to homosexuals. The Court did not seem to realize that the Religious Liberty Act came about—and remains necessary—because Congress refuses to allow the D.C. Council to sit in judgment of religious schools and their policies with respect to homosexuals. I regret that the court of appeals did not understand that Congress's motivation for the Religious Liberty Act was nothing more than religious liberty.

In addition to the religious liberty aspects of this case, there is also the question of congressional power. Of course, the Constitution gives Congress "exclusive" legislative authority "in all cases whatsoever" that involve the District of Columbia. The court held that Congress couldn't compel the members of the council to vote in a certain way. This strikes me as allowing the D.C. Council, a subordinate institution with delegated powers, to use the first amendment to cancel the terms under which its powers were delegated.

The court's opinion has enormous implications within the District of Columbia and, perhaps, for congressional power wherever exercised. For example, in the fiscal year 1989 District of Columbia Appropriations Act alone, Congress made many decisions that can be said to affect someone's claim to free speech. For example:

In title I, under the heading "Government Direction and Support" Congress forbade funds being used for "lobbying to support or defeat legislation pending before Congress or any State legislature."

Section 111 forbade education funds being used "to permit, encourage, facilitate, or further partisan political activities."

Section 112 required the D.C. budget to be transmitted to Congress by a certain date.

Section 116 forbade any of the funds being used for "publicity or propaganda purposes. * * *"

Section 141 required the D.C. government to adopt a residency rule that allows the hiring of noncity residents.

Section 143 required the D.C. government repeal an act relating to nondiscrimination and insurance (the AIDS-insurance issue).

Section 144 required the District to report certain information with respect to abortion.

And, section 145, the religious liberty amendment, required the District to stop ordering religiously affiliated schools to support homosexual groups. This is the section that the court today held unconstitutional.

What congressional rule for the District will the courts strike down next? Will it be unconstitutional to tell council members they can't lobby or engage in propaganda? Will Congress be forbidden to tell the council to change its residency rules? Will it be unconstitutional for Congress to tell the Mayor and the council that they must speak, that is, issue their budget, by a certain date?

If this line of reasoning is to be extended to the States, the implications will be enormous. As we know, Congress regularly threatens the States with a loss of funds if the States don't change their speed limits or their educational policies or their environmental standards. If Congress cannot compel the D.C. City Council to act to protect religious liberty then presumably our powers with respect to the States also have been diminished. This would be a salutary result, in my opinion. Perhaps Clarke versus United States will have the beneficial effect of reinvigorating the idea and practice of federalism.

I wish to emphasize that in my judgment Clarke was wrongly decided because Congress has plenary legislative power over the District and the court should have upheld our exercise of that power. Congress does not have plenary power over the States, however. If the reasoning of Clarke is extended to the States I may often find myself in agreement with the results because the constitutional powers of the general government are limited and those "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or

to the people." U.S. Const., Amend. 10. The District of Columbia, however, is not a State; it is the national Capital and it is governed by the national Congress. The Framers gave Congress "exclusive" powers over the "Seat of Government;" no such powers were given with respect to the States.

If the legal theory of Clarke versus United States were to be applied generally, much of the existing body of law by which Congress regulates certain kinds of activities would be overturned.

Judge James Buckley, in a concurring opinion that criticized the scope of the court's opinion, took note of some of these possibilities. He wrote:

[O]ur decision today opens up enough new territory to potential judicial review to suggest the prudence of limiting its scope to essentials. As virtually no government or institution can act today except with the consent of its legislative or governing body, I suspect this court and others may be called upon to answer a number of questions as litigators explore the implications of our decision. At what point, for example, does a federal grant-in-aid program cross the line that separates the encouragement of state or municipal action from its coercion? Are the constitutional rights of corporate directors and university trustees comparable to those of state and municipal legislators? And when (if ever) is a particular government interest important enough to justify *any* burden on legislative speech? *Clarke v. United States, id.* at 3 (Buckley, J. concurring) (emphasis in original).

Mr. President, the court today erred greatly on the question of religious liberty. Fortunately, the Senate has already acted to address that problem and I am hopeful that the House will join the Senate (as it did last year) in protecting religious liberty in the Nation's Capital. On the question of congressional power over the District of Columbia the court erred again. However, if the logic of today's decision regarding congressional power is extended to the States and interpreted in light of our traditions of federalism and our Constitution of delegated powers, then perhaps we will yet see some good come of today's decision in Clarke versus United States.

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

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

[U.S. Court of Appeals for the District of Columbia Circuit]

(Argued April 20, 1989; Decided September 26, 1989)

No. 88-5439

DAVID A. CLARKE, ET AL. *v.* UNITED STATES OF AMERICA, APPELLANT

Appeal from the U.S. District Court for the District of Columbia

(D.C. Civil Action No. 88-03190)

John C. Harrison, Associate Deputy Attorney General, U.S. Department of Justice, for appellant. *John R. Bolton*, Assistant Attorney General at the time the brief was filed, and *Jay B. Stephens*, United States Attorney, and *Michael Jay Singer* and *Alfred Mollin*, Attorneys, U.S. Department of Justice, were on the brief for appellant.

I. Michael Greenberger, with whom *James R. Bird* and *Gregory E. Mize* were on the brief, for appellees.

Lincoln C. Oliphant was on the brief for *amici curiae* U.S. Senators and U.S. House of Representatives, *urging reversal.*

Michael Davidson, Senate Legal Counsel, and *Ken U. Benjamin, Jr.*, and *Morgan J. Frankel*, Assistant Senate Legal Counsel, were on the brief for *amicus curiae* United States Senate, *urging reversal.*

Rex E. Lee, Carter G. Phillips, and *Mark D. Hopson* were on the brief for *amici curiae* National Ass'n of Evangelicals, *et al., urging reversal.*

John Vanderstar, Nan D. Hunter, Arthur B. Spitzer, Elizabeth Symonds, and *Austin P. Frum* were on the brief for *amici curiae* American Civil Liberties Union, ACLU of the National Capital Area, and Unitarian Universalist Ass'n, *urging affirmance.*

Philip W. Horton entered an appearance for *amici curiae* Washington Council of Lawyers, *uring affirmance.*

Before EDWARDS and BUCKLEY, *Circuit Judges*, and ROBINSON, *Senior Circuit Judge.*

Opinion for the court filed by *Circuit Judge* EDWARDS.

Concurring opinion filed by *Circuit Judge* BUCKLEY.

EDWARDS, *Circuit Judge*: The issue in this case is whether Congress, consistent with the Constitution, can compel members of the Council of the District of Columbia ("the Council") to enact a particular piece of legislation. In response to a judicial decision construing District of Columbia law to bar Georgetown University from discriminating on the basis of sexual preference, Congress passed the Nation's Capital Religious Liberty and Academic Freedom Act, Pub. L. No. 100-462, § 145, 102 Stat. 2269-14 (1988), also known as the "Armstrong Amendment." The Armstrong Amendment makes expenditure of funds appropriated for the District in the current fiscal year contingent on the Council's adoption of the following measure:

"[I]t shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

"(A) the use of any fund, service, facility, or benefit; or

"(B) the granting of any endorsement, approval, or recognition,

to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief." (*Id.* § 145(c).

Instead of enacting this measure into District law, however, all thirteen members of the City Council ("appellees" or "Council members") filed suit in federal court, attacking the constitutionality of the Armstrong Amendment on various grounds. The District Court held that the Armstrong Amendment, by compelling Council members to vote in favor of a particular piece of legislation, violated the Council members' right to free speech, *see Clarke v. United States*, 705 F. Supp. 605 (D.D.C. 1988), and appellant United States ("United States" or "the Government") appealed.

The Supreme Court long ago made it clear that "[t]he manifest function of the First Amendment in a representative government requires that legislators be given the widest latitude to express their views on issues of policy." *Bond v. Floyd*, 385 U.S. 116, 135-36 (1966). Pursuant to this mandate, the First Circuit recently held that "the act of voting on public issues by a member of a public agency or board comes within the freedom of speech guarantee of the first amendment," and that "[t]here can be no more definite expression of opinion than by voting on a controversial public issue." *Miller v. Town of Hull*, 878 F.2d 523, 532 (1st Cir. 1989). We agree. Accordingly, we hold that the votes of each appellee, like the votes of any other legislator, constitute "speech" protected by the First Amendment. Because the Armstrong Amendment coerces the Council members' votes on a particular piece of legislation, and because none of the interests asserted to justify the Amendment is sufficient—under *any* standard of First Amendment review—to justify the abridgment of the Council members' free speech rights, we find the Armstrong Amendment unconstitutional. The judgment of the District Court is therefore affirmed.

I. BACKGROUND

A. The Structure of District Government

To understand the full dimensions of this case, it is necessary to examine the nature and background of local government in the District. Article I, section eight of the Constitution authorizes Congress "[t]o exercise exclusive Legislation in all Cases whatsoever, over . . . the Seat of the Government of the United States," a grant of power that has been construed to invest Congress with near-plenary authority over the structure of government in the District. *See, e.g., Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 76 (1982); *Palmore v. United States*, 411 U.S. 389, 397-98 (1973). Although Congress has provided for a variety of governmental frameworks since the District was incorporated in 1802, for most of the District's existence until 1973, its governors were selected without the electoral input of the District's residents. *See generally* H.R. Rep. No. 482, 93d Cong., 1st Sess. 47-49 (1973) [hereinafter H.R. Rep. No. 482], *reprinted in* 2 Staff of House Committee on the District of Columbia, 93d Cong., 2d Sess., Home Rule for the District of Columbia 1973-1974, Background and Legislative History of H.R. 9056 and H.R. 9682 and Related Bills Culminating in the District of Columbia Self-Government and Governmental Reorganization Act 1487-89 (Comm. Print 1974) [hereinafter Legislative History]. This long absense of democratic government in the nation's capital drew regular bipartisan objection,[1] and lead to repeated legislative efforts to provide for representative government in the District. *See* S. Rep. No. 219, 93d Cong., 1st Sess. 3 (1973), *reprinted in* 3 Legislative History at 2723 (noting that over 40 home rule bills were introduced in Congress between 1874 and 1972).

These efforts culminated successfully with the passage of the District of Columbia Self-Government and Governmental Reorganization Act ("Home Rule Act"), Pub. L. No. 93-d198, 87 Stat. 774 (1973). Intended to "grant the inhabitants of the District of Columbia powers of local self-government," *id.* § 102(a), the Home Rule Act provides for a popularly elected Council and a popularly elected Mayor, *id*, §§ 401(a), 421(a), charged with responsibility for superintending mu-

Footnotes at end of article.

nicipal life in the District. The central aim of the Act, in short, was to provide the District "a System of municipal government similar to that provided in all other cities throughout the United States." H.R. Rep. No. 482 at 2, *reprinted in* 2 Legislative History at 1442. As House supporters of home rule explained:

Restoration of an elected local government with powers of legislation and finance is, in the judgment of the committee, perhaps the most important step which this or any Congress can take for the Nation's Capital. Self-government is necessary to responsive and responsible government. *Id.* at 50, *reprinted in* Legislative History at 1490.

The Home Rule Act vests the District's legislative power in the Council. *See* Home Rule Act § 404(a). Under the legislative process established by the Act, the Council has the authority, subject to approval by the Mayor, to enact laws for the District by majority vote, and the power to override mayoral vetoes by a two-thirds vote. *See id.* §§ 404(e), 412(a). The legislative power conferred by the Act to the Council, with enumerated exceptions, "extend[s] to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act." *Id.* § 302.

The Home Rule Act's delegation of legislative power, however, is neither complete nor irrevocable. Congress provided several mechanisms to assure itself a supervisory role in District governance. Most significantly, under seciton 601 of the Act, Congress "reserve[d] the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject . . . including legislation to amend or repeal any law in force in the District . . . and any act passed by the Council." Home Rule Act § 601.[2] Moreover, although the Council and Mayor are obliged to prepare an annual budget for the District, *see id.* § 442, no expenditures may be made by the District—either of funds furnished to the District by the federal Government or of funds raised through the District's own means of revenue collection—unless approved by act of Congress, *see id.* § 446. Finally, of course, Congress retains its constitutional authority under article I, section eight to modify or even abolish the framework of local government established by the Home Rule Act.

B. The Armstrong Amendment

The Armstrong Amendment was passed by Congress in response to the District's Human Rights Act, D.C. CODE ANN. §§ 1-2501 to 1-2557 (1981). Enacted by the Council in 1977, the Act was intended to prohibit discrimination in employment, housing, public accommodations and education based on "race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, physical handicap, source of income, and place of residence or business." *Id.* § 1-2501.

In 1987, two student, gay rights groups at Georgetown University ("Georgetown" or "the University") brought suit under the Human Rights Act, seeking to compel Georgetown to grant them official "University Recognition," as well as the campus privileges corresponding to that status. *See Gay Rights Coalition v. Georgetown University,* 536 A.2d 1 (D.C. 1987) (en banc). Georgetown, which is affiliated with the Catholic Church, defended on the grounds that the Human Rights Act did not apply to it and that, if it did, the Act violated the University's rights under the free exercise clause of the First Amendment. The District of Columbia Court of Appeals, hearing the case en banc, ruled that the Human Rights Act did not oblige Georgetown to "recognize" or otherwise endorse the gay student groups, but held that the Act did require Georgetown to afford the groups equal access to University facilities and services. *See id.* at 16-17. Rather than seek review of the decision in the United States Supreme Court, Georgetown agreed to a settlement based on the District of Columbia Court of Appeals' decision, indicating publicly through its President that it regarded the outcome of the case as an essentially fair one. *See* Letter from Timothy Healy, S.J., to faculty and alumni of Georgetown University (Mar. 28, 1988), *reprinted in* 134 CONG. REC. S9114-16 (daily ed. July 8, 1988).

Nonetheless, certain members of Congress disagreed, and decided that congressional consideration of the District's proposed 1989 budget presented an opportunity to initiate legislative action to overrule the *Georgetown* decision. On July 8, 1988, Senator Armstrong proposed the following amendment to the 1989 D.C. appropriations bill:

"Sec. .(a) this section may be cited as the "Nation's Capital Religious Liberty and Academic Freedom Act."

"(b) None of the funds appropriated by this Act shall be obligated or expended after December 31, 1988, if on that date the District of Columbia has not adopted subsection (c) of this section.

"(c) Section 1-2520 of the District of Columbia Code (1981 edition) is now amended by adding after subsection (2) the following subsection:

" '(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

" '(A) the use of any fund, service, facility, or benefit; or

" '(B) the granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.' " 134 CONG. REC. S9108 (daily ed. July 8, 1988).

Debate over the Armstrong Amendment was dominated as much by considerations of parliamentary procedure as it was by concerns of policy. Senator Armstrong justified his Amendment as essential to protecting Georgetown's right not to subsidize activities it believed to be "sinful," 134 CONG. REC. S9104 (daily ed. July 8, 1988) (remarks of Sen. Armstrong), a religious conviction with which Senator Armstrong indicated his agreement, *see id.* at S9105 (same). Most of the discussion in the Senate, however, focused on whether the Armstrong Amendment comported with Senate Rule XVI,[3] which prohibits the enactment of substantive legislative through an appropriations bill. *See, e.g., id.* at S9125 (remarks of Sen. Byrd) (objecting to the Amendment as "a bad precedent" for "various and sundry amendments that constitute legislation on an appropriation bill"); *id.* at S9175 (daily ed. July 11, 1988) (remarks of Sen. Weicker). *See generally id.* at S9123-34 (daily ed. July 8, 1988). Supporters of the Armstrong Amendment in the House, like Senator Armstrong himself, based their defense on their perception that the Human Rights Act, as interpreted and applied by the District of Columbia Court of Appeals, violated the constitutional rights of religious institutions by requiring them to provide support for organizations advocating practices that were incompatible with the institutions' religious teachings. The Armstrong Amendment was finally passed as a part of the 1989 District of Columbia Appropriations Act, Pub. L. No. 100-462, 102 Stat. 2269 (1988) ("1989 D.C. Appropriations Act"), on October 1, 1988.

It is clear from the tremendous pressure the Armstrong Amendment brings to bear on the Council members that the Amendment was designed to compel the appellees to enact the specified amendment to the city's Human Rights Act. The 1989 District of Columbia Appropriations Act provided $3.743 billion to finance District expenses. *See id.* In the event that the Council failed to enact the amendment, the District would be legally barred from spending *any* of the appropriated funds, including the $3.206 billion—approximately 85% of the total—raised through the city's own means of revenue collection. *See id.* The price of refusing to vote "aye" when the amendment came to a vote in the Council, in other words, was to be the complete shut-down of municipal services in the District—from public hospitals and public schools, to garbage collection, law enforcement and virtually all other services essential to the health, safety and welfare of the District's residents. As the Government concedes, the severity of these consequences makes the Armstrong Amendment a "mandate" that the Council members "cannot . . . ignore [ ]." Brief for the Appellant at 23 n.13.

C. The Proceedings in the District Court

Rather than take action one way or the other on the specified amendment, the thirteen members of the Council, including Council Chairman David Clarke, filed suit in both their individual and official capacities, seeking to have the Armstrong Amendment declared unconstitutional and to have its enforcement preliminarily and permanently enjoined. *See Clark* v. *United States,* 705 F. Supp. 605 (D.D.C. 1988). The Council members challenged the Armstrong Amendment as a violation of their rights to free speech under the First Amendment; as an unconstitutional condition on a spending measure; as an unconstitutional taking; as an establishment of religion; and as a violation of the speech and associational rights of District residents who express a particular position on homosexuality. *See* 705 F. Supp. at 607. The United States moved for summary judgment, and the Council members countered with a cross motion for summary judgment.

Finding the Armstrong Amendment to be a violation of the Council members' rights to freedom of speech, the District Court granted the motion of the Council members and entered judgment in their favor. The trial court found the votes of the Council members to be sufficiently expressive to qualify as "speech," and that the severe consequences attendant to rejecting the amendment meant the Council members were effectively coerced into not opposing it. *See id.* at 609-10. The court also held that because Congress itself could have enacted the specified amendment to the Human Rights Act, the Government had no legitimate interest in the Armstrong Amendment sufficiently important to outweigh the Council members' speech rights. *See id.* at

609. The United States appealed, and we now affirm.[4]

II. ANALYSIS

A. The Constitutional Prerogatives of the Council and the Armstrong Amendment

Congress' authority over the structure of local government in the District of Columbia is indisputably broad, but it is not boundless. Congress has the discretion to create institutions of government for the District and to define their responsibilities only " 'so long as it does not contravene any provision of the Constitution.' " *Palmore* v. *United States*, 411 U.S. 389, 397 (1973) (quoting *Capital Traction Co.* v. *Hof*, 174 U.S. 1, 5 (1899)). This limitation on Congress' powers is merely an instance of the general principle that the Government may not disregard the strictures of the Constitution when conferring discretionary benefits. *See, e.g., Goldberg* v. *Kelly*, 397 U.S. 254, 262-63 (1970) (welfare benefits cannot be conditioned on waiver of procedural due process rights); *Sherbert* v. *Verner*, 374 U.S. 398, 403-06 (1963) (free exercise clause bars conditioning of unemployment benefits on agreement to work on Sabbath); *Speiser* v. *Randall*, 357 U.S. 513, 518-19 (1958) (First Amendment bars conditioning of tax exemption on showing that taxpayer had not engaged in subversive advocacy). *See generally* Epstein, *The Supreme Court, 1987 Term—Foreword: Unconstitutional Conditions, State Power, and the Limits of Consent*, 102 HARV. L. REV. 4, 6-8, 73-102 (1988).[5]

Through the Home Rule Act, Congress has furnished the District with a democratic form of government and vested the legislative power of this government in the Council. Therefore, members of the Council are "legislators" in every traditional sense. As such, they enjoy broad First Amendment protections in discharging their responsibilities. *See, e.g., Bond v. Floyd*, 385 U.S. 116, 135-36 (1966). In *Bond*, the Supreme Court held that a state could not exclude an elected representative from its legislature because of his outspoken opposition to the Vietnam War:

"The manifest function of the First Amendment in a representative government requires that legislators be given the *widest latitude* to express their views on issues of policy. . . . Legislators have an obligation to take positions on controversial political questions so that their constitutents can be fully informed by them, and be better able to assess their qualifications for office; also so they may be represented in governmental debates by the person they have elected to represent them."

Id. at 135-37 (emphasis added). Unless and until Congress restructures District government to divest the Council of its legislative functions, it must respect the broad First Amendment rights that the Council members enjoy by virtue of their status as legislators.

The issue in this case is whether the Armstrong Amendment is consistent with these rights. The United States concedes that the Armstrong Amendment does not alter the legislative process established by the Home Rule Act; the assent of a majority of the Council's members is necessary before the specified amendment to the Human Rights Act, or any other measure before the Council, can become law. Nonetheless, the United States contends that the Armstrong Amendment has effectively redefined the responsibilities of the Council members for the 1989 fiscal year imposing on them the "ministerial duty" of passing the specified amendment. *See* Brief for the Appellant at 22-23. Although we are skeptical that those members of Congress who supported the Armstrong Amendment conceived of the measure in these terms, we do feel constrained to confirm our intuitions through an extensive inquiry into the history and meaning of the Armstrong Amendment. For the United States' position merely poses, without by any means answering, the question we must decide: whether Congress *can* impose the duty to enact the amendment to the Human Rights Act consistent with the constitutional rights of the Council members as *legislators*. We hold that it cannot.

B. Voting as Protected "Speech"

The central issue in this case is whether the Armstrong Amendment is a regulation of speech for purposes of the First Amendment. The United States concedes that the condition that the Armstrong Amendment attaches to the District's funding exerts virtually irresistible pressure on the Council members to vote, and to vote in a particular way. *See* Brief for the Appellant at 23 n.13. Threats considerably less extreme than this one have been held to trigger the First Amendment's "exacting . . . scrutiny," *Riley v. National Federation of the Blind*, 108 S. Ct. 2667, 2678 (1988), when aimed at coercing affirmations of belief or conviction. *See, e.g., Speiser*, 357 U.S. at 518-19 (loss of tax exemption). The United States argues, however, that the Armstrong Amendment should be spared such scrutiny, because voting by the Council members is not protected speech. Like the First Circuit, "we have no difficulty" in concluding that "the right to vote freely on issues as they arise" falls within the broad First Amendment protections afforded legislators under *Bond*. *Miller v. Town of Hull*, 878 F.2d 523, 532, 532-33 (1st Cir. 1989).

A legislator's vote is inherently expressive. This is so, moreover, not simply because the act of voting requires a verbal utterance. Voting, as the Supreme Court has recognized, is the "individual and collective *expression of opinon*[] within the legislative process." *Hutchison v. Proxmire*, 443 U.S. 111, 133 (1978) (emphasis added). It serves the function not only of mechanically disposing of proposed legislation, but of registering the " 'will, preference, or choice' " of an individual legislator on an issue of concern to the political community. *Montero v. Meyer*, 861 F.2d 603, 607 (10th Cir. 1988) (quoting BLACK'S LAW DICTIONARY 1414 (5th ed. 1979)), *cert. denied*, 109 S. Ct. 3249 (1989). For this reason, a legislator's voting record is "the best indication of [his or her] position on specific issues and his or her ideological persuasions." M. Barone & G. Ujifusa, THE ALMANAC OF AMERICAN POLITICS 1988 xviii (1988) ; *see also id.* at xvi-xviii (identifying and describing eleven ideological scales for rating congressional voting records).

The two federal courts that have directly considered the question of whether legislative voting is protected speech have both concluded that it is.[6] In *Miller v. Town of Hull*, 878 F.2d 523 (1st Cir. 1989), a municipal board of selectmen ordered the elected members of the town's redevelopment authority to vote to terminate the town's commitment to finance a public housing project. When the members of the redevelopment authority refused, they were suspended by the board. *See id.* at 527. Suggesting that the proposition was "unassailable," the First Circuit concluded:

"[W]e have no difficulty finding that the act of voting on public issues by a member of a public agency or board comes within the freedom of speech guarantee of the first amendment. This is especially true when the agency members are elected officials. There can be no more definite expression of opinion than by voting on a controversial public issue."

Id. at 532 (footnote omitted); *see also id.* at 533-34 (finding protected status of voting sufficiently "apparent," and violation of First Amendment sufficiently "egregious," to overcome claim of qualified immunity).

The District Court for the Western District of Wisconsin also equated a legislator's vote with speech in *Wrzeski v. City of Madison*, 558 F. Supp. 664 (W.D. Wisc. 1983). In that case, the city council enacted a measure obliging individual council members to vote either in favor or against all pieces of legislation considered by the council. Noting that the plaintiff council member's "status as a legislator does not strip her of any rights she would otherwise enjoy under the First Amendment to speak freely or not to speak at all," and that the city council had failed to show that the requirement would further its effective operation, the court sustained the plaintiff's claim that the mandatory-vote provision violated her First Amendment right to abstain. *Id.* at 667.

The Supreme Court's recent decision in *Texas v. Johnson*, 109 S. Ct. 2533 (1989), lends further support to our conclusion that the votes of the Council members are protected by the First Amendment. Invalidating the respondent's conviction for burning an American flag, the Court in *Johnson* reaffirmed the test established in *Spence v. Washington*, 418 U.S. 405 (1974), for identifying conduct sufficiently expressive to merit First Amendment status. The relevant questions, the Court indicated, are "whether '[a]n intent to convey a particularized message [is] present, and [whether] the likelihood [is] great that the message will be understood by those who view[] it.' " *Johnson*, 109 S. Ct. at 2539 (quoting *Spence*, 418 U.S. at 410-11).

Under these criteria, there is no question that the votes of the Council members qualify as speech. Under the scheme of local government established by the Home Rule Act, the Council members perform the same functions that legislators perform in any other municipality. Like the votes of legislators elsewhere, the votes of the individual Council members are intended to express their positions on issues of public policy, and are understood to do so by the Council members' constituents and other observers.

The United States contends, however, that any vote by the Council on the *particular* issue of Congress' specified amendment to the Human Rights Act should be deemed conduct, not speech. The coercive effect that the Armstrong Amendment exerts on the Council members, the United States reasons, leaves them no real choice but to adopt the specified amendment. And because the Council members have no choice, their approval of the amendment is no longer an act of personal expression, but rather a "ministerial duty" that Congress may legitimately impose on the Council members pursuant to its near-plenary authority over the structure of the District's government. *See* Brief for the Appellant at 22-23. Pointing to the Supreme Court's decision in *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986), the United States concludes that the Armstrong Amendment should therefore be upheld as a valid regulation of the "noncommunicative" component of the

Council members' "conduct" in performing their official responsibilities. *See* Brief for the Appellant at 24–27.

We find this argument, including the United States' strained reliance on *Arcara*, to be wholly unconvincing. In *Arcara*, the Court held that a state law mandating the closure of any building used for prostitution or other forms of lewdness could be applied to a bookstore without raising First Amendment concerns. *See* 478 U.S. at 704–07. Cases applying First Amendment scrutiny to generally applicable laws that incidentally affect speech were inapposite, the Court explained, because unlike the expressive activities at issue in those cases, "the sexual activity carried on in this case manifests *absolutely no element of protected expression.*" *Id.* at 705 (emphasis added); *see also id.* at 706 n.3 ("Here . . . the 'non-speech' conduct subject to a general regulation bears *absolutely no connection to any expressive activity.*" (emphasis added)).

The same cannot be said of the Council members' votes. No matter how little choice the Council members have when considering the legislation contained within the Armstrong Amendment, their votes will retain their expressive character precisely because the Council members will be acting as *legislators*. As we have already concluded, and as the United States concedes, the Armstrong Amendment does not alter the legislative process established by the Home Rule Act. Before the specified amendment to the Human Rights Act can become law in the District, the amendment, like any other piece of legislation before the Council, must be enacted by majority vote of the Council's members. Thus, the Armstrong Amendment coerces an "individual and collective expression of opinion[]," *Proxmire*, 443 U.S. at 133, by the Council members on an issue of importance to the District as a political community.

Such coerced affirmation clearly violates the First Amendment. The right to free speech necessarily compris[es] the decision of both what to say and what *not* to say." *Riley*, 108 S. Ct. at 2677.[7] Thus, the coercive character of the Armstrong Amendment, far from converting an act of protected expression into one of unprotected conduct, is the very source of the Amendment's constitutional deficiency.

C. First Amendment Scrutiny

1. Conventional Standards

Because we find that the votes of the Council members merit First Amendment protection, we must now determine whether the Government's interest in enforcement of the Armstrong Amendment is sufficiently strong to outweigh the Amendment's infringement of the Council members' free speech rights. It is unnecessary to engage in an extended inquiry into whether the United States must show that the Armstrong Amendment advances "a compelling state interest and . . . is narrowly drawn to achieve that end," *Perry Educ. Ass'n v. Perry Local Educs.' Ass'n*, 460 U.S. 37, 45 (1983)—the appropriate standard of scrutiny for a content-based regulation of speech—or only that the Armstrong Amendment "furthers an important or substantial . . . interest" and imposes "no greater [a restriction of speech] than is essential to the furtherance of that interest," *United States v. O'Brien*, 391 U.S. 367, 277 (1968)—the standard appropriate to general regulations that only incidentally abridge speech. For we conclude that the interests asserted to justify the abridgment of the Council members' free speech rights are insufficient under either standard of First Amendment review.

It is undisputed that, under both article I, section 8 of the Constitution and section 601 of the Home Rule Act, Congress could have directly enacted the legislation that is the subject of the Armstrong Amendment. Doing so, moreover, would have avoided imposing *any* restriction on the Council members' speech. Thus, because the Armstrong Amendment " 'burden[s] substantially more speech than is necessary to further' " the Government's interest in simply having the specified amendment incorporated into the D.C. Code, *Board of Trusees v. Fox*, 109 S. Ct. 3028, 3034 (1989) (quoting *Ward v. Rock Against Racism*, 109 S. Ct. 2746, 2758 (1989)), that interest is insufficient to sustain the Amendment.[8]

The United States and amici identify two interests supposedly advanced by forcing Council members to enact the legislation here at issue. First, it is claimed that conditioning District funds on legislative action by the Council allowed the Senate to secure an amendment to the D.C. Code without violating Senate Rule XVI's prohibition on "general legislation" in an appropriations bill.[9] *See* Brief of the United States Senate as Amicus Curiae at 9–10 & 10 n.6. Second, the United States contends that the legislative procedure dictated by the Armstrong Amendment was aimed at facilitating future repeal of the specified amendment to the Human Rights Act. Since the Council generally has no authority to modify or override District laws passed by Congress, requiring the Council to enact the specified amendment preserved the Council's right to repeal the amendment at the end of the fiscal year, an objective harmonious with the principles of home rule. *See* Brief for the Appellant at 36–38.

Neither of these interests, however, is sufficient to redeem the Armstrong Amendment. The Senate's interest in protecting the integrity of its parliamentary procedures—the concern that dominated Senate debate over the Armstrong Amendment, *see* 134 Cong. Rec. S9123–34 (daily ed. July 8, 1988)—is a respectable one, but it is not sufficiently important to outweigh rights guaranteed the Council members under the Constitution. Indeed, Rule XVI was not viewed as sufficiently important to prevent the Senate from directly approving general legislation in other portions of the 1989 D.C. Appropriations Act. *See* 1989 D.C. Appropriations Act § 135 (amending D.C. Code Ann. § 11–1563(d) (1981) (judicial pension plan)). In any case, Congress could have secured the desired modification of the Human Rights Act consistent with Rule XVI by enacting the specified amendment independently of the 1989 D.C. Appropriations Act. Thus, we conclude that in this respect also the Armstrong Amendment burdens substantially more speech than is necessary to further the Government's asserted interest.

Nor is the asserted interest in facilitating repeal of the specified amendment by the Council sufficient to allow the Armstrong Amendment to survive scrutiny under the First Amendment. Indeed, we find this interest to be specious. As the United States concedes, nothing in the legislative history of the Armstrong Amendment suggests that Congress was motivated by this end. *See* Brief for Appellant at 38. Furthermore, it borders on inconceivable that a piece of legislation defended as necessary to protect the First Amendment rights of religious institutions in the District of Columbia could simultaneously be defended as easy to repeal.[10] Courts face no obligation to credit "sham" interests asserted to justify restrictions of constitutional liberties. *See Wallace v. Jaffree*, 472 U.S. 38, 75 (1985) (O'Connor, J., concurring). But even if we accepted this interest at face value and deemed it to be substantial or important, the fact remains that Congress could have passed the specified amendment and affirmatively authorized its repeal by the Council after an indicated date.[11] Thus, under this theory, too, the Armstrong Amendment must be deemed to abridge substantially more speech than is essential to the furtherance of the Government's asserted interest, and hence to be invalid.[12]

2. The Pickering Test

The United States' final argument abandons all reliance on conventional standards of First Amendment review and suggests that even the relaxed degree of scrutiny under *O'Brien* is too strict in this case. Under this line of analysis, the United States contends that, for the purposes of the specified amendment to the Human Rights Act, the obligatory character of the Armstrong Amendment makes the relationship between Congress and the Council analogous to one between a superior and a subordinate. For that reason, the United States argues, we should assess whatever effect the Armstrong Amendment has on the speech of the Council members under the standard established in *Pickering v. Board of Education*, 391 U.S. 563 (1968), for evaluating restrictions of the speech of government employees. We reject this position as plainly untenable under existing First Amendment law.

Pickering examined the First Amendment claim of a public-school teacher who was dismissed for publishing a letter critical of the school administration. The Court determined that this claim and the claims of like-situated public employees should be decided by balancing the employee's "interests[,] . . . as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees." 391 U.S. at 568; *see also Rankin v. McPherson*, 483 U.S. 378, 388 (1987). Applying this test, the Court in *Pickering* upheld the teacher's claim on the ground that the school had failed to show that his letter caused actual disruption of the school's operations. *See* 391 U.S. at 570–71. Nonetheless, pointing to numerous lower court decisions that have sustained restrictions of the speech of different civil servants, the United States argues that application of the *Pickering* balancing test in this case would result in the vindication of the Armstrong Amendment.

The United States' suggestion that *Pickering* controls the outcome of this case is obviously wrong. The members of the Council are not Congress' *employees*; under the Home Rule Act, they are independent *legislators*, intended to be "responsible and accountable to the voters" of the District. H.R. Rep. No. 482 at 2, *reprinted in* Legislative History at 1442. Although Congress has the constitutional authority to change the character of the Council, it did not do so in the Armstrong Amendment.[13] As we have already discussed, so long as the Council members continue to occupy the status of legislators, Congress is obliged to respect the constitutional protections that attend that position.

The cases that the United States cites involving civil servants are therefore inapposite. As the Seventh Circuit explained in *Grossart* v. *Dinaso*, 758 F.2d 1221 (7th Cir. 1985)—the case on which the United States places primary reliance—"the conduct of a civil servant acting at the behest of an elected superior is not expressive; such conduct is not commonly attributed to the civil servant as a manifestation of her inner beliefs, but rather is attributed to her elected superior, for whom the civil servant acts as an agent." *Id.* at 1232. In contrast, the Council members, because they are legislators, are presumed to express their personal will when they vote, subject only to electoral control by their constituents.

Attempts by the United States to analogize the Council members to ambassadors and other governmental "ministers" are similarly unavailing. An ambassador is an agent of the Government, commissioned to represent the United States in the "transaction of its diplomatic business." *In re* Baiz, 135 U.S. 403, 419 (1890). When an ambassador performs official responsibilities, she is understood to be acting for the Government. Because speaking on behalf of the Government is an essential "requirement for the effective performance of" an ambassador's official responsibilities, removal of an ambassador who refused on political grounds to perform an assigned task would be justified by the Government's "vital interest in maintaining governmental effectiveness and efficiency." *Branti* v. *Finkel*, 445 U.S. 507, 518, 517 (1980); *see also Elrod* v. *Burns*, 427 U.S. 347, 367-68 (1976) (plurality). The Government has no similar interest, however, in controlling the political speech of popularly elected legislators. Consequently, Congress can no more demand partisan loyalty from the Council members than it can from the District's public defenders, *see Branti*, 445 U.S. at 519, or from the process servers and bailiffs of the District's courts, *see Elrod*, 427 U.S. at 360-73.

But even if *Pickering* did supply the appropriate line of analysis in this case, we would still hold the Armstrong Amendment to be unconstitutional. Insofar as we have already determined that the votes of the Council members constitute protected speech, we have little trouble reaching the further conclusion that any vote by the Council members on the specified amendment to the Human Rights Act would be speech dealing with a "matter of public concern." *See generally Rankin*, 483 U.S. at 384-87. It is also clear that the interest of the Council members in avoiding any restriction of their votes is extremely strong. First, as individual citizens, they possess the important right, recognized by the Court in *Barnette* and *Wooley*, *see* note 7, *supra*, not to be used as vehicles for a message with which they disagree.[14] Second, as legislators, they have an interest in being free to discharge their "obligation to take positions on controversial political questions," *Bond*, 385 U.S. at 136, and otherwise represent their constituents in accord with their best judgment of the public interest. The Government's interest in restricting the speech of the Council members, on the other hand, is very weak. Because, as we have already determined, any of the interests asserted to justify the Armstrong Amendment could easily be achieved by direct congressional action, the United States cannot credibly claim that the power to coerce the votes of the Council members advances the efficiency of governmental operations in any significant way.

III. CONCLUSION

Congress must observe the requirements of the Constitution when it exercises its broad discretion over the structure of government in the District. *See Palmore*, 411 U.S. at 397. Through the Home Rule Act, Congress has established a representative government for the District's residents, and has vested the legislative power of that government in the Council. So long as this form of government obtains, therefore, Congress must respect the "wide[] latitude" that the First Amendment guarantees the Council members *as legislators* "to express their views on issues of policy," *Bond*, 385 U.S. at 136, including their "right to vote freely on issues as they arise." *Miller*, 878 F.2d at 532-33. Because the Armstrong Amendment coerces the Council members' votes on a particular piece of legislation, and because none of the interests asserted to justify the Amendment is sufficient—under *any* standard of First Amendment review—to justify the abridgment of the Council members' free speech rights, we find the Armstrong Amendment unconstitutional. The judgment of the District Court is therefore affirmed.

Affirmed.

Buckley, *Circuit Judge, concurring:* The Supreme Court's teaching is clear: If a statute regulating conduct imposes an incidental burden on expressive conduct, it is subject to First Amendment scrutiny, *Arcara* v. *Cloud Books, Inc.*, 478 U.S. 697, 702 (1986) (citing *United States* v. *O'Brien*, 391 U.S. 367 (1968)), including the "important or substantial government interest"/"restriction . . . no greater than necessary" test set forth in *O'Brien*. 391 U.S. at 377. Although the Armstrong Amendment does not regulate conduct as such, it certainly falls within the *O'Brien* rationale.

As the affirmative vote required by the Armstrong Amendment of the D.C. Council members has "at least the semblance of expressive activity," *Arcara*, 478 U.S. at 702, I agree that the court's central analysis is compelled by Supreme Court precedent. Simply stated (and without burdening this summary with the citations to be found in the court's opinion), it is this: As the Armstrong Amendment would require members of the District of Columbia Council to enact a particular amendment to the D.C. Code, it implicates the First Amendment; and as Congress could have amended the Code on its own authority, the Armstrong Amendment fails any of the relevant Supreme Court tests because it places *some* burden on the members' speech whereas none is required. (Certainly none can be justified by the contrived reasons advanced by the government and the Senate *amicus* in support of Congress' decision to require the District of Columbia to enact the amendment to its Code rather than achieving that end by direct congressional action. *See* court op. at 20-23.)

This summary constitutes both the basis and the limits of my concurrence because I see no purpose in expanding the discussion (as the court's opinion does) beyond the limits required to resolve what is an important case of first impression. Thus, for example, I would delete the last paragraph of its discussion of the *Pickering* test. Court op. at 26-27. Having decided that *Pickering* is inapplicable because members of the District of Columbia Council are not employees of the United States Congress, there is no need to engage in a discussion of what we might hold were this case governed by *Pickering*.

I would also delete the final paragraph of Part B. and its accompanying footnote. Court op. at 18-19. The first sentence of that paragraph suggests that the Armstrong Amendment violates the Constitution just because it commands members of the Council to cast a distasteful vote. As I understand the relevant law, the command, standing alone, merely *implicates* the First Amendment. The Armstrong Amendment *violates* the Constitution because its command both burdens the Council members' speech and fails the tests set forth in both *Perry* and *O'Brien*. *See* court op. at 19.

I find footnote 7 equally inappropriate as neither of the cases discussed in it is apposite. In the case before us, the infringement on the members' speech is incidental to the Armstrong Amendment's objective, which is to bring about an amendment to the D.C. Human Rights Act. While this would require the members to participate in a one-time-only vote with which they fundamentally disagree, the measure's purpose is to amend the Act, not to require Council members to give voice to a particular message. In contrast, as the Supreme Court noted in *Wooley* v. *Maynard:*

"Here, as in *Barnette*, we are faced with a state measure which forces an individual, as part of his daily life—indeed constantly while his automobile is in public view—to be an instrument for fostering public adherence to an ideological point of view he finds unacceptable."

430 U.S. 705, 715 (1977).

The footnote is unfortunate not only because *Barnette* and *Wooley* are so clearly distinguishable, but because, in context, it implies a basis for finding the Armstrong Amendment unconstitutional that goes beyond the application of the standards described in Part C.1. of the court's opinion. Court op. at 19. As it is, our decision today opens up enough new territory to potential judicial review to suggest the prudence of limiting its scope to essentials. As virtually no government or institution can act today except with the consent of its legislative or governing body, I suspect this court and others may be called upon to answer a number of questions as litigators explore the implications of our decision. At what point, for example, does a federal grant-in-aid program cross the line that separates the encouragement of state or municipal action from its coercion? Are the constitutional rights of corporate directors and university trustees comparable to those of state and municipal legislators? And when (if ever) is a particular government interest important enough to justify *any* burden on legislative speech?

For better or worse, we may have opened the door to more litigation than we can now appreciate.

FOOTNOTES

[1] Presidents Eisenhower, Kennedy, Johnson and Nixon all strongly supported legislation aimed at establishing democratic government in the District. *See* H.R. Rep. No. 482, at 2-3, *reprinted in* 2 Legislative History at 1442-43.

[2] In addition, any law enacted according to the legislative procedure established by the Home Rule Act must be submitted to Congress, which then has 30 days to disapprove the law by concurrent resolution before the law becomes effective. *See* Home Rule Act § 602(c)(1).

[3] Rule XVI provides that "no amendment offered by any . . . Senator which proposes general legislation shall be received to any general appropriation bill . . . ." Rule XVI, ¶4, *reprinted in* S. Doc. No. 33, 100th Cong., 2d Sess, 11 (1988) [hereinafter S. Doc. No. 33]. The Rule also prohibits the Senate Committee on Appropriations from "report[ing] an ap-

propriation bill containing amendments to such bill proposing new or general legislation." *Id.*, ¶2, *reprinted in* S. Doc. No. 33 at 11.

[4] Because it ruled in the Council members' favor on their First Amendment claim, the District Court did not reach the other constitutional issues raised in their complaint. *See id.* at 607 & n.1. The Council members have raised these claims again on appeal, but because we agree with the District Court that the Armstrong Amendment violates the First Amendment, we also do not address them. In particular, we express no opinion on whether the specified amendment to the Human Rights Act would be constitutional if enacted by Congress directly.

[5] For this reason, the cases drawn to our attention by the United States in which the Supreme Court has acknowledged the broad authority of state legislatures over municipal institutions, *see, e.g., Hunter v. Pittsburgh*, 207 U.S. 161, 178–79 (1907), do not come close to settling this case. Just as Congress is obliged to observe the Constitution when it exercises its near-plenary authority over the affairs of the District, so the states are obliged to observe the Constitution when they exercise their power over the structure of municipal governments. *See, e.g., Gomillion v. Lightfoot*, 364 U.S. 339, 344–45 (1960) ("Legislative control of municipalities, no less than other state power, lies within the scope of relevant limitations imposed by the United States Constitution.").

[6] The Second Circuit expressly avoided this question in *United States v. City of Yonkers*, 856 F.2d 444 (2d Cir. 1988), *cert. granted in part sub nom. Spallone v. United States*, 109 S. Ct. 1337, *cert. denied*, 109 S. Ct. 1339 (1989), assuming for the purpose of analysis that "the act of voting has sufficient expressive content to be accorded some First Amendment protection . . . ." *Id.* at 457. That the Supreme Court may reach this issue when it reviews *Yonkers* does not prevent us from reaching the issue in this case. Moreover, as we explain below, *see* note 12 *infra*, we find *Yonkers* to be distinguishable on its facts from the case before us.

[7] The Armstrong Amendment's *directive* to vote in favor of the specified amendment is comparable to the compulsory flag salute law struck down in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), and the law mandating display of the license-plate motto, "Live Free or Die" struck down in *Wooley v. Maynard*, 430 U.S. 705 (1977). The Court invalidated those laws not simply because onlookers might mistakenly have concluded that those involuntarily compelled to assert the challenged messages agreed with them, but also because an individual has a right not to be made an "instrument [of] . . . an ideological point of view he finds unacceptable." *Id.* at 715.

[8] The United States points out that *O'Briens's* requirement that an incidental regulation of speech be "no greater than is essential," 391 U.S. at 371, has been construed by the Supreme Court to be less demanding than the "least-restrictive-means" test used to evaluate content-based restrictions of speech. *See, e.g., Fox*, 109 S. Ct. at 3034 n.3. In *Fox*, the Court explained that a regulation of conduct that incidentally affects speech is valid so long as it does "not 'burden substantially more speech than is necessary to further the government's legitimate interest.'" *Id.* at 3034 (quoting *Ward*, 109 S. Ct. at 2758). Because the Armstrong Amendment *does* burden substantially more speech than is necessary to further *any* of the asserted interests, it necessarily fails to satisfy either the less demanding *O'Brien* standard or the more demanding content-based-regulation standard.

[9] *See* note 3 *supra*.

[10] The United States' suggestion that Congress decided to compel the Council to enact the specified legislation in order to accommodate home rule, in addition to being paradoxical, is directly refuted by the Armstrong Amendment's legislative history. *See, e.g.*, 134 Cong. Rec. S9106 (daily ed. July 8, 1988) (remarks of Sen. Armstrong) ("I do not think home rule is the issue. We quite regularly make decisions which are contrary to our general presumption in favor of home rule."); *id.* at S9176 (daily ed. July 11, 1988) (remarks of Sen. Armstrong) ("There are some here today who want to dismiss this as a home rule issue, and it is not anything of the sort."); *Id.* at H9188 (daily ed. Sept. 30, 1988) (remarks of Rep. Dornan) (expressing "hope that [debate over the Armstrong Amendment] is not going to be couched in terms of home rule").

[11] The United States suggests that the Supreme Court's decision in *INS v. Chadha*, 462 U.S. 919 (1983), would have barred Congress from authorizing the Council to repeal the specified amendment if Congress had enacted the amendment directly. We read *Chadha* quite differently. In that case, the Court held that Congress could not reserve to itself the power unilaterally to disapprove regulations or orders issued by administrative agencies. This "legislative veto" mechanism, the Court reasoned, violated the presentment clause of article I, section 7, under which Congress is obliged to submit legislation to the President for this approval or disapproval. *See id.* at 944–59. Thus, *Chadha* plainly mandates that *Congress*, not *agencies created by Congress*, must comply with the presentment clause. Indeed, the decision presupposes that Congress may delegate to agencies broad legislative powers the exercise of which is not subject to the procedural mechanisms comprehended in article I. If Congress were to authorize the Council to repeal specified acts of Congress, we would analyze this grant of legislative power under the flexible dictates of the "nondelegation doctrine," *see generally Mistretta v. United States*, 109 S. Ct. 647, 654–55 (1989), not under *Chadha*.

[12] In *United States v. City of Yonkers*, 856 F.2d 444 (2d Cir. 1988), *cert. granted in part sub nom. Spallone v. United States*, 109 S. Ct. 1337, *cert. denied*, 109 S. Ct. 1339 (1989), the Second Circuit affirmed a finding of contempt issued against city council members who refused to comply with a court order directing them to authorize a public housing project. Because the court order was based on a consent decree in which the city agreed to construct public housing as a remedy for past acts of racial discrimination, the city's failure to provide the housing was itself an illegal act. Thus, the court held that even if the refusal of the council members to comply with the court order was speech, such speech, under *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) (per curiam), would not be protected by the First Amendment. *See Yonkers*, 857 F.2d at 457. However, because the refusal of the appellees in this case to enact the legislation contained the Armstrong Amendment would not be illegal—or even subject to legal penalty *but for* the Armstrong Amendment—*Yonkers* clearly does not apply to this case. *Cf. Miller*, 878 F.2d at 533 n.14 (distinguishing *Yonkers*).

[13] That Congress provided that the District would lose its funding rather than that the Council members would be terminated—the ordinary penalty for insubordination—confirms that Congress did not intend the Armstrong Amendment to establish an employment relationship between Congress and the Council members.

[14] The United States suggests that because the Council members remain free to express their views on the specified amendment by means other than voting, we should discount the strength of their interest in avoiding the abridgment of speech imposed by the Armstrong Amendment. The Supreme Court rejected this argument in *Johnson, see* 109 S. Ct. at 2546 n.11, and we reject it here.

TRIBUTE TO TWO NEVADAN CHAMPIONS

Mr. REID. Mr. President, I rise today to pay tribute to two young Nevadans, Fernando Sanchez and Juan Carlos Canosa. They prove that champions start with hard work, determination, and a dream.

Fernando Sanchez started boxing at age 7 with the encouragement and support of his father. As the years passed, Fernando spent countless afternoons working out in the gym while other kids were out playing. There were times when he didn't feel like going to the gym and his father would tell him he could quit if he wanted. But the word "quit" just made Fernando more determined to train hard.

Those years of training and determination paid off. At age 15, Fernando Sanchez became Las Vegas' first-ever national amateur boxing champion. He earned this title at the U.S. Junior Olympic Boxing Championships in Davenport, IA. Fernando's success took him even farther. From Iowa, he went to Ireland where he won the International Junior Olympic Boxing Championships in his weight class.

Juan Carlos Canosa was born in Galicia, Spain, where he became interested in Tae Kwon Do at the young age of 6. Juan Carlos' uncle encouraged him to pursue his interest in this Korean art of self-defense.

Juan Carlos began to compete when he was 13 years old. Soon after that, his family left Spain and moved to Las Vegas where he continued his study of Tae Kwon Do. His teacher at Kim's World Tae Kwon Do, located at Commercial Center in Las Vegas, recognized his championship potential and started him in an intensive training program.

On May 13 of this year, Juan Carlos Canosa won the Junior Olympics Gold Medal for the State of Nevada. From there, he went to Rochester, NY, where he competed in the National Junior Olympic Tae Kwon Do Championship. Once again, Juan Carlos took home the gold—all the way back to Las Vegas.

For these young Hispanic adults, the world is just beginning to open up. Despite the long hours they devote to their sports, both Fernando and Juan Carlos are continuing their education at Las Vegas high schools. They know that success does not come from a stroke of luck. It comes from hard work and determination. In Nevada, these fine young men can share their secret for success with Nevadans of all ages, from all parts of our State.

Hispanic Americans across the country can take pride in the achievements of Fernando Sanchez and Juan Carlos Canosa. They set out to take home the gold and they did just that. Their stories are those of true to life champions. We can all learn from them.

BERTRAM TALLAMY

Mr. MOYNIHAN. Mr. President, I rise with sadness to report to my colleagues the death of a positively inspired civil engineer and dedicated public servant. Bertram Tallamy, Federal Highway Administrator under President Eisenhower and head of the Bureau of Public Roads from 1957 to 1961, died just last weekend. His work was no less than the supervision of the largest public works program in the history of the world—the building of the Nation's Interstate Highway System. The product of his work endures and remains unparalleled.

New York State was lucky enough to receive the benefits of his talents before he assumed his leadership position in Washington. After receiving his civil engineering degree from the Rensselaer Polytechnic Institute at

Troy, NY, he worked as a field engineer and later began a firm with friends.

The successful firm was reorganized and, in 1941, he personally directed the planning of what became the Buffalo-Niagara Falls section of the New York State thruway and also of a Buffalo-Lackawanna expressway. This was but the start.

After having served as Buffalo's director of city planning, Bert Tallamy was appointed deputy superintendent of the New York State Public Works Department by Gov. Thomas E. Dewey. In this capacity, he helped to coordinate all postwar construction development and to analyze the future needs of the State's highways.

He was soon appointed chief engineer of the public works department and, in the fall of 1948, Governor Dewey appointed Bert superintendent of public works. It was in this position that he began to bring to fruition the construction of a 427-mile high-speed highway running from the outskirts of New York City to Buffalo. Very wisely, Dewey appointed Tallamy chairman of the Thruway Authority and New York State is all the better for it.

Mr. President, in 1956 Congress authorized the Interstate and Defense Highway System—a 13-year, 42,500-mile, $33 billion venture which connected 42 State capitals. Who could possibly be better to accomplish the feat. President Eisenhower knew the answer and Bertram Tallamy was asked to fill the newly created position of Federal Highway Administrator. Mind, in later years President Eisenhower would cite this project as the most important domestic accomplishment of his administration.

Of course, Tallamy designed the Interstate Highway System by the model set in New York. It should be noted that this project could not help but affect the lives of a majority of the Nation's population. In New York, no less than 85 percent of our citizens live within 15 miles of the thruway. It is New York's lifestream. It is our Nation's lifestream.

We are indebted to Bert Tallamy. This Nation was indeed fortunate to have a model of capability and expertise at the helm of a project of this magnitude. His work endures, as does our respect for him.

I am certain my colleagues join me in sending our condolences to his wife and son and entire family.

Mr. President, I ask unanimous consent that an obituary from the Washington Post be printed in the RECORD.

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

[From the Washington Post, Sept. 17, 1989]

BERTRAM TALLAMY, DIRECTOR OF HIGHWAYS IN 1950'S, DIES

(By Richard Pearson)

Bertram D. Tallamy, 87, a former consulting engineer who was federal highway administrator and head of the Bureau of Public Roads from 1957 to 1961, died of renal failure Sept. 14 at Georgetown University Hospital. He lived in Washington.

As highway administrator under President Dwight D. Eisenhower, Mr. Tallamy directed the early years of the construction of the 41,000-mile interstate highway system. In the mid-1950s, it was estimated that the superhighways would connect 90 percent of all cities with populations over 50,000 and would carry 20 percent of all traffic.

During his four years in office, he directed the building of an unequaled road system with little fanfare and no scandal. He gained bipartisan support for his programs and steered his projects through the financial shoals of inflation.

When he took up his duties, a column in The Washington Post described him as a "tough engineer with a passion for esthetic design." Before coming to Washington, the New York Republican had gained a reputation as a highly competent state public works director and New York State Thruway Authority chairman.

Upon taking his post, his new boss, Secretary of Commerce Sinclair Weeks, described Mr. Tallamy as "one of the world's greatest builders of roads." His former boss, Thomas E. Dewey, said, "There are not enough superlatives to describe Bertie Tallamy."

An outdoorsman of note, Mr. Tallamy hiked nearly the entire 427-mile route of the New York Thruway, on separate occasions. He also became an ardent foe of highway billboards, saying they not only destroyed the view of a beautiful country, but by causing drivers to become bored, and thus fall asleep, they contributed to the highway death toll.

After leaving government employment, Mr. Tallamy was a consulting engineer in Washington until retiring in 1970.

He was a native of Plainfield, N.J., and received a bachelor's degree in civil engineering from Rensselaer Polytechnic Institute in 1925. He was awarded an honorary doctorate by that institution in 1957.

From the late 1920's to mid-1930s, he was a consulting engineer in New York. In 1937, he became deputy engineer of the Niagara Frontier Planning Board in western New York state. He was superintendent of the New York Public Works Department from 1948 to 1954. In 1950, in addition to that post, he was named Thruway Authority chairman. In that job, he directed the construction of the Thruway, from New York City to Buffalo, and the upkeep of 14,000 miles of state roads.

Mr. Tallamy was president of the American Association of State Highway Officials from 1951 to 1952.

Survivors include his wife, Doris F., of Washington; a son, Bertram F., of Burgess, Va.; a sister, Louise Millward of Lakewood, N.J.; and three grandchildren.

SUDDEN INFANT DEATH SYNDROME

Mr. REID. Mr. President, sudden infant death syndrome [SIDS] is a tragic syndrome which is the No. 1 cause of infant mortality in infants under the age of 1 year. Although the cause is still unknown, a common theme runs through the discussion of all research areas. It is that some abnormality in development makes some infants between 1 and 12 months vulnerable to internal or external stresses which may trigger death. To prevent SIDS, we need to understand the way in which these infants are vulnerable, discover markers of this vulnerability, and determine the interaction of the vulnerability with stresses.

The Appropriations Subcommittee on Labor, Health, and Human Services and Education has included, for fiscal year 1990, funding for a 5-year SIDS research program at the National Institute of Child Health and Human Development. This project will hopefully shed some light on this syndrome. In response to the SIDS research initiative, I recently received the following letter from a constituent and friend. Her plea for funding says it best.

DEAR SENATOR REID: Eighteen years have passed since your wife Landra and I shared a hospital room following the birth of our babies—my first—somewhere in the middle of yours. I am writing now to you about another baby in my life.

Jim and I became foster parents in the spring of 1988 to a newborn baby named Darren. We quickly grew to love him and had thoughts of adopting him should that become possible. Our goal was to save a life from neglect and abuse—to save a child. This dream died on April 23rd, 1988 when Darren died from SIDS. That day will forever remain the worst day of our lives.

I have attended support group meetings for SIDS parents and I have witnessed the tragic effects the death of these babies has on the lives of these people and their surviving children. Jim and I and our three children are fortunate in that we have stable happy lives and have come through this experience intact. Perhaps because I did not carry the baby 9 months or perhaps because, as a registered nurse, I understand sudden infant death syndrome better, I have escaped most of the guilt and "why" questions most of these parents endure. It appears to have a devastating effect on their lives.

If you've read this far, I'm sure you realize by now, the point of this letter is to urge you to support the funding for fiscal year 1990 to implement the 5-year Sudden Infant Death Syndrome Research plan that was developed by the National Institute of Child Health and Human Development. As the No. one cause of infant death from 1 month to 1 year, it certainly merits further research.

Sincerely yours,

MARY KAYE CASHMAN.

THE WAR ON DRUGS

Mr. LIEBERMAN. Mr. President, last night Democrats and Republicans reached an agreement that will add $900 million to the funding proposed earlier by President Bush. Despite the difficult negotiations, this development adds substantial funding to the war on drugs—particularly for education, prevention, and treatment—and

reflect a serious commitment to a national antidrug program.

It is my sincere hope that this compromise will mark the end of the recent trend in the Senate of scattershot budget cuts, rooted in politics, that make picayune contributions to the war on drugs.

In the past few weeks, we have labored mightily over one-time proposals that have added little to the antidrug effort. For example, we voted overwhelmingly to cut the appropriations for the District of Columbia by $150,000, and contribute that sum to the war on drugs. What is the logical extension of such proposals? Reduced hours at the Library of Congress? Closing museums at lunch time? Not cutting the grass on the Mall? Will the public really believe that such measures reflect a deep commitment to eradicating drug abuse? I think not.

We also voted to eliminate funding or mailings to our constituents and to contribute the money to the war on drugs. As expected, the provision did not survive intact in conference, in part because it did not reflect a real, long-term commitment. Does anyone believe that Congress will be willing each year to eliminate communications to our constituents? Nor should we be willing to do that—we must keep our constituents informed. They are entitled to that much from us for all they give to the Federal Government.

These measures are not meaningful battles in the war on drugs. We all know that a massive effort is necessary to wage a successful war on drugs. The President's $8 billion plan offers a sound starting point, and Senator BYRD's modified proposal for adding $900 million is a significant improvement. These can be potent weapons, if we pass them, monitor their implementation, and follow through in subsequent years.

Let this be the day when we resolve not to occupy ourselves again with taking minor pot shots across the budget, to create the appearance that we are busy trying to fund the war on drugs. Let us fight the real war on drugs, not a phony, political war. We can begin today, by passing the additional funding proposed by Senator BYRD.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT—MESSAGE FROM THE PRESIDENT—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Rules and Administration:

To the Congress of the United States:

I am pleased to submit for your consideration and enactment the "Comprehensive Campaign Finance Reform Act of 1989." This legislative proposal would implement the reforms I announced earlier this summer. It represents comprehensive campaign finance reform legislation designed to reduce substantially the power of special economic interests while enhancing the role of individuals and political parties. The proposal also restores competition to congressional elections by reducing the advantages of incumbency.

I look forward to working with the Congress on these critical issues.

GEORGE BUSH.

THE WHITE HOUSE, *September 26, 1989.*

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 967. An act to establish the Amistad National Recreation Area in the State of Texas, and for other purposes;

H.R. 971. An act to require the Federal Communications Commission to prescribe rules to protect consumers from unfair practices in the provision of operator services;

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement;

H.R. 2364. An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; and

H.R. 2365. An act to improve airport security by providing additional funding for research on, and evaluation of, explosives detection equipment.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 85. An act to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, West Virginia.

At 4:08 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 joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 407. Joint resolution making continuing appropriations for the fiscal year 1990, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 967. An act to establish the Amistad National Recreation Area in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 971. An act to require the Federal Communications Commission to prescribe rules to protect consumers from unfair practices in the provision of operator services; to the Committee on Commerce, Science, and Transportation.

H.R. 2364. An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2365. An act to improve airport security by providing additional funding for research on, and evaluation of, explosives detection equipment; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

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

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers reports, and documents, which were referred as indicated:

EC-1704. A communication from the President of the United States, transmitting, pursuant to law, a request to consider an amendment to the request for appropriations for fiscal year 1990 for the Department of Defense Military; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, with an amendment in the nature of a substitute and an amendment to the title:

S. 874. A bill to establish national voter registration procedures for Presidential and Congressional elections, and for other purposes (Rept. No. 101-140).

● Mr. FORD. Mr. President, today I am submitting the report of the Committee on Rules and Administration on S. 874, the National Voter Registra-

tion Act of 1989, as amended, which the committee has reported favorably.

This bill recognizes that it is the responsibility of the States to provide programs to assure that all who are eligible to vote have the opportunity to register. It will require motor-voter, mail and agency based registration programs in all States to increase voter registration of eligible citizens in elections for Federal office.

The issue of increasing voter turnout is obviously tied to the issue of increasing voter registration, yet one does not automatically follow the other. By placing the responsibility for increasing voter registration with the State officials, this legislation would free the parties and other organizations to put more of their efforts into voter education and get-out-the-vote drives.

So far, 18 Members have joined as cosponsors of this important legislation.

This substitute amendment was prepared with the cooperation of State election officials and representatives of organizations supportive of this legislation. I have continued to receive their comments and in response will offer the following amendments.

The first would exempt any State that permits registration for Federal elections on election day.

Another would permit each State to design its own mail registration form or use a model form prepared by the Federal Election Commission.

The third will permit each State broader discretion in the design of its agency registration program.

In preparing this bill, I have made every effort, consistent with its objectives, to give State election officials broad discretion in its implementation, and to keep costs as low as possible. This bill, therefore, will set standards for State voter list purges instead of mandating a biennial purge process, and will permit separate forms in the motor-voter program rather than require computerization of driver's license and voter lists. This will lower costs to the States. It is estimated that a biennial purge requirement would cost about $20 million, while the Congressional Budget Office estimates no additional costs to the States for this bill's purge standards. CBO puts a price tag of $60 to $70 million on motor-voter computerization, which is not required by S. 874, but may be necessary under the House bill.

Mr. President, S. 874 will improve the voter registration process, increase the rolls of registered voters, allow our State election officials broad discretion and keep the costs of implementation at a minimum.●

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 577. A bill to clarify the congressional intent concerning and to codify certain requirements of the Communications Act of 1934 that ensure that broadcasts afford reasonable opportunity for the discussion of conflicting views on issues of public importance (Rept. No. 101-141).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1672. An original bill to amend the Defense Production Act of 1950 (Rept. No. 101-142).

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. BENTSEN (for himself and Mr. BINGAMAN):

S. 1669. A bill to provide Hispanic-serving institutions of higher education with financial assistance to improve their capacity to expand Hispanic educational attainment; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1670. A bill to amend title XVIII of the Social Security Act to clarify the medically necessary procedures related to atrophic and weakened jaws are covered under such title, and for other purposes; to the Committee on Finance.

By Mr. COATS (for himself, Mr. COCHRAN, and Mr. THURMOND) (by request):

S. 1671. A bill to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

S. 1672. An original bill to amend the Defense Production Act of 1950; placed on the calendar.

By Mr. MOYNIHAN:

S. 1673. A bill to amend title XIX of the Social Security Act to provide for substance abuse treatment services on request for individuals desiring to rid themselves of substance abuse problems, and for other purposes; to the Committee on Finance.

By Mr. BOND:

S. 1674. A bill to amend title XVI of the Social Security Act to allow a recipient of supplemental security income benefits to receive contributions through a trust established by the State for the benefit of such individual without affecting the eligibility of such individual for such benefits, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. PELL, Mr. DODD, Mr. DOMENICI, Mr. SIMON, Mr. ADAMS, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. JEFFORDS, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. INOUYE, Mr. WIRTH, Mr. BURDICK, Mr. KERRY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BOREN, Mr. ROBB, Mr. GORE, and Mr. RIEGLE):

S. 1675. A bill to provide financial assistance for teacher recruitment and training, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. JEFFORDS, Mr. MATSUNAGA, Mr. DODD, Mr. COCHRAN, Mr. SIMON, Mr. ROBB, Mr. BURDICK, Mr. KERRY, Mr. BOREN, and Mr. RIEGLE):

S. 1676. A bill to strengthen the teaching profession, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BIDEN:

S.J. Res. 205. Joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. WARNER, Mr. CRANSTON, Mr. SANFORD, Mr. ADAMS, Mr. KERRY, Mr. WIRTH, Mr. BAUCUS, Mr. D'AMATO, and Mr. DODD):

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative parties for the full protection of Antarctica as a global ecological commons; to the Committee on Foreign Relations.

By Mr. JOHNSTON (by request):

S.J. Res. 207. Joint resolution approving the location of the Memorial to the Women who served in Vietnam; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HELMS:

S. Res. 186. Resolution relating to the protection of the Antarctic System; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN (for himself and Mr. BINGAMAN):

S. 1669. A bill to provide Hispanic-serving institutions of higher education with financial assistance to improve their capacity to expand Hispanic educational attainment; to the Committee on Labor and Human Resources.

HISPANIC-SERVING INSTITUTIONS OF HIGHER EDUCATION ACT

● Mr. BENTSEN. Mr. President, I think it's fair to say that every Member of the Senate is deeply concerned about the state of our educational system today. At a time when technological advances and global competition put a premium on highly trained intelligence and advanced skills, our educational system is straining to meet these demands. Our role here in Congress is to help the system meet these demands.

Today I am introducing legislation that addresses one important aspect of this problem—the ability of our colleges and universities to provide quality education and training to our Nation's increasing, and increasingly important, Hispanic population. We are probably all aware of the fact that our Hispanic population is the youngest

and fastest growing group in our country, expected to reach 30 million by the year 2000. But some Members of this body may not be aware of some of the startling statistics relating to Hispanic educational achievement.

According to the Hispanic Association of Colleges and Universities, out of every 1,000 Hispanic students who enter our educational system, only 70 graduate from college. In some areas of the country, the rate is even more dismal, dropping down to only 25 out of every 1,000. This had led to a gross underrepresentation of Hispanics in the medical and professional fields. For example, Hispanics comprise only 2 percent, or about 100,000 of the Nation's scientists and engineers although our total Hispanic population exceeds 18 million.

Clearly we need to do a better job of providing a college education and advanced training to our Hispanic population. To help accomplish that goal, today I am introducing legislation authored by my good friend and colleague in the House, ALBERT BUSTAMANTE. This legislation will provide special Federal assistance to colleges and universities that serve a large number of Hispanic students, in an effort to help broaden their educational horizons.

Under this bill, H.R. 1561 in the House, the Secretary of Education would be authorized to make grants to Hispanic-serving institutions across the country. Any college or university with a student enrollment that is at least 25 percent Hispanic would be eligible to apply. The Federal funds could be used to bolster student services at these Hispanic institutions, including student financial aid programs, recruitment and retention programs, tutoring and counseling programs. Authorized funding for this program would be $70 million for fiscal year 1990 and such sums as may be necessary for the succeeding 4 years.

Approximately 100 colleges and universities in the 50 States and Puerto Rico serving over 200,000 students stand to benefit from this program. But the reach of this bill is not limited to those schools and their students. One provision of this bill which I strongly support and feel is vitally needed is that which authorizes participating schools to enter into collaborative programs with local educational agencies to deal with the Hispanic dropout problem.

In my State of Texas and across the Nation, we have a terrible Hispanic dropout problem. The dropout rate for Hispanics nationwide is 36 percent, and it is higher in some parts of the country, such as south Texas. This bill recognizes that problem. It would allow colleges participating in this program to work with the local school districts, identify Hispanic students at risk of dropping out and implement programs to prevent that from happening. We must attack this problem, and I am pleased that this legislation will make a contribution toward solving it.

Mr. President, for our Nation's future to remain bright, we must do a better job of training and educating our Hispanic population. Hispanics are a proud, bright, and hard-working people, but they have been denied the opportunities so many of us take for granted. We need to expand their opportunities, and this legislation will help to do that.

I am pleased that my good friend from New Mexico, Senator BINGAMAN, joins me today in introducing this measure. As chairman of the Senate Democratic Task Force on Hispanic Issues, he is well aware of the need for this important legislation. I hope that the rest of our colleagues will join us in support of this measure as well.●

● Mr. BINGAMAN. Mr. President, I rise today to introduce with my good friend and distinguished colleague, Senator BENTSEN, the Hispanic-Serving Institutions of Higher Education Act of 1989. The intent of this legislation is simple. This bill would provide key Federal support to a nationwide network of college and universities enrolling large numbers of Hispanic students. In doing so, it would help ensure access to quality higher educational opportunities for a traditionally underrepresented, but vital segment of our population.

As we begin a renewed commitment to educational excellence and maintenance of our leadership role in the international marketplace, I believe that legislation such as this is crucial. According to U.S. Census Bureau statistics, little more than half—51 percent—of our Nation's total Hispanic population over the age of 25 had graduated from high school in 1988. Even more troubling, the Census Bureau reports that only 10 percent of Hispanics over age 25 had completed 4 or more years of college by 1988. Of those Hispanics who do pursue a higher education, most are likely to be enrolled in community colleges, rather than 4-year institutions. According to the National Council of La Raza, more than half of all Hispanic post-secondary students are enrolled in 2-year public institutions.

Although the educational attainment of our Hispanic youth is improving in many respects, the proportion of non-Hispanics completing high school—78 percent—and college—21 percent—remains continually higher than that of Hispanics. Nationally, for every 1,000 Hispanic children entering elementary school, only about 70 will graduate from college.

In my home State of New Mexico, this problem is especially evident. New Mexico, richly enhanced with 543,000 Hispanic residents, boasts the largest percentage Hispanic population in the Nation, and in terms of actual numbers, ranks eighth nationally. Of these residents, who have been so vital to our cultural heritage and who continue to be the key to our economic vitality, a high percentage—more than 50 percent of all adults—have completed 4 years of high school.

But according to New Mexico Commission on Higher Education statistics for the 1988 school year, Hispanic individuals comprised only 22 percent of the nearly 13,000 students enrolled in the State's 2-year institutions. They made up only 26 percent of the nearly 39,000 students enrolled in our 4-year institutions. And they comprised only 15 percent of the 7,860 graduate students statewide. Perhaps equally troubling, however, is the fact that if current trends continue, only a very small percentage of those Hispanic students currently enrolled in our colleges and universities will complete their degrees in a typical 4-year timeframe.

The legislation we are introducing today addresses all of these concerns by helping key colleges and universities strengthen important student-support efforts. These efforts include financial assistance programs, minority recruitment plans, counseling and tutorial services, and dropout prevention programs. Through this support, we can foster a truly effective pipeline for Hispanic higher education.

To keep that pipeline flowing, this legislation stipulates that participating 2-year institutions must reserve at least 25 percent of their funding to assist graduates in matriculating into 4-year schools, while 4-year schools must reserve an equal amount for recruiting graduates from 2-year schools. These measures, coupled with the bill's structured academic and student-life support systems, will go far in enhancing higher educational opportunities for this important segment of our population.

We estimate that nearly 100 institutions, located in 10 States and Puerto Rico, would be eligible to participate in the program our bill would develop. In New Mexico, institutions such as the University of New Mexico, New Mexico State University, New Mexico Highlands University, Western New Mexico University, and their satellite schools, would be eligible. Without question, the asssitance this legislation contemplates would improve the ability of these important schools to expand Hispanic educational attainment.

Mr. President, I will close by noting that there exists a widening gap in educational attainment of members of minority groups and the majority population. If we allow these disparities to continue, our country inevitably will suffer a compromised quality of life

and a lower standard of living. Our ability to compete in world markets would suffer and our domestic economy would falter. In brief, we will find ourselves unable to fulfill the promise of equality for all Americans, and we will threaten our future as a strong, competitive force. I sincerely believe that now is the time for our Nation to renew its commitment to the advancement of all minority educational opportunities. I urge my colleagues to support this legislation.

HIGHLIGHTS OF THE BILL

Two and 4-year institutions with 25 percent or higher Hispanic enrollment would be eligible for financial assistance for recruiting, tutoring, counseling, support service, and dropout prevention programs.

Grants would be awarded by the Department of Education on a competitive basis.

Two-year institutions must retain 25 percent of their funds to assist graduates in continuing their studies at a 4-year institutions.

Four-year institutions must retain 25 percent of their funds to assist graduates in continuing graduate studies.

One hundred campuses in 10 States would be eligible.●

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1670. An bill to amend title XVIII of the Social Security Act to clarify that medically necessary procedures related to atrophic and weakened jaws are covered under such title, and for other purposes; to the Committee on Finance.

MEDICALLY NECESSARY JAW RECONSTRUCTION UNDER MEDICARE

● Mr. LEVIN. Mr. President, I am pleased to introduce today, along with my colleague from Michigan, Senator RIEGLE, legislation to provide Medicare reimbursement for medically necessary surgical jaw procedures. This legislation is necessary to guarantee patients access to care for acute jaw pain and dysfunction which poses a severe medical hazard.

Imagine if the simplest of processes, that of chewing food, was impossible due to pain and weakness in the jaw itself. The only alternative to total starvation would be a diet of liquids and purees of limited nutritional value that would only postpone eventual hospitalization. Imagine further that a surgical procedure existed that would effectively eliminate your medical problem, but that this life-saving treatment is beyond your reach.

Although it is logical that Medicare would cover the oral and maxillofacial surgery that holds out the prospects of reversing the vicious cycle of decay of some senior citizens, reimbursement for this procedure has been sporadically denied. On occasion, the Health Care Financing Administration [HCFA] has denied benefits for such treatment due to an ambiquity in the Dental Exclusionary Act. While HCFA has begun to view oral and maxillofacial surgery as dental in nature, the procedure in fact remains a surgical jaw reconstruction.

In fact, a HCFA Physicians Panel in 1986 agreed that the procedures "appear to be a medical rather than a dental procedure, the Panel believes, and the primary reason for doing it is to relieve pain * * *" Despite this finding by their own panel, HCFA continues to deny claims for these procedures.

Mr. President, to ensure that these procedures are not used for dental or cosmetic purposes—which they rarely would be due to the radical nature of the procedure—the legislation we are introducing contains criteria which ensure that the underlying medical condition demands surgical attention as a matter of medical necessity.

I thank my colleague, Senator RIEGLE, for joining me in sponsoring this humane legislation and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1670

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

SECTION 1. COVERAGE OF MEDICALLY NECESSARY PROCEDURES RELATED TO ATROPHIC AND WEAKENED JAWS.

(a) IN GENERAL.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (12), by striking "where" and inserting "subject to the last sentence of this subsection, where"; and

(2) by adding at the end the following new sentence:

"Paragraph (12) shall not be construed to exclude payment under this title for those surgical and prosthodontic procedures following oral cancer, nor shall it be construed to exclude payment for jaw reconstruction performed with respect to an individual suffering from generalized atrophy (as evidenced by loss of maxillary or mandibular basal bone) or nerve dehiscence, or localized weakness of the jaw muscles or bone caused by tumor, trauma, infection, systemic disease, or congenital abnormality (as supported by specific x-ray or laboratory evidence or by a clinical examination)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on the date of enactment of this Act.●

● Mr. RIEGLE. Mr. President, I am pleased to join my colleague from Michigan, Senator LEVIN, in sponsoring this bill S. 1670 to clarify that Medicare covers jaw reconstruction surgery in cases where it is medically necessary.

For seniors who need this surgery, it can reverse a vicious process of physical deterioration. Without surgery, the jawbone becomes almost entirely atrophied and subject to breaking on minimal force. The chewing of food becomes impossible due to pain and weakness in the jaw, ultimately leading to malnutrition and starvation. Typically, the raw nerve becomes exposed causing excruciating pain. Surgical reconstruction of the jaw can eliminate these problems, but without Medicare, this life-saving treatment is beyond the reach of many seniors.

The Health Care Financing Administration [HCFA] has been denying many claims for this surgery under a statutory provision which excludes services in connection with care or treatment of teeth or structures directly supporting teeth. Experts in the field dispute that jaw reconstruction is dental in nature. They point out that the teeth, and their entire supporting structure, have already been eroded before the underlying jaw bone becomes atrophied.

HCFA assigned an expert panel of physicians to study the question in 1986. The panel concluded: "It appears to be a medical rather than dental procedure * * *, and the primary reason for doing it is to relieve pain." Still, HCFA contends the procedure is dental in nature.

This legislation does not question the validity of the dental exclusion. It merely restates the intent of the Congress that jaw reconstruction surgery is not subject to that exclusion. The bill narrowly distinguishes that Medicare will only cover those procedures which are medically necessary due to significant loss of bone.

Mr. President, the HCFA is still denying claims for this medically necessary surgery. It is imperative that this bill be enacted as soon as possible. I will work with my colleague from Michigan to seek prompt passage of the bill.●

By Mr. COATS (for himself, Mr. COCHRAN, and Mr. THURMOND) (by request):

S. 1671. A bill to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning programs, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY PLANNING AMENDMENTS ACT

● Mr. COATS. Mr. President, I am pleased today to introduce legislation on behalf of the administration, myself, and Senators COCHRAN and THURMOND, making significant reforms in our Nation's Federal Family Planning Program. This legislation goes a long way in addressing some of the more troubling aspects of the title X, Family Planning Program. And it does so without creating an additional Federal bureaucracy.

The bill I am introducing would recast the current family planning project under title X of the Public Health Service Act into an authority for grants for State family planning programs and authorize appropria-

tions for the State program for fiscal year 1990 and each of the following 2 fiscal years. States would be given the flexibility to shape their programs to best meet the needs of their residents. Within this framework, certain Federal requirements would be retained from current law, including the prohibition on funding programs where abortion is a method of family planning, the priority for serving low-income families, and the requirement that acceptance of services be voluntary.

Currently approximately 4 million low-income women age 15 to 44 receive family planning services at 4,000 clinic sites nationwide funded through 88 title X grantees. This bill builds upon the significant role States currently play in the administration and delivery of family planning services.

The proposed program of State administered grants would have many advantages over the present grant program. It would result in improved allocation of resources, improved services delivery and greater administrative flexibility. By providing States and territories with resources and appropriate control of those resources to deliver voluntary family planning services effectively, it would promote efficiency, responsiveness, and flexibility.

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

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

S. 1671

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 "Family Planning Amendments Act of 1989".

SEC. 2. STATE FAMILY PLANNING PROGRAMS.

Title X of the Public Health Service Act (42 U.S.C. 300 et seq.) is amended to read as follows:

"TITLE X—STATE FAMILY PLANNING PROGRAMS

"SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of assisting States to carry out programs under which acceptable and effective family planning methods and services (including natural family planning methods, infertility services, services for adolescents, and adoption services) may be provided, and in connection with which family participation is encouraged, there are authorized to be appropriated $138,364,000 for fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 and 1992.

"SEC. 1002. ALLOTMENTS.

"(a) IN GENERAL.—From the amounts appropriated under section 1001 for any fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to such amounts appropriated as the amounts provided under this title (as such title existed before the date of enactment of the Family Planning Amendments Act of 1989) for fiscal year 1989 by the Secretary to the State and to entities in the State for family planning services bears to the amount provided for fiscal year 1989 to all States and to entities in all States for such services under such title.

"(b) REALLOTMENTS.—To the extent that all funds appropriated under section 1001 for a fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1007 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1008(b)(2);

such excess amount shall be reallotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(c) RESERVATIONS FOR INDIANS.—

"(1) IN GENERAL.—If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this title be provided directly by the Secretary to the tribe or organization; and

"(B) determines that the members of the tribe or organization would be better served by means of grants made directly by the Secretary under this title;

the Secretary shall reserve from amounts that would otherwise be allotted to the State under subsection (a) for such fiscal year the amount determined under paragraph (2).

"(2) DETERMINATION OF AMOUNT.—The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to the State under subsection (a) an amount equal to the amount that bears the same ratio to the allotment of the State for the fiscal year involved as the total amount provided for fiscal year 1989 by the Secretary to such tribe or tribal organization to carry out this title bears to the total amount provided for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State to carry out this title.

"(3) DISTRIBUTION.—The amount reserved by the Secretary on the basis of a determination under this subsection shall be made available to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) PLAN.—An Indian tribe or tribal organization shall be eligible for a grant for a fiscal year under this subsection, if it submits to the Secretary a plan for such fiscal year that meets such criteria as the Secretary shall prescribe.

"(5) DEFINITIONS.—As used in this section, the terms 'Indian tribe' and 'tribal organization' have the same meaning given those terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"SEC. 1003. PAYMENT UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—For each fiscal year, the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under section 1002 (other than any amount reserved under section 1002(c)) from amounts appropriated for that fiscal year.

"(b) AVAILABILITY.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of that fiscal year shall remain available for the next fiscal year to the State for the purposes for which it was paid.

"SEC. 1004. USE OF ALLOTMENTS.

"(a) PERMISSIBLE USES.—

"(1) IN GENERAL.—A State may, consistent with the provisions of this title, use amounts paid to it under section 1003 as the State may find appropriate for—

"(A) acceptable and effective voluntary family planning methods or services;

"(B) training of family planning personnel;

"(C) developing and making available family planning and population growth information (including educational materials) for all individuals desiring such information (or materials); and

"(D) conducting or supporting research to improve the delivery of family planning services.

Amounts provided for the activities referred to in this paragraph may also be used for related planning, administrative, and educational activities.

"(2) PRIORITY.—Priority shall be given, in any program in which funds provided under this title are used, to the furnishing of family planning services to individuals from low-income families (as defined by the State) to insure that economic status will not be a deterrent to participation in such program.

"(b) LIMITATIONS.—A State shall not use amounts paid to it under section 1003 to—

"(1) provide inpatient services;

"(2) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment; or

"(3) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(c) ADMINISTRATION.—Of the amounts paid to any State under section 1003 for any fiscal year, not to exceed 10 percent of such amounts shall be used for administering the funds made available under that section. The State will pay from non-Federal sources any remaining costs of administering those funds.

"SEC. 1005. PROHIBITION ON ABORTION.

"None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

"SEC. 1006. VOLUNTARY PARTICIPATION.

"In any program in which funds provided under this title are used, the acceptance by any individual of family planning services or family planning or population growth information shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other services or assistance from, or participation in, any other program of the entity or individual that provided such service or information.

"SEC. 1007. APPLICATION AND DESCRIPTION OF ACTIVITIES.

"(a) APPLICATION.—To be eligible to receive an allotment for a fiscal year under section 1002 a State shall submit an application to the Secretary by such date as the Secretary shall require.

"(b) PUBLIC COMMENT.—After the expiration of the first fiscal year for which a State receives an allotment under section 1002, no funds shall be allotted under such section to the State for any fiscal year unless the State affords an opportunity for public comment on the proposed use and distribution of funds to be provided under section 1003 for such fiscal year.

"(c) CONTENTS OF APPLICATION.—As part of the annual application required under subsection (a), the State shall certify that it—

"(1) agrees to use the funds allotted to it under section 1002 in accordance with the requirements of this title;

"(2) agrees to establish, after providing reasonable notice and opportunity for the submission of comments, reasonable criteria to evaluate the effective performance of entities that receive funds from the allotment of the State under this title;

"(3) agrees to permit and cooperate with Federal investigations undertaken in accordance with section 1008;

"(4) has in effect a system to protect from inappropriate disclosure of client records maintained by the State in connection with a program receiving assistance under this title or by an entity that is receiving payments from the allotment to the State under this title; and

"(5) has the administrative capability to carry out section 1004, to determine the need for family planning services, and to evaluate the performance of entities that receive assistance from the allotment of the State under this title.

The Secretary shall not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d) DESCRIPTION OF USE.—

"(1) IN GENERAL.—The State shall, as part of the application submitted under subsection (a), prepare and furnish to the Secretary a description of the intended use of the payments that the State will receive under section 1003 for such fiscal year, including a statement of goals and objectives, information on the types of programs to be supported, geographic areas to be served, and the categories or characteristics of individuals to be served and the criteria and method to be used for the distribution of the payments.

"(2) PUBLICATION.—The description required by paragraph (1) shall be made public within the States in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the description and after its transmittal. The description shall be revised throughout the year as may be necessary to reflect substantial changes in the programs assisted under this title, and any revision shall be subject to the requirements of this paragraph.

"(e) REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall prescribe such requirements as the Secretary determines necessary to assure that payments made to a State under this title are not used in violation of the prohibition contained in section 1005. The State, as part the application required under subsection (a), shall certify that it will comply with all requirements imposed by the Secretary pursuant to this title to carry out section 1005, and shall describe the procedures it will follow, as required by the Secretary, to assure such compliance on a continuing basis.

"(2) OTHER INFORMATION.—In addition to the provisions of subsection (c), the State shall also certify, as part of the application required by subsection (a), that it will furnish, in its annual report to the Secretary or in such other form or at such other times as the Secretary may require, all information that the Secretary determines necessary to ascertain whether funds were spent in accordance with section 1005, or to conduct an investigation, or respond to a complaint, under section 1009(a)(2) or (3), respectively, concerning compliance by the State with section 1005.

"SEC. 1008. REPORTS.

"(a) REQUIREMENT.—Each State shall prepare and submit to the Secretary annual reports concerning its activities under this title. Subject to section 1007(e), report prepared under this section shall be in such form and contain such information as the State determines to be necessary—

"(1) to determining whether funds were expended in accordance with the provisions of this title;

"(2) to secure a description of the activities under this title;

"(3) to secure a record of—

"(A) the purposes for which funds were spend under this title;

"(B) the recipients of such funds; and

"(C) the progress made toward achieving the purposes for which such funds were provided; and

"(4) to determine how the State has met the goals and objectives previously stated.

Copies of reports submitted under this section shall be provided, on request, to any interested person (including any public agency).

"(b) ADMINISTRATIVE REQUIREMENTS.—

"(1) ACCOUNTING PROCEDURES.—Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 1003.

"(2) REPAYMENTS.—A State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the State, repay to the United States amounts found not to have been expended in accordance with the provisions of this title or the certification provided under section 1007. If such amounts are not repaid, the Secretary shall, after providing the State with adequate notice and opportunity for hearing, offset the amounts against the amount of any allotment to which the State is or may become entitled to under section 1002.

"(3) RESPONSE BY SECRETARY.—The Secretary shall respond in an expeditious manner to complaints, of a substantial or serious nature, that a State has failed to use funds in accordance with the requirements of this title or the certification required under section 1007.

"(4) LIMITATION.—The Secretary shall not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this title or the certification provided under section 1007.

"(b) RECORDS.—Each State, and each entity that has received assistance under an allotment made to a State under this title, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

"(c) UNREASONABLE REQUESTS FOR INFORMATION.—

"(1) IN GENERAL.—In conducting any investigation in a State, the Secretary shall not request any information not readily available to the State or to any entity that has received funds from an allotment made to the State under this title or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding or an investigation to determine compliance with section 1005.

"SEC. 1010. NONDISCRIMINATION.

"(a) PROHIBITION.—

"(1) IN GENERAL.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities that receive Federal financial assistance under this title shall be considered to be programs and activities receiving Federal financial assistance.

"(2) ON THE BASIS OF GENDER.—No individual shall on the basis of gender be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance under this title. This paragraph shall not be construed to prohibit any conduct or activities permitted under paragraphs (1) through (9) of section 901(a) of the Education Amendments of 1972.

"(b) ENFORCEMENT.—When the Secretary determines that a State, or an entity with respect to a program or activity that has received a payment from an allotment to a State under section 1002, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulations (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure such compliance, the Secretary may—

"(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(2) exercise the powers and functions provided by the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, or title VI of the Civil Rights Act of 1964, as the case may be; or

"(3) take such other action as may be provided by law.

"(c) CIVIL ACTION.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"SEC. 1011. CRIMINAL PENALTY FOR FALSE STATEMENTS.

"Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from the funds allotted to the State under this title, or

"(2) having knowledge of the occurrence of any event affecting the initial or continued right of a person to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized;

shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both.".

SEC. 3. TECHNICAL AMENDMENT.

Section 2(f) of the Public Health Service Act is amended by striking out "1002(c),".

SEC. 4. EFFECTIVE DATE AND TRANSITIONAL PROVISIONS.

(a) EFFECTIVE DATE.—The amendments made by sections 2 and 3 shall become effective on the date of enactment of this Act, or October 1, 1989, whichever occurs later.

(b) TRANSITIONAL PROVISIONS.—

(1) IN GENERAL.—If any State (as defined in section 2(f) of the Public Health Service Act (42 U.S.C. 201(f))) has not, prior to 30 days before the beginning of any calendar quarter in fiscal year 1990, submitted an application under section 1007 of the Public Health Service Act (as amended by section 2) for an allotment for such fiscal year under such section, the Secretary of Health and Human Services may during that quarter, notwithstanding such section 1002(b), provide all or part of the funds allotted to such State to the State or to entities in the State in accordance with title X of the Public Health Service Act as in effect prior to the effective date of section 2.

(2) REDUCTION.—If the Secretary of Health and Human Services provides amounts to a State or to entities in a State under paragraph (1) and the State subsequently files an application under section 1007 of the Public Health Service Act (as amended by section 2) for an allotment for fiscal year 1990 under section 1002(a) of such Act (as amended by Section 1), the allotment shall be reduced by the amounts the Secretary has provided under paragraph (1).●

By Mr. BOND:

S. 1674. A bill to amend title XVI of the Social Security Act to allow a recipient of supplemental Social Security income benefits to receive contributions through a trust established by a State for the benefit of such individual without affecting the eligibility of such individual for such benefits; to the Committee on Finance.

TRUST FUND LEGISLATION

● Mr. BOND. Mr. President, families of disabled persons have long been concerned about who will care for their loved ones when they are no longer able to do so. Today I am introducing legislation which will assure that disabled loved ones continue to receive care long after their families are gone.

State and Federal governments provide basic services such as food, shelter, and medical care for the developmentally disabled, but it falls to the family to provide supplemental services, such as additional therapies or vocational education, dental care, eye glasses, and recreational activities. Several States, including Missouri, Illinois, Florida, Virginia, and Maine have established by law or are planning to establish family trust funds in the hope that these supplemental services will continue to be provided after the parent or guardian dies. The intent of these creative State laws is to enable families to continue to provide assistance to their developmentally disabled family members through their estates.

Under current law, a disabled individual can lose SSI and health insurance benefits if he or she receives an inheritance from his or her parents. The disabled person must spend down the inheritance before regaining eligibility for public assistance he or she depends upon for basic services such as food, shelter, and medical care.

A direct financial commitment or contribution to a disabled loved one would jeopardize the public assistance he or she depends upon for basic services such as food, shelter, and medical care. Similarly, there is now confusion as to whether current Federal law would permit the Federal Government to count contributions to a family trust fund as income for the purposes of determining eligibility for Social Security disability income or Medicaid. This legislation will clear up that confusion.

The legislation I am introducing simply provides that trust fund moneys provided on behalf of an individual pursuant to State law will be excluded from consideration as income for the purposes of determining eligibility for SSI or Medicaid.

Mr. President, this legislation is not an expansion of SSI or Medicaid benefits. I expect that the fiscal impact will be zero. It is simply an assurance by the Congress that the Federal Government will not, somewhere down the road, jeopardize the essential benefits provided by the Social Security disability system by penalizing private contributions.

I ask unanimous consent that the 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:

S. 1674

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

SECTION 1. EXCLUSION FROM CERTAIN INCOME TESTS OF CONTRIBUTIONS THROUGH TRUST FUNDS ESTABLISHED UNDER STATE LAW FOR THE BENEFIT OF AN SSI RECIPIENT.

(a) IN GENERAL.—Title XVI of the Social Security Act is amended by inserting after section 1613 the following new section:

"TRUST FUNDS EXCLUDED FROM INCOME AND RESOURCES

"SEC. 613A. (a) Notwithstanding any other provision under this title, all amounts contributed on behalf of an individual described under section 1602, to a trust fund established under any State law to supplement the care, support, and treatment of such individual shall be excluded from any determination of income or resource of such individual under sections 1612 and 1613.

"(b) As a condition of the eligibility of a State for Federal payments under section 1903, the State plan for medical assistance shall, notwithstanding section 1903(f), provide that, in determining the eligibility of an individual for medical assistance under the plan, there shall be excluded from the income of the individual the value of any contribution to, or amount received by the individual from, a trust fund described in subsection (a), to the extent excludible from the income of the individual under such subsection.".

(b) REGULATIONS.—

(1) PROPOSED REGULATIONS.—On or before February 1, 1990, the Secretary of Health and Human Services shall issue proposed regulations to carry out the amendments made by this section.

(2) FINAL REGULATIONS.—On or before March 1989, the Secretary of Health and Human Services shall issue final regulations to carry out the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to payments under titles XVI and XIX of the Social Security Act for calendar months beginning after December 31, 1989, without regard to whether regulations to carry out such amendments are promulgated by such date.●

By Mr. KENNEDY (for himself, Mr. PELL, Mr. DODD, Mr. DOMENICI, Mr. SIMON, Mr. ADAMS, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. JEFFORDS, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. INOUYE, Mr. WIRTH, Mr. BURDICK, Mr. KERRY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BOREN, Mr. ROBB, Mr. GORE, and Mr. RIEGLE):

S. 1675. A bill to provide financial assistance for teacher recruitment and training, and for other purposes; to the Committee on Labor and Human Resources.

EXCELLENCE IN TEACHING ACT

Mr. KENNEDY. Mr. President, last week, a number of us joined together to propose a series of education goals for the Nation. Senator PELL and I are here today to propose ways to implement one of those goals—to reduce teacher shortages, increase the number of qualified teachers, and enhance the status of the teaching profession in America.

Teaching today is a profession in crisis.

Teachers are faced with one of the most important, most difficult, and most thankless jobs in the Nation. They are the frontline in the battle where America's future may well be determined—in the education of the next generation of Americans.

Often today, in addition to their responsibilities as educators, teachers must also respond to the outside world that students bring into the classroom—crime in their neighborhoods, drugs in their hallways, the abuse and neglect in their homes.

In spite of these responsibilities, teachers endure unacceptably low salaries and low status, and the results are hardly surprising. It is becoming harder to recruit teachers, and harder to retain them.

There are 2.3 million public schoolteachers for grades kindergarten to 12

in the United States today. The Department of Education estimates that over the next decade, we must hire 1.6 million new teachers, or an average of 160,000 teachers a year. Yet our primary source of new teachers, college students majoring in education, has fallen 55 percent since 1972. Today, we are graduating only about half the teachers we will need to fill the gap in the years to come.

Retaining those who do enter teaching is also a problem—20 percent of new teachers quit during their first year of teaching. More than half leave before the sixth year.

Clearly we need to increase the attractiveness of the profession to young people, as well as look to other sources for potential teachers.

Historical and social factors are part of the acute shortage. In fact, teaching has historically been a woman's profession, which accounts in large part for low status and low pay. Now, as barriers of sex discrimination continue to fall, countless able women who might have gone into teaching a generation ago have the opportunity to choose other attractive careers.

States and localities have begun to accept the urgent task of raising teachers' salaries, but budgets are limited and competition among careers continues to be strong. Other professions spend millions of dollars on recruitment. The Armed Forces, for example, are spending $600 million for advertising and recruiting this year alone. We need to rely on these up-to-date techniques to enhance recruitment for teaching.

The Federal Government has a leadership role to play in this area which has been neglected too long. We have begun to take steps to address the teacher shortage through increased use of technology in the classroom. A new initiative called Star Schools is bringing the best teachers in math, science, and foreign languages to students in remote areas through the use of satellite communications and other advanced technology. These are important advances which we must continue to support. But they will only be successful if good teachers are available.

There is more we can and must do to attract people into the teaching profession. We can provide incentives for individuals to enter the profession. We can provide greater skills to help teachers meet the challenges that await them in the classroom. We can encourage them to continue their own education. We can provide greater recognition to those at the top of their profession.

The legislation we are introducing today is a comprehensive effort to address each of these challenges.

We place special emphasis on recruitment of minority teachers. In large cities across the country, 70 percent of the students are minorities, compared to only 30 percent of teachers.

We also emphasize the need to recruit qualified teachers in math and science. In 1986, nearly a third of high school students were enrolled in a course in these subjects taught by a teacher not qualified to do so.

Finally, we emphasize those who will teach in the inner cities, where shortages are most acute, and those who will teach in special categories of need—such as students with limited proficiency in English, the disabled, and preschool children.

The centerpiece of the legislation is the revival of the Teacher Corps—an idea that worked well from its creation in the 1960's until it was abruptly and unwisely terminated at the beginning of the Reagan years. Nearly a decade has passed, and it is time to rectify that mistake. In return for college scholarship aid of up to $8,000 a year, young men and women in the corps will agree to teach 4 years in inner cities or in the fields of math or science, or teach for 5 years in other areas with a shortage of teachers.

Able young men and women deserve help in completing their college education—and America needs their help in meeting the crisis in our schools.

The Teacher Corps holds great promise for each of these challenges. It complements other proposals we have made to encourage national and community service that have broad bipartisan support and that are awaiting action by the Senate. We hope that in the years to come, the Teacher Corps will come to enjoy as much prestige and accomplishment in America as the Peace Corps enjoys overseas.

For all of these programs, we authorized $300 million in the first year. In future years, as the programs prove their potential, we expect that larger sums will be made available.

The measure we are proposing is only a beginning. We stand ready to work with the administration and with leaders at every level across the country to deal with the challenge. We have set an ambitious national goal to enhance the quality of teaching in America—and it is time to start meeting it.

I ask unanimous consent that the full text of the bill be printed in the RECORD, along with the attached letters of support.

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

S. 1675

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 "Excellence in Teaching Act".

SEC. 2. TABLE OF CONTENTS.

SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this Act to—

(1) improve teacher recruitment by identifying, supporting, and recruiting prospective teachers from junior high school through graduate school with incentives and financial support aimed at attracting highly qualified individuals;

(2) encourage access to the teaching profession for people currently in other professions, with intense training in a supported environment, and measures of full licensure readiness equal to tradjtional preparation requirements;

(3) alleviate shortages of teachers, including minority teachers, particularly in urban schools with high concentrations of disadvantaged students, and teachers specializing in certain subject areas or trained to work with certain populations;

(4) improve teacher training by encouraging new developments in teacher preparation which provide for greater integration of subject matter and pedagogical training;

(5) improve teacher retention by supporting new teachers' induction into the teaching profession;

(6) improve teacher skills by providing opportunity for in-service training in specialty areas, teaching and classroom management skills, and school based management; and

(7) improve teacher retention by providing opportunities for experienced teachers to take leadership roles in professional development academies, school based management efforts, and sabbatical programs.

SEC. 4. DEFINITIONS.

(a) IN GENERAL.—Except as otherwise provided, for purposes of this Act—

(1) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965.

(2) The term "handicapped child" has the same meaning given that term in section 602 of the Education of the Handicapped Act.

(3) The term "inner city school" means any school—

(A)(i) in a local educational agency with an enrollment of 30,000 or more students and which serves a central city of a metropolitan statistical area or primary metropolitan statistical area; or

(ii) in a local educational agency serving the largest city in a State; and

(B) which qualifies under section 465(a)(2)(A) of the Higher Education Act of 1965 for loan cancellation for Perkins loan recipients who teach in those schools.

(4) The term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965.

(5) The term "local educational agency" has the same meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(6) The term "preschool age" means children below mandatory school attendance age, as determined by State law.

(7) The term "school-age population" means the population of individuals aged 5 to 17, as determined by the Bureau of the Census in the most recent decennial census.

(8) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(9) The term "Secretary" means the Secretary of Education.

(10) The term "State" has the same meaning given that term in section 1471(22) of the Elementary and Secondary Education Act of 1965.

(11) The term "State educational agency" has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

(b) SPECIAL RULE.—For purposes of part A of title I, title III, and title IV—

(A) the term "teacher" includes a school psychologist, a school social worker and a school counselor, where appropriate; and

(B) the term "teaching" includes the professional services of a school psychologist, a school social worker, and a school counselor, where appropriate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $215,000,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991, 1992, 1993, and 1994, of which—

(1) 56.5 percent shall be available for title I, of which 82 percent of the amount available for title I shall be available for purposes of awarding scholarships to teacher corps members under part A, 10 percent of the amount available for title I shall be available for the purpose of awarding scholarships to senior teacher corps members under part B of such title, and 8 percent of the amount available for title I shall be available for purposes of activities conducted by State educational agencies under such parts;

(2) 20 percent shall be available for title II;

(3) 12 percent shall be available for grants pursuant to section 303;

(4) 8 percent shall be available for title V, of which not more than $2,500,000 shall be available to carry out the provisions of section 507; and

(5) 3.5 percent shall be available for title VI.

SEC. 6. COST SHARING.

The Secretary is authorized to seek cost-sharing by State and local entities, institutions of higher education, and nonprofit organizations for any program assisted under this Act.

SEC. 7. EVALUATION.

The Secretary shall conduct an evaluation of the teacher corps program and the senior teacher corps program conducted pursuant to parts A and B of title I. Results of such evaluation shall be reported to the appropriate committees of Congress no later than 3 years following the date of the enactment of this Act.

SEC. 8. COORDINATION.

The Secretary shall designate an office within the Department of Education to coordinate activities under this Act.

SEC. 9. ANNUAL REPORT.

The Secretary shall prepare and submit to Congress annually a report on teachers and the teaching profession 1 year from the date of enactment of this Act and each year thereafter. Such report shall include such information as the Secretary may determine, including data regarding the numbers of teachers in each State with—

(A) certification in various subject areas; and

(B) baccalaureate and postbaccalaureate training and degrees in various subject areas.

TITLE I—TEACHER CORPS

SEC. 101. SHORT TITLE.

This title may be cited as the "Teacher Corps Recruitment and Induction Act of 1989".

SEC. 102. FINDINGS.

The Congress finds that—

(1) there are 2.3 million public school teachers for grades kindergarten through 12, and between 1988 and 1997 1,600,000 new teachers will be needed;

(2) the proportion of women interested in pursuing a career in teaching declined from 38 percent in 1968 to 13 percent in 1988;

(3) the proportion of college students majoring in education fell 55 percent between 1972 and 1986;

(4) in 1986, 87,000 bachelor's degrees in education were awarded;

(5) shortages in the number of minority teachers limit opportunities for both minority and non-minority students to benefit from minority teacher instruction;

(6) there are shortages in the number of teachers with specialized kinds of training, including early childhood education, bilingual education, and special education and related services;

(7) there are severe shortages of teachers trained to teach certain subjects, particularly mathematics and science;

(8) certain voluntary programs of scholarship and loan forgiveness in exchange for service in other professions have been effective in encouraging individuals to enter such professions;

(9) the national interest in promoting community service may enhance participation in the teaching profession through the teacher corps;

(10) the professionalism of experienced teachers must be enhanced in order to retain highly qualified individuals;

(11) the shortage of teachers in central city schools is approximately 2½ times greater than teacher shortages elsewhere; and

(12) 20 percent of new teachers leave during their first year of teaching, and over 50 percent leave before reaching their sixth year of teaching, however induction programs help reduce such turnover.

PART A—TEACHER CORPS

SEC. 110. TEACHER CORPS PROGRAMS AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized—

(1) to make grants, in accordance with the provisions of this title, to State educational agencies to conduct teacher corps activities; and

(2) to award scholarships to teacher corps members in accordance with the provisions of this part.

(b) AMOUNT OF GRANTS.—The amount awarded to each State educational agency pursuant to subsection (a)(1) shall be an amount awarded on the basis of the school-

age population in the State compared to the school-age population in all States.

SEC. 111. SECRETARY'S USE OF FUNDS.

(a) IN GENERAL.—The Secretary shall use funds provided pursuant to this part to—

(1) establish criteria intended to attract highly qualified individuals to teaching, and to meet the needs of States in addressing teacher shortages, for States to use in selecting teacher corps members including—

(A) in the case of students or recent graduates, strong academic promise, as demonstrated by high grades and class standing;

(B) contributions which can be made by individuals working in other careers;

(C) recommendations;

(D) a demonstrated interest in teaching through participation in teaching related activities, such as an interview with, and recommendation from, a department of education in an institution of higher education;

(E) previous community service;

(F) demonstrated interest, skill, and professional experience in specialized substantive fields of expertise in which the State is experiencing teacher shortages; and

(G) interest in teaching in geographic areas experiencing teacher shortages, especially in inner city schools with minority enrollment in excess of the statewide average minority enrollment;

(2) disseminate information nationally about the availability of scholarships under this part, especially to institutions of higher education with large minority populations, to historically Black colleges and universities, to secondary schools with minority enrollment in excess of the statewide average, to individuals leaving the armed services, and to organizations and entities likely to reach individuals interested in entering teaching as a new career;

(3) award teacher corps scholarships to individuals who are recommended by State educational agencies under section 114;

(4) review and approve applications submitted by State educational agencies under section 115;

(5) make awards to State educational agencies having applications approved under section 115;

(6) designate an office within the Department of Education to serve as liaison to, and coordinate with, State educational agencies participating in the teacher corps;

(7) conduct activities which foster communication among, and bring together, members of the teacher corps including activities such as written communications, meetings, or training sessions; and

(8) collect scholarship repayments from individual teacher corps members, in accordance with the provisions of section 118.

SEC. 112. STATE USE OF FUNDS.

(a) IN GENERAL.—Each State educational agency receiving a grant under this part may use such funds to—

(1) award grants to local educational agencies to establish or expand induction and mentor programs in accordance with this part;

(2) establish and operate in-service and mentoring programs for teacher corps members at the State and local levels;

(3) provide technical assistance to local educational agencies for establishing and operating teacher corps and induction programs;

(4) publicize the availability of scholarships pursuant to this part, particularly among students participating in teaching-related activities through summer teaching institutes, future teacher clubs, and others and among professionals in nonteaching fields;

(5) evaluate applications for teacher corps membership and recommend teacher corps members to the Secretary;

(6) ensure that teacher corps members understand the obligation to repay scholarship upon failure to comply with the conditions of the scholarship;

(7) ensure employment placement of teacher corps members; and

(8) conduct activities which foster communication among, and bring together, members of the teacher corps, including activities such as written communication, meetings, and training sessions.

(b) SPECIAL RULE.—(1) Any State educational agency receiving funds under this part shall conduct a needs and resources assessment to identify and locate local educational agencies with the greatest proportion of disadvantaged students.

(2) In carrying out the provisions of subsection (a)(1), the State educational agency—

(A) may award grants to any local educational agency; and

(B) shall give priority in awarding grants to local educational agencies which have been identified under paragraph (1).

(3) In carrying out the provisions of subsection (a)(7), the State educational agency shall place teacher corps members in local educational agencies which have been identified under paragraph (1).

SEC. 113. LOCAL USE OF FUNDS.

(a) Each local educational agency receiving a grant under this part may use such funds to—

(1) establish, operate, and expand induction programs for new teacher corps members and other new teachers, including—

(A) orientation;

(B) using mentor teachers to work with new teachers;

(C) curriculum guidance; and

(D) cultural and gender sensitivity;

(2) ensure that teacher corps members participate in an induction program for a minimum of one year, including working with a mentor teacher designated by the local educational agency.

(b) The induction programs described in subsection (a)(1) may be developed in cooperation with institutions of higher education.

SEC. 114. TEACHER CORPS.

(a) SELECTION.—(1) The State educational agency, in cooperation with the State higher education agency, shall select teacher corps members, in accordance with the criteria established by the Secretary under section 111(a)(1).

(2) Each State educational agency receiving assistance under this part shall submit to the Secretary for review the names of teacher corps members accompanied by such information as the Secretary may reasonably require.

(b) SPECIAL CONSIDERATION.—The State educational agency, in cooperation with the State higher education agency shall also give special consideration in the selection of teacher corps members to individuals who—

(1) intend to teach or provide related services to students who have handicaps;

(2) intend to teach limited English proficient students;

(3) intend to teach preschool age children; or

(4) intend to teach in an inner city school.

(c) APPLICATION.—Each individual wishing to participate in the teacher corps shall submit an application to the State educational agency for the State in which such individual wishes to be employed as a teacher, if such State has a teacher corps program. Each application shall contain such information as such State educational agency may reasonably require.

(d) SECRETARY'S REVIEW.—The Secretary shall review recommendations of the State educational agency for membership in the teacher corps in accordance with the provisions of this part.

(e) SPECIAL RULE.—Each individual enrolled in a program leading to an associate degree in a field other than early childhood education or early childhood development, when applying for assistance under this part, shall include in the application submitted pursuant to subsection (c) an assurance of such individual's intention to enroll in a baccalaureate degree program.

SEC. 115. STATE APPLICATION.

(a) IN GENERAL.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe teacher shortages in the State;

(2) set forth the priorities to be employed in addressing teacher shortages within the State, including priorities to be employed in addressing teacher shortages in local educational agencies with minority enrollment in excess of the statewide average minority enrollment;

(3) describe where teacher corps members will be assigned and in which substantive fields of expertise;

(4) describe steps to be taken to place teacher corps members in areas experiencing teacher shortages;

(5) provide a description of teacher recruiting and training programs including existing induction and mentoring programs in place in the State which would be available to teacher corps members;

(6) establish a mechanism to identify local educational agencies willing to accept placement of teacher corps members, and ensure that such local educational agencies will meet the requirements of this part;

(7) provide assurances of the availability of employment placement within the State for teacher corps members in areas which have induction programs;

(8) provide assurances that the State educational agency, or its designee, in cooperation with local educational agencies, shall maintain accurate records regarding the location and activities of teacher corps members within the State to ensure that such members are meeting the conditions of the scholarships provided pursuant to this part, and shall notify the Secretary immediately upon a change in a teacher corps member's status rendering such teacher corps member in violation of the conditions of the scholarships; and

(9) provide assurances that the State educational agency has consulted with local educational agencies in designing and developing the Teacher Corps program.

(b) SPECIAL RULE.—Failure to comply with the provisions of subsection (a)(8) shall disqualify such State educational agency from receiving any future financial assistance pursuant to the provisions of this title.

SEC. 116. LOCAL APPLICATION.

(a) IN GENERAL.—Each local educational agency desiring a grant under this part shall submit an application to the State educa-

tional agency at such time, in such manner, and containing such information as the Secretary or State educational agency may reasonably require. Each such application shall—

(1) describe teacher shortages in the local educational agency; and

(2) describe the induction program for new teacher corps members and other new teachers which will be established, expanded, or both, with funds made available under this part.

SEC. 117. TEACHER CORPS SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY.—(1) Individuals are eligible to receive teacher corps scholarships for a maximum of 2 years during enrollment in any of the following programs of study, or a combination thereof:

(A) the last two years of a program of study leading to a baccalaureate degree;

(B) a 1- or 2-year post-baccalaureate program of study leading to a masters or specialist degree; or

(C) a 2-year program of study leading to an associate's degree in early childhood education or early childhood development, or a 1-year program of study leading to a child development associate credential.

(2) Individuals enrolled in programs in institutions of higher education leading to an associate degree in a field other than early childhood education or early childhood development are eligible to receive teacher corps scholarships upon enrollment in a program leading to a baccalaureate degree, during their third and fourth years in such program.

(3) Individuals in possession of a bachelor's degree, who wish to enter teaching from another profession, are eligible to receive teacher corps scholarships to receive instruction necessary to enter the teaching profession, as determined by the State in which individual wishes to teach. Such instruction may be provided while the individual is employed as a provisional teacher, at the discretion of the State educational agency and local educational agency.

(b) AMOUNT.—Except as provided in subsection (c) the Secretary shall award to each individual selected to be a member of the teacher corps a scholarship in an amount equal to the lesser of—

(1) $8,000; or

(2) the cost of attendance, as defined under section 472 of the Higher Education Act of 1965, at the institution in which the student is enrolled per year for a maximum of two years.

(c) TITLE IV ELIGIBILITY.—Notwithstanding the provisions of title IV of the Higher Education Act of 1965, scholarship funds awarded pursuant to this part shall be considered in determining eligibility for student assistance under title IV of such Act.

(d) SPECIAL RULE.—In addition to amounts awarded under subsection (b), the Secretary shall award to teacher corps members, who do not possess a masters degree, a scholarship of up to $2,000 during any of the first three years of employment as a teacher, to defray the costs of pursuing post-baccalaureate instruction.

(e) MATHEMATICS AND SCIENCE TEACHER CORPS.—(1) Each State educational agency may recommend to the Secretary, in States experiencing a shortage of mathematics and science teachers, for special consideration in the award of teacher corps scholarships under this part, individuals who commit to teaching mathematics or science in elementary or secondary schools in accordance with the provisions of this part.

(2) Individuals shall be eligible for special consideration as set forth in paragraph (1) if such individual is—

(A) majoring in science or mathematics, and enrolled in an institution of higher education which is accredited by a nationally recognized accredited agency or association; or

(B) currently employed in the field of mathematics, science or engineering.

(3) The Secretary shall consult with the Director of the National Science Foundation in establishing criteria for the award of teacher corps scholarships under this subsection. Such criteria shall include—

(A) academic merit as demonstrated by high academic performance in science and mathematics courses for individuals described in paragraph (1)(A);

(B) job performance and knowledge of mathematics or science for individuals described in paragraph (1)(B); and

(C) promoting the participation of minorities, women, and individuals with disabilities in science and mathematics.

SEC. 118. SCHOLARSHIP CONDITIONS.

(a) SCHOLARSHIP AGREEMENT.—Each individual receiving a scholarship under this part shall enter into a written agreement with the Secretary. Each such agreement shall—

(1) provide assurances that teacher corps members will maintain satisfactory academic progress and participate in teaching-related activities while in undergraduate or post-baccalaureate programs;

(2) provide assurances that teacher corps members will work as teachers for—

(A) 5 years in a geographic area, or substantive field of expertise, of shortage, as determined by the State educational agency;

(B) 4 years in an inner city school; or

(C) for 4 years if such student received a scholarship pursuant to section 117(e);

except that teacher corps members may transfer to another local educational agency within the State or to another State with a teacher corps program upon approval of the sending and receiving local educational agency, or State;

(3) provide assurances that at least during the first year of employment teacher corps members will participate in an induction program which includes working with a mentor teacher selected by the local educational agency in which the teacher corps member is employed and who has the same substantive field of expertise as the teacher corps member;

(4) provide assurances that teacher corps members who are not enrolled in a program of study as set forth in section 117(a)(1)(c) will obtain full State teacher certification within 3 years of employment as a teacher or as soon as possible thereafter as State law requires;

(5) provide that, subject to approval of the local educational agency, teacher corps members shall participate in an induction program for new teachers during the—

(A) fifth year of employment,

(B) fourth year of employment in an inner city school, or

(C) fourth year of employment if such member received a scholarship pursuant to section 117(e),

by serving as a mentor to new teacher corps members, or to other new teachers, or by making some other contribution to the induction program; and

(6) provide that if the teacher corps member is found by the Secretary at any time to be in violation of the conditions of the agreement entered into pursuant to this section, repayment of scholarship funds received shall become due in accordance with the provisions of subsection (b) as implemented by the Secretary.

(b) SCHOLARSHIP REPAYMENT.—Individuals found by the State educational agency to be in noncompliance with the agreement entered into under subsection (a) shall be required to repay a pro rata amount of the scholarship awards received, plus interest at the highest rate applicable to loans under part B of title IV of the Higher Education Act of 1965 and, where applicable, reasonable collection fees, on a schedule to be prescribed by the Secretary by regulations issued pursuant to this part.

(c) CANCELLATION.—(1) The Secretary shall cancel the obligation to repay any scholarship provided pursuant to this part in accordance with the provisions of paragraph (2).

(2) An individual shall not be considered to be in violation of the agreement entered into pursuant to subsection (a) during any period in which such individual meets the exception to repayment provisions set forth in section 558(a)(2), 558(a)(3) or 558(b) of the Higher Education Act of 1965, or if the individual dies.

(3)(A) The Secretary shall cancel the obligation to repay—

(i) 10 percent of the total amount of scholarships provided pursuant to this part for the first or second year a teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a);

(ii) 20 percent of the total amount of scholarships provided pursuant to this part for the third year a teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a); and

(iii) except as provided in subparagraph (B), 30 percent of the total amount of scholarships provided pursuant to this part for the fourth or fifth year a teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a).

(B) In the case of a teacher corps member who teaches for 4 years in an inner city school, or who received a scholarship pursuant to section 117(e), the Secretary shall cancel 60 percent of the total amount of scholarships provided pursuant to this part for the fourth year a teacher corps member teaches in such school pursuant to the agreement set forth in subsection (a).

(4) If a portion of scholarship is cancelled under this subsection in any year, the entire amount of interest on such portion of such scholarship which accrues for such year shall be cancelled.

SEC. 119. PUBLICATION AND RECRUITMENT.

(a) IN GENERAL.—Each State educational agency receiving assistance under this Act shall—

(1) publicize the availability of, and procedure to apply for, teacher corps scholarships at institutions of higher education throughout the State, particularly in institutions of higher education with large minority enrollments, historically Black colleges and universities, secondary schools with minority enrollment in excess of the statewide average minority enrollment, and with agencies and entities likely to attract individuals interested in entering teaching from another career; and

(2) recruit minority students to participate in such program.

(b) SPECIAL RULE.—The publications required under subsection (a) shall describe substantive fields of expertise and geographic areas experiencing teacher shortages within the State.

PART B—SENIOR TEACHER CORPS

SEC. 120. SENIOR TEACHER CORPS PROGRAMS AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized—

(1) to make grants, in accordance with the provisions of this title, to State educational agencies to conduct senior teacher corps activities; and

(2) to award scholarships to senior teacher corps members in accordance with the provisions of this title.

(b) AMOUNT OF GRANTS.—The amount awarded to each State educational agency pursuant to subsection (a)(1) shall be an amount awarded on the basis of the school-age population in the State compared to the school-age population in all States.

SEC. 121. SECRETARY'S USE OF FUNDS.

The Secretary may use funds provided pursuant to this part to—

(1) establish criteria for States to use in selecting senior teacher corps members, including—

(A) evaluations during employment as a teacher;

(B) demonstrated commitment to teaching in the future; and

(C) intended activities during the sabbatical period;

(2) disseminate information nationally about the availability of scholarships under this part, especially to local educational agencies in which the minority enrollment exceeds the statewide average minority enrollment;

(3) award senior teacher corps scholarships to individuals who are recommended by State educational agencies under section 123;

(4) review and approve applications submitted by State educational agencies;

(5) make awards to State educational agencies having applications approved under section 124;

(6) conduct activities which foster communication among and bring together members of the senior teacher corps including activities such as written communications, meetings, or training sessions; and

(7) collect scholarship repayments from individual senior teacher corps members, in accordance with the provisions of section 127.

SEC. 122. STATE USE OF FUNDS.

Each State educational agency awarded a grant under this part may use such funds to—

(1) establish, operate, and expand in-service programs and activities for senior teacher corps members at the State and local levels, through professional development academies if such entities exist, to improve knowledge of subject matter, and to increase skills and professional ability, in coordination with local educational agencies;

(2) award grants to local educational agencies to establish programs and activities described in paragraph (1) through professional development academies if such entities exist;

(3) publicize the availability of scholarships pursuant to this part;

(4) evaluate applications for senior teacher corps membership and recommend senior teacher corps members to the Secretary;

(5) conduct activities which foster communication among, and bring together, members of the senior teacher corps, including activities such as written communications, meetings, or training sessions; and

(6) ensure that senior teacher corps members understand the obligation to repay the scholarship upon failure to comply with the conditions of the scholarship.

SEC. 123. SENIOR TEACHER CORPS ELIGIBILITY.

(a) ELIGIBILITY.—Individuals who have been employed as teachers for 8 or more years with full professional State certification are eligible to apply to become members of the senior teacher corps.

(b) APPLICATION.—Each individual wishing to participate in the senior teacher corps shall submit an application to the State educational agency in the State in which they are employed, if such State has a senior teacher corps program. Each application shall contain such information as such State educational agency may reasonably require.

(c) SELECTION.—(1) The State educational agency, in cooperation with the State higher education agency, shall select candidates to be members of the senior teacher corps based on criteria established by the Secretary under section 121.

(2) Each State educational agency receiving assistance under this part shall submit to the Secretary for review the names of senior teacher corps candidates accompanied by such information as the Secretary may reasonably require.

(d) SPECIAL CONSIDERATION.—The State educational agency, in cooperation with the State higher education agency, shall give special consideration, in the selection of senior teacher corps members, to individuals who intend to—

(1) use a sabbatical period to improve or acquire skills—

(A) in the subject areas of science or mathematics; or

(B) in order to teach or provide related services to handicapped students, limited English proficient students or preschool age students; or

(2) teach students in inner city schools, following the sabbatical period.

(e) SECRETARY'S REVIEW.—The Secretary shall review recommendations of the State educational agency for membership in the senior teacher corps in accordance with the provisions of this part.

SEC. 124. STATE APPLICATION.

(a) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

(1) provide a description of teacher retention programs currently in place in the State;

(2) provide assurances that senior teacher corps members will be released from teaching responsibilities for a one-half school year sabbatical in order to participate in programs and activities approved by the State and conducted through a professional development academy if such entity exists, or an approved institution of higher education or other approved entity, to—

(A)(i) improve such teacher's knowledge base in an area of expertise; or

(ii) learn a new area of expertise; and

(B) increase skills and professional ability;

(3) provide assurances that States or localities will pay any tuition incurred by the senior teacher corps member as part of their participation in this program;

(4) contain a description of programs and activities available to senior teacher corps members through professional development academies if such entities exist, institutions of higher education or other approved entities;

(5) provide assurances that the State educational agency, or its designee, in cooperation with local educational agencies, shall maintain accurate records regarding the activities of senior teacher corps members within the State to ensure that such members are meeting all conditions of the scholarships provided pursuant to this part, and shall notify the Secretary immediately upon a change in a senior teacher corps member's status rendering such senior teacher corps member in violation of the conditions of the scholarship; and

(6) provide assurances that the State educational agency has consulted with local educational agencies in designing and developing the senior teacher corps program.

(b) SPECIAL RULE.—Failure to comply with the provisions of subsection (a)(5) shall disqualify such State educational agency from receiving any future financial assistance pursuant to the provisions of this title.

SEC. 125. SCHOLARSHIP PROGRAM.

The Secretary shall, in accordance with the provisions of this Act, award to each individual selected to be a member of the senior teacher corps a scholarship in an amount equal to one-half the annual salary the individual would earn in the current place of employment, to participate in programs and activities described in section 124(a)(2) during a sabbatical period.

SEC. 126. SCHOLARSHIP CONDITIONS.

(a) SCHOLARSHIP AGREEMENT.—Each individual receiving a scholarship under this part shall enter into a written agreement with the Secretary. Each such agreement shall provide assurances that the senior teacher corps member will—

(1) spend a half-year sabbatical period during which the senior teacher corps member is released from teaching responsibilities to participate in programs and activities approved by the State educational agency, offered through a professional development academy, an institution of higher education, or other entity;

(2) work for—

(A) 5 years following the completion of a sabbatical period as a teacher in the State through which the loan was awarded; or

(B) 4 years in an inner city school following the completion of a sabbatical period as a teacher in the State through which the loan was awarded,

except that senior teacher corps members may work in another State with a senior teacher corps program upon approval by both the sending and receiving State;

(3) subject to the approval of the local educational agency, during the 5 years following the sabbatical period, or the 4 years following the sabbatical period in the case of a senior teacher corps member who works in an inner city school—

(A) participate in an induction program for new teachers by acting as a mentor to new teacher corps members or other new teachers with the same substantive field of expertise as the senior teacher corps member; or

(B) make some other contribution to the teacher corps programs conducted pursuant to parts A and B of this title;

(4) assist in the development of in-service training programs during the 5 years following completion of the sabbatical period or

the 4 years following the completion of the sabbatical period in the case of a teacher who works in an inner city school; and

(5) participate in activities developed by the Secretary and the State educational agency through which the individual was selected as a senior teacher corps member which are intended to foster communication among, and bring together, members of the senior teacher corps.

(b) SCHOLARSHIP REPAYMENT.—(1) Individuals found by the State educational agency to be in noncompliance with the agreement entered into under subsection (a) shall be required to repay a pro rata amount of the scholarship awards received, plus interest at the highest rate applicable to loans under part B of title IV of the Higher Education Act of 1965 and, where applicable, reasonable collection fees, on a schedule to be prescribed by the Secretary by regulations issued pursuant to this part.

(2) An individual shall not be considered to be in violation of the agreement entered into pursuant to subsection (a) during any period in which such individual meets the exception to repayment provisions set forth in section 558(a)(2), 558(a)(3), or 558(b) of the Higher Education Act of 1965, or if the individual dies.

(c) CANCELLATION.—(1) The Secretary shall cancel the obligation to repay any scholarship provided pursuant to this part in accordance with the provisions of paragraph (2).

(2)(A) Except as provided in subparagraph (B), the Secretary shall cancel the obligation to repay—

(i) 10 percent of the total amount of scholarships provided pursuant to this part for the first or second year a senior teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a);

(ii) 20 percent of the total amount of scholarships provided pursuant to this part for the third year a senior teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a); and

(iii) 30 percent of the total amount of scholarships provided pursuant to this part for the fourth or fifth year a senior teacher corps member teaches in a local educational agency pursuant to the agreement set forth in subsection (a).

(B) In the case of a senior teacher corps member who teaches for 4 years following the sabbatical period in an inner city school, the Secretary shall cancel 60 percent of the total amount of scholarships provided pursuant to this part for the fourth year a senior teacher corps member teaches in such school pursuant to the agreement in subsection (a).

(3) If a portion of scholarship is cancelled under this subsection in any year, the entire amount of interest on such portion of such scholarship which accrues for such year shall be cancelled.

SEC. 127. PUBLICATION AND RECRUITMENT.

Each State educational agency receiving assistance under this part shall publicize the availability of senior teacher corps scholarships in local educational agencies throughout the State, particularly in local educational agencies with minority enrollment in excess of the statewide average minority enrollment, and shall recruit minority teachers to participate in such program.

TITLE II—PROFESSIONAL DEVELOPMENT ACADEMIES

SEC. 201. SHORT TITLE.

This title may be cited as the "Professional Development Academy Establishment Act of 1989".

SEC. 202. FINDINGS.

The Congress finds that—

(1) professional development academies can serve as forums for the coordination and provision of a variety of activities to meet the needs of school districts in the areas of teacher recruitment, development, and in-service training, such as programs in which—

(A) new teachers participate in induction programs;

(B) experienced teachers receive in-service training;

(C) all teachers may acquire skills in new substantive fields of expertise to meet the shortage needs of school districts;

(D) new teaching techniques are tested;

(E) secondary school students interested in teaching as a career participant in teaching related activities;

(F) teachers become sensitized to cultural and gender-based instructional needs, particularly in mathematics and the sciences;

(G) all in-service training activities are coordinated; and

(H) partnerships and joint activities are established with institutions of higher education and with the business community;

(2) in-service training during an induction period helps acclimate new teachers to the profession while giving such teachers an opportunity to complete their professional training;

(3) in-service training for experienced teachers enables such teachers to keep current in their substantive fields of expertise and in the practice of teaching;

(4) in-service training enables teachers to learn new substantive fields of expertise in order to alleviate teacher shortages;

(5) in-service training provides teachers an opportunity to enhance skills in classroom management;

(6) in-service training in school districts operating new school based management and shared decisionmaking programs assist teachers, principals, and administrators to assume new responsibilities; and

(7) providing experienced teachers with sabbaticals allows such teachers the opportunity to participate in professional programs and activities, and allows such teachers the opportunity to return to the classroom renewed.

SEC. 203. PROFESSIONAL DEVELOPMENT ACADEMY.

As used in this title the term "professional development academy" means an entity which—

(1) is operated by a partnership which includes one or more local educational agencies and one or more institutions of higher education that offer teacher training programs, and

(2) provides in-service training and other activities described in this title to teachers and administrators.

SEC. 204. ALLOTMENT.

(a) IN GENERAL.—From amounts appropriated for this title pursuant to the authority of section 5, the Secretary shall allot to the State educational agency of each State having an application approved pursuant to section 206 an amount equal to the product of—

(1) the amount determined by dividing—

(A) the school-aged population of the State, by

(B) the school-age population of all States, multiplied by

(2) the total amount of such appropriated funds.

(b) BYPASS PROVISION.—(1) In the event that a State educational agency does not receive an allotment under subsection (a), the Secretary is authorized to make grants directly to local educational agencies, or consortia thereof, in such State, in accordance with sections 207 and 208.

(2) The Secretary shall award grants pursuant to paragraph (1) on the basis of the school-age population of local educational agencies compared to the school-age population of the State.

(3) In applying the provisions of this title the Secretary shall have the same responsibilities under this subsection as the State has under this title.

SEC. 205. USE OF ALLOTTED FUNDS.

(a) ADMINISTRATIVE COSTS.—Each State educational agency receiving an allotment pursuant to section 204 may reserve not more than 2 percent of such funds for administrative costs.

(b) REMAINDER.—The remainder of the funds allotted to State educational agencies pursuant to section 204 shall be used to provide grants, on a competitive basis, to local educational agencies or consortia thereof in partnership with one or more institutions of higher education having an application approved under section 208.

(c) SPECIAL RULE.—Grants awarded pursuant to subsection (a) shall be used to pay the Federal share of the costs of planning, establishing, and operating professional development academies.

SEC. 206. STATE APPLICATION.

(a) APPLICATION REQUIRED.—Each State educational agency wishing to participate in the program assisted under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) REVIEW AND APPROVAL.—The Secretary shall review applications submitted pursuant to subsection (a) and approve applications which comply with the provisions of this title.

(c) CONTENTS OF APPLICANTS.—Each application submitted pursuant to subsection (a) shall include a plan which—

(1) describes the partnerships to be formed between local educational agencies and institutions of higher education;

(2) contains assurances that the activities and services offered by the professional development academy or academies will be determined and designed by the teachers the academy will serve, in collaboration with the principals and the superintendents of the local educational agency or agencies to be served, the directors of other agencies to be served, institutions of higher education, and experts as may be necessary;

(3) contains a description of where the professional development academy or academies will be located, what local educational agency or agencies each academy will serve, and a justification for selecting the geographic area for each academy;

(4) contains a description of how the professional development academy or academies will operate;

(5) contains a description of activities to be conducted by each professional development academy, including activities that will focus on the recruitment and training of minority teachers and administrators, the improvement of teacher preparation, particu-

larly in the fields of mathematics and science, and activities that will be available for teachers and staff of community based programs;

(6) sets forth the number of individuals expected to be served by each professional development academy over what period of time;

(7) describes the provisions which will be made to allow individuals release time from their teaching or administrative responsibilities to participate in professional development academy activities;

(8) contains a description of how each academy's activities will be coordinated with other current in-service training activities in the State; and

(9) indicates the source of funds that will be used to pay the non-Federal share of the costs of establishing and operating the professional development academies.

SEC. 207. LOCAL USE OF FUNDS.

Grants provided pursuant to section 205 may be used to operate professional development academies which will—

(1) recruit teachers, particularly minority teachers;

(2) provide support and in-service training for new teachers, including clinical school based training, and post-baccalaureate programs for teachers who do not possess a master's degree;

(3) improve teacher preparation in the fields of mathematics and science;

(4) provide in-service training for experienced teachers to—

(A) teach new skills and upgrade skills in order to address teacher shortages in specific substantive fields of expertise such as math or science;

(B) teach new skills, and upgrade skills, in the teaching of particular populations of students, such as disadvantaged students, handicapped students, students who are limited English proficient, or individuals who are preschool age;

(C) improve teaching and classroom management skills;

(D) teach school based management techniques and methods and shared decision-making skills; and

(E) coordinate with institutions of higher education, where appropriate, to conduct in-service training activities, such as collaborative teaching between elementary and secondary school teachers and college faculty;

(5) develop curriculum materials for teacher in-service training activities;

(6) provide training for the staff of community-based and school based before-school and after-school programs;

(7) establish links with institutions of higher education, including community colleges, which have programs in early childhood education, early childhood development, or programs leading to a child development associate credential, to enable teachers to study such subject areas;

(8) coordinate in-service training and recruiting activities funded under this title with in-service training and recruiting activities funded from other sources, including activities funded by the Dwight D. Eisenhower Mathematics and Science Education Act, the Star Schools Program Assistance Act, the Education of the Handicapped Act, and the Bilingual Education Act;

(9) provide activities, such as summer institutes, after school programs, tutoring programs, and future teacher clubs, for middle and secondary school students, particularly students interested in mathematics or science, which might interest such students in teaching as a career;

(10) provide in-service summer institutes for teachers;

(11) provide training in new instructional techniques, methods, and practices supported by educational research findings, including instructional techniques, methods and practices supported by federally supported laboratories, centers, and other Federal agencies;

(12) provide instruction for teachers in instructional techniques for English as a second language, whether or not such teachers teach in bilingual classrooms;

(13) provide cultural and gender sensitivity instruction for teachers, particularly focused on diverse backgrounds of students in the local educational agency, and intended to interest minority and female students in mathematics and the sciences;

(14) provide instruction in techniques for regular education teachers to teach children with handicaps enrolled in their classes;

(15) provide instruction in parenting education, and in assisting parents and caregivers of children from nontraditional families;

(16) invite education faculty of institutions of higher education to construct and operate in-service training activities;

(17) form partnerships with businesses in the community for in-service training activities and for exchange programs; and

(18) conduct activities designed to increase the number of minority teachers, particularly in inner city schools.

SEC. 208. LOCAL APPLICATION.

(a) APPLICATION REQUIRED.—Each local educational agency or consortia thereof wishing to receive a grant under section 205 shall submit an application to the appropriate State at such time, in such manner, and containing such information as the State shall reasonably require. Such application shall indicate the institutions of higher education with which the local educational agency or agencies will form a partnership in order to carry out activities described in this title.

(b) APPROVAL OF APPLICATIONS.—Each State receiving an allotment under section 204(a) shall only approve applications which comply with the provisions of this title.

(c) PRIORITY.—Each State receiving an allotment pursuant to section 204(a) shall give priority to applications from local educational agencies which—

(1) demonstrate an intention to provide a comprehensive recruitment, development, and in-service training program for all teachers and administrators in the local educational agencies to be served by the professional development academy;

(2) strongly encourage teachers and administrators to participate in in-service training activities as part of their ongoing responsibilities; and

(3) will serve local educational agencies with minority enrollment in excess of the statewide average minority enrollment.

SEC. 209. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State having an application approved under section 206, the amount allotted under section 204 to pay the Federal share of the cost of planning, establishing, and operating professional development academies.

(b) FEDERAL SHARE.—The Federal share shall be 50 percent.

(c) NON-FEDERAL SHARE.—Each State receiving assistance under this title shall pay 80 percent of the non-Federal share from non-Federal sources.

TITLE III—MINORITY TEACHER RECRUITMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Minority Teacher Recruitment Act of 1989".

SEC. 302. FINDINGS.

The Congress finds that—

(1) only 10 percent of the Nation's teaching force are Black, Hispanic, Native or Asian American, while more than 25 percent of the country's school children are Black, Hispanic, Native or Asian American;

(2) in 45 of the country's largest cities, 70 percent of the students in public schools are from minority groups, but only 30 percent of the teaching staff are from minority groups;

(3) between 1975 and 1982, the number of bachelor's degrees in education awarded to minorities declined by 50 percent, from 20,000 to 10,000;

(4) between 1979 and 1985, the number of ethnic minority teachers declined by 20,000, or 1 percent;

(5) if the current trend continues, by 1995, minorities will make up 30 percent of the student population nationally, but less than 5 percent of the teacher population;

(6) significant efforts must be made to increase the number of minority teachers, and to overcome additional barriers to that goal;

(7) the National Teachers Examination, used by 30 States for teacher certification, has pass rates of 79 percent among White students, 13 percent among Black students, and 2 percent among Hispanic students;

(8) in 1984, more than 50 percent of Hispanic Americans attending college and more than 40 percent of Black Americans attending college attended 2-year institutions; and

(9) in 1986, only 5 percent of the Nation's school psychologists were minorities, yet 41 percent of students in special education are minorities.

SEC. 303. PROGRAM AUTHORIZED.

The Secretary is authorized to make grants in accordance with the provisions of this title to carry out programs and activities designed to—

(1) improve recruitment and training opportunities for ethnic minority members in education;

(2) increase the number of minority teachers in elementary and secondary schools.

SEC. 304. USE OF FUNDS.

Funds provided pursuant to this title may be used—

(1) by 1 or more local educational agencies in partnership with 1 or more institutions of higher education, to identify students, particularly from minority backgrounds, in middle and secondary schools interested in teaching, and to provide such students with activities and services which support and encourage the pursuit of teaching as a career such as—

(A) remedial programs;

(B) teaching mentors;

(C) motivational activities;

(D) peer and cross-age tutoring;

(E) teaching skill development;

(F) future teachers clubs;

(G) guidance in curriculum selection;

(H) career exploration;

(I) test-taking skills; and

(J) college entry preparation;

(2) by 2- and 4-year institutions of higher education with large concentrations of minority students, to—

(A) identify students in their first and second years of enrollment in an institution of higher education who indicate an interest

in entering the teaching profession, and provide such individuals with—

(i) scholarship funds to meet expenses;

(ii) remedial and tutoring programs;

(iii) counseling and support services;

(iv) teaching related activities;

(v) academic advice and guidance in course selection to prepare for teacher certification;

(vi) test taking skills; and

(vii) information and advice regarding eligibility for membership in the Teacher Corps program, and other assistive programs;

(B) establish preprofessional and other education courses;

(C) strengthen teacher training curriculum;

(D) recruit highly qualified minority students;

(E) establish or enhance early identification/articulation partnership programs with high schools and community colleges;

(F) establish or enhance student support programs; and

(G) establish or enhance test taking performance; and

(3) by 2- and 4-year institutions of higher education, consortia thereof, State educational agencies, or State higher education agencies, to—

(A) establish programs and activities which foster and facilitate the movement of students interested in pursuing teaching careers from 2-year institutions to 4-year institutions, focusing particular attention on facilitating the transfer of financial aid and academic credit;

(B) develop improved assessment mechanisms and practices to determine teacher competency or qualifications; and

(C) establish and enhance programs designed to help minority group professionals move from other careers into teaching.

(c) APPLICATION REQUIRED.—Each institution of higher education, State educational agency, State higher education agency, or local educational agency desiring a grant pursuant to this title, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) set forth the individuals to be served; and

(3) contain such assurances as the Secretary may reasonably require.

(d) STATE EDUCATIONAL AGENCY REVIEW.—Each application from a local educational agency for a grant under this title shall be forwarded to the appropriate State educational agency for review and comment if the State educational agency requests the opportunity for such review. The State educational agency must complete the review of the application and comment to the Secretary within 30 calendar days of receipt. Failure of the State educational agency to submit comments to the Secretary shall not prejudice the application.

SEC. 305. TEACHING PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Section 323(a) of the Higher Education Act of 1965 is amended by adding at the end thereof a new paragraph (7):

"(7) Establishing or enhancing a program of teacher education designed to qualify students to teach elementary or secondary education in public schools in the State, and, which includes as part of such program, preparation for teacher certification".

SEC. 306. SUMMER INSTITUTES FOR FUTURE TEACHERS.

(a) SUMMER INSTITUTES.—Subpart 4 of Part A of title IV of the Higher Education Act of 1965 is amended by adding the following new section 417G after section 417F:

"SEC. 417G. (a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to eligible recipients to establish and operate Summer Institutes for Future Teachers (hereinafter referred to as 'Institutes'). Such institutes shall be designed to encourage students to pursue teaching as a career and to provide students assistance in accomplishing this goal.

"(b) ELIGIBLE RECIPIENT.—As used in this section, the term 'eligible recipient' means an institution of higher education, a local educational agency, a State educational agency, a State higher educational agency, a public or private nonprofit agency or organization, or a professional association representing teachers, counselors or administrators.

"(c) USE OF FUNDS.—(1) Each eligible recipient receiving a grant under this section shall use such funds to establish and operate an institute which shall include—

"(A) a residential program of at least 6 weeks in duration during the summer months;

"(B) instruction in subjects necessary for success in higher education, such as writing, mathematics, science, and foreign languages;

"(C) projects in which students participate in compensated or uncompensated work experiences related to the teaching profession, such as working with youth groups, supervising recreational activities, and tutoring;

"(D) personal and career counseling;

"(E) academic advice and assistance in course selection;

"(F) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth; and

"(G) activities designed to assist students to secure admission to, financial assistance from, and enrollment in, postsecondary institutions with teacher education programs.

"(2) Each eligible recipient of a grant under this section may use such funds to provide information services such as lectures, seminars, and publications for staff and participants in other programs or projects within the state assisted under this section, and to provide support to future teachers clubs in programs or projects within the state funded under section 417B, 417C or 417E.

"(d) MAXIMUM STIPENDS.—Students participating in institutes funded under this section may be paid stipends not to exceed $60 per month during the months of June, July, and August, as well as transportation costs to and from the institute during the months of June, July, and August.

"(e) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) provide assurances that not less than two-thirds of the individuals participating in programs assisted under this title will be low-income individuals who are first generation college students;

"(2) provide assurances that the remaining one-third of the individuals participating in a program assisted under this title be underrepresented in the teaching profession;

"(3) provide assurances that individuals participating in programs assisted under this title be persons who have completed 6 years of elementary education, are at least 12 years of age, and are no more than 19 years of age; and

"(4) provide assurances that no individual will participate in the institute for more than two summers unless such individual participated in institute activities prior to completing the eighth grade, in which case such individual shall not participate for more than four summers.

"(f) APPROVAL.—The Secretary shall approve applications which comply with the provisions of this section.

"(g) SELECTION CRITERIA.—In making awards under this section, the Secretary shall—

"(1) ensure that no grant is awarded for less than $250,000;

"(2) ensure that not more than one institute is funded in each State, unless funds remain after all States having an application approved pursuant to subsection (f) have been awarded a grant;

"(3) consider the level of involvement of the State educational agency, local educational agencies, and professional associations representing teachers, counselors, and administrators in preparing the application and carrying out activities provided by the Institute; and

"(4) consider the applicant's plan for identifying and recruiting participants, including students participating in projects authorized under sections 417B, 417C, and 417E.".

(b) LIMITATION ON AUTHORIZATION.—Section 417A(c) of the Higher Education Act of 1965 is amended by—

(1) striking "For" and inserting "(1) For"; and

(2) inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall not use the funds appropriated for this subpart to carry out section 417G until the amount appropriated to carry out this subpart exceeds $228,000,000.

"(3) Not more than $9,000,000 of the funds appropriated to carry out this subpart may be used for the purposes of section 417G.

SEC. 307. TEACHING IN MAGNET SCHOOLS.

(a) USE OF FUNDS.—Section 3006 of the Elementary and Secondary Education Act of 1965 is amended by—

(1) redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) inserting the following new paragraph (2) after paragraph 1:

"(2) the inclusion in each program of a component designed to—

"(A) present teaching as career option for students,

"(B) expose students to teaching activities, and

"(C) interest students in teaching;";

(3) striking "with respect to clauses (2) and (3)," and insert in lieu thereof "with respect to clauses (3) and (4),"; and

(4) inserting "teaching," after "foreign languages"; and

(5) inserting before the period at the end thereof the following: ", and in each program, including a component for attracting secondary school students into teaching".

(b) APPLICATIONS AND REQUIREMENTS.—Section 3007 of the Elementary and Secondary Education Act of 1965 is amended by—

(1) redesignating paragraphs (8) and (9) as paragraphs (11) and (12) respectively; and

(2) inserting the following new paragraphs after paragraph (7):

"(8) to provide assurances that teaching in secondary schools will be presented as a career option to students seeking advice or counseling regarding postsecondary education or careers;

"(9) to provide assurances that each magnet school program offers a component on teaching that will provide opportunities for, and encouragement of, students to participate in teaching activities;

"(10) to provide assurances that magnet schools that focus on teaching—

"(A) will serve as a model for experimentation with new instructional methods or best practice methods of teaching; and

"(B) will provide programs in conjunction with teacher education programs to individuals at the secondary school level.".

SEC. 308. STUDY OF ALTERNATIVE WAYS TO INCREASE MINORITY PARTICIPATION IN THE TEACHING PROFESSION.

The Secretary shall conduct a study of alternative ways to increase minority participation in the teaching profession. Such study shall focus on barriers to entry into the profession for qualified minority group members, possible options for addressing the minority teacher barriers present, the alternative assessment mechanisms, and the possibilities for increasing the supply of minority teachers. The results of such study shall be reported to the appropriate committees of Congress not later than 2 years after the date of enactment of this Act.

TITLE IV—BILINGUAL TEACHER ENHANCEMENT ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Bilingual Teacher Enhancement Act of 1989".

SEC. 402. FINDINGS.

(a) The Congress finds that—

(1) in 1986, language minority students constituted at least 20 percent of the student population in the United States;

(2) between the years 1985 and 2000, the language minority population will increase at 2½ times the rate of the general student population;

(3) 50 percent of all public school teachers interact with limited English proficient students, but only 6 percent have taken a course involving second language instruction;

(4) 504,000 teachers (25 percent of all teachers) have students with limited English proficiency in their classes, but 345,000 of such teachers have had no training in bilingual or English-as-a-Second-Language teaching methodology;

(5) 56,000 teachers use native language instruction, but only 40 percent of those are fully trained to do so;

(6) 103,000 teachers use English-as-a-Second-Language teaching methodologies, but only 39 percent of such teachers have received training and only 11 percent are fully trained to do so;

(7) only 2,000 to 2,600 trained bilingual teachers graduate from institutions of higher education annually;

(8) limited English proficient students have significantly less access to computer technology than their English speaking peers; and

(9) the dropout rate among Hispanic students is 45 percent over 4 years, almost twice the national dropout rate for all students.

SEC. 403. PROGRAM AUTHORIZED.

(a) IN GENERAL.—Part C of title VII of the Elementary and Secondary Education Act of 1965 is amended by—

(1) renumbering sections 7042, 7043, 7044 and 7045 as sections 7043, 7044, 7045, and 7046 respectively; and

(2) inserting after section 7041 the following new section 7042:

"SEC. 7042. BILINGUAL TEACHER ENHANCEMENT.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants, in accordance with this section, to carry out activities designed to—

"(1) increase the number of teachers trained to teach limited English proficient students;

"(2) provide in-service training for teachers of limited English proficient students; and

"(3) train all teachers in techniques for educating language minority students.

"(b) USE OF FUNDS.—Funds provided pursuant to this section may be used—

"(1) by institutions of higher education with existing teacher education programs to—

"(A) enhance instruction in bilingual teacher training with activities which emphasize—

"(i) proficiency in English and a non-English language;

"(ii) knowledge of bilingual and second language instructional methodologies, including methodologies which integrate non-language subject matter instruction with second language instruction;

"(iii) familiarity with specific cultural backgrounds of non-English native population of specialization; and

"(iv) minority language student assessment techniques;

"(B) develop an integrated approach to bilingual and English-as-a-Second-Language training, including courses from the Departments of English, foreign language, and education;

"(C) integrate bilingual, multicultural, and English-as-a-Second-Language instruction into mainstream teacher education instruction;

"(D) integrate new educational research regarding effective teaching of language minority students into teacher training programs; and

"(E) increase the availability of computer technology to teachers of limited English proficient students in teacher training programs, and for instruction on the integration of computer technology into bilingual education;

"(2) by State educational agencies to establish programs to train mainstream teachers in techniques to teach language minority students; and

"(3) by local educational agencies—

"(A) for programs in conjunction with, professional development academies, if such academies exist in the local educational agency or with institutions of higher education, to operate in-service training programs for bilingual teachers which include summer sessions, follow-up sessions during the school year, classroom observation, and peer coaching;

"(B) to identify or recruit speakers of non-English languages who have been trained as teachers in their home country to participate in programs similar to programs described in subparagraph (A) but which add English language training, and an orientation to United States schools;

"(C) to team classroom teachers with teachers trained to teach limited English proficient students for the development and implementation of instructional programs;

"(D) to establish programs at the elementary and secondary school level which encourage language minority students to choose teaching as a career, including programs involving partnerships between secondary schools and post-secondary schools; and

"(E) to increase the availability of computer technology to limited English proficient students.

"(c) APPLICATIONS.—(1) Institutions of higher education, State educational agencies, or local educational agencies wishing to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

"(2) The Secretary shall solicit applications from institutions of higher education, State educational agencies, and local educational agencies.

"(3) Each such application shall include—

"(1) a description of the activities and services to be provided with funds provided pursuant to this section; and

"(2) a description of the individuals to be served with funds provided pursuant to this section.

"(d) COORDINATION.—Each recipient of a grant under this section shall coordinate programs funded under this section with other Federal, State and local programs which train teachers of limited English proficient students.

"(e) PROFESSIONAL DEVELOPMENT ACADEMY.—Each recipient of a grant under this title which also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of this Act shall either provide in-service training programs developed under this title through a professional development academy, or coordinate programs funded under this title with programs operated by such professional development academies.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 7002(b) of the Bilingual Education Act is amended by inserting the following new paragraph at the end thereof:

"(8) There are further authorized to be appropriated $34,500,000 for each of the fiscal years 1990, 1991, 1992, and 1993, to carry out the provisions of section 7042.".

TITLE V—EARLY CHILDHOOD DEVELOPMENT TEACHER ENHANCEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Early Childhood Development Teacher Enhancement Act of 1989".

SEC. 502. FINDINGS.

(a) The Congress finds that—

(1) the average tenure for prekindergarten or kindergarten teachers in the field is 6.4 years;

(2) 44 percent of prekindergarten and kindergarten teachers have been on the job less than 2 years;

(3) between 1986 and 1987, 18 percent of prekindergarten and kindergarten teachers left the field;

(4) before the year 2000, the demand for preschool teachers will increase 36 percent; and

(5) currently less than 25 percent of post-baccalaureate education programs offer programs in early childhood education or early childhood development.

SEC. 503. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants in accordance with provisions of this title to carry out activities and design programs to increase the

number of teachers trained to teach preschool age children in early childhood development and early childhood education programs.

(b) SPECIAL RULE.—Each eligible recipient receiving funds under this title shall include in their programs curriculum regarding young children with special needs.

(c) PROFESSIONAL DEVELOPMENT ACADEMY.—Each eligible recipient receiving a grant under this title which also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of this Act shall either provide in-service training programs developed under this title through a professional development academy, or coordinate programs funded under this title with programs operated by such professional development academies.

SEC. 504. ELIGIBLE RECIPIENT.

As used in this title, the term "eligible recipient" means an institution of higher education, a State educational agency, a local educational agency, or a private nonprofit organization.

SEC. 505. USE OF FUNDS.

(a) POST-BACCALAUREATE PROGRAMS.—Funds provided pursuant to this title may be used by an eligible recipient which has a post-baccalaureate program leading to a degree in early childhood development or early childhood education for activities and programs which will increase the availability of early childhood programs and the number of qualified early childhood educators. Such activities and programs shall include—

(1) forming a partnership with an institution of higher education which does not have a training program in early childhood education or development, in order to provide the faculty of such institution with the expertise necessary to develop early childhood development or early childhood education teacher training programs;

(2) recruiting minority applicants to participate in early childhood education or early childhood development programs;

(3) providing grants to individuals for the cost of attendance while such individuals are enrolled in a part-time or full-time post-baccalaureate early childhood education or early childhood development program; and

(4) forming a partnership with a State educational agency, State social services agency, local educational agency, local social services agency, or head start agency to provide training in early childhood education in order to provide the staff of such agencies with the expertise necessary to develop their own early childhood development or early childhood education teacher training programs.

(b) UNDERGRADUATE PROGRAMS.—Funds provided pursuant to this title may be used by an eligible recipient which—

(1) has a baccalaureate program leading to a degree in early childhood development or early childhood education,

(2) has a training program designed to upgrade or enhance the skills of early childhood development specialists and teachers to—

(A) upgrade, create, or expand a high quality program of training for individuals wishing to become teachers in the field of early childhood education or early childhood development; or

(B) upgrade, create, or expand a high quality program of in-service training for individuals employed as teachers in school-based or community-based early childhood development or early childhood education programs; or

(3) has a nationally recognized program of training in early childhood education or early childhood development to form a partnership with a State educational agency, State social services agency, local educational agency, local social services agency, or head start agency to provide training in early childhood education in order to provide the staff of such agencies with the expertise necessary to develop their own early childhood development or early childhood education teacher training programs.

(c) ASSOCIATE DEGREE AND CHILD DEVELOPMENT ASSOCIATE PROGRAMS.—Funds provided pursuant to this title may be used by an eligible recipient to create, expand, or upgrade a high quality program of training leading to an associate's degree in early childhood development or early childhood education, or to a child development associate credential.

SEC. 506. APPLICATION.

(a) APPLICATION REQUIRED.—Each eligible recipient desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) provide assurances of compliance with section 505;

(3) in the case of an application from a State educational agency, demonstrate coordination with other programs for early childhood education teacher training; and

(4) contain such other assurances as the Secretary may reasonably require.

SEC. 507. CHILD DEVELOPMENT ASSOCIATE.

(a) APPLICATIONS.—Section 603(b)(1)(C) of the Child Development Associate Scholarship Assistance Act of 1985 is amended by striking "and credentialing" and inserting "credentialling, and part of the costs of training".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 606 of the Child Development Associate Scholarship Assistance Act of 1985 is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated $4,000,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994 for carrying out this title.".

TITLE VI—TEACHERS OF CHILDREN WITH HANDICAPS ENHANCEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Teachers of Children with Handicaps Enhancement Act of 1989".

SEC. 602. FINDINGS.

(a) The Congress finds that—

(1) 67 percent of children with handicaps are in regular education classrooms;

(2) the Congress is committed to placing children with special needs in the least restrictive environment appropriate to the needs of the individual; and

(3) as children with special needs are mainstreamed, it is critical that teachers of such children in regular classrooms have an understanding of the special needs of such children.

SEC. 603. PROGRAM AUTHORIZED.

(a) The Secretary is authorized to make grants in accordance with this title to carry out activities and programs designed to increase the preparedness of mainstream classroom teachers for the participation of children with handicaps in such classrooms through preservice and in-service training programs.

(b) Grants provided pursuant to this title shall be awarded on a competitive basis.

(c) PROFESSIONAL DEVELOPMENT ACADEMY.—Each recipient of a grant under this title which also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of this Act shall either provide in-service training programs developed under this title through a professional development academy, or coordinate programs funded under this title with programs operated by such professional development academies.

SEC. 604. USE OF FUNDS.

Funds provided pursuant to this title may be used to make grants to institutions of higher education with teacher training programs, State educational agencies, or local educational agencies for the purpose of including in the preservice and in-service training programs of such institutions or agencies the preparation necessary for regular education teachers to teach children with handicaps.

SEC. 605. APPLICATION REQUIRED.

Each institution of higher education with teacher training programs, State educational agency or local educational agency desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall reasonably require.

TITLE VII—MATHEMATICS AND SCIENCE TEACHER ENHANCEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the "Mathematics and Science Teacher Enhancement Act of 1989".

SEC. 702. FINDINGS.

The Congress finds that—

(1) students in the United States are performing well below foreign students in international tests of mathematics and science;

(2) mastery of subjects in the mathematics and science fields are vital to the Nation's economic competitiveness;

(3) many students do not have either adequate or appropriate courses in math and science available to them;

(4) in 1986, nearly a third of the Nation's high school students were enrolled in a math or science course taught by a teacher not qualified to teach such a course;

(5) mathematics and science curriculum in elementary and secondary schools is currently undergoing substantial reform to enhance teaching effectiveness; and

(6) major investment in the in-service training of teachers will be necessary to implement math and science curricula reforms.

SEC. 703. DEFINITIONS.

(a) The term "Director" means the Director of the National Science Foundation.

(b) The term "Foundation" means the National Science Foundation.

SEC. 704. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Director is authorized to make grants in accordance with the provision of this title to State educational agencies, local educational agencies, institutions of higher education, or other private not-for-profit organizations with appropriate expertise, or consortia thereof, to—

(1) establish or upgrade teacher in-service training for elementary, middle and second-

ary school teachers in the areas of mathematics and science, which teach the substance and teaching skills associated with curricula reform in these areas; and

(2) engage in other projects which improve student learning of mathematics and science.

(b) AWARD BASIS.—The Director shall award grants under this title to applicants on the basis of the quality of the application submitted pursuant to section 707 and the degree to which the applicant will meet the needs of the school population to be served.

(c) SPECIAL CONSIDERATION.—In awarding grants under this title the Director shall give special consideration to applicants which will serve populations, including minority group members, which have been historically under-represented in the fields of mathematics and science.

(d) PROFESSIONAL DEVELOPMENT ACADEMY.—Each organization or agency receiving a grant under this title, which also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of this Act shall either provide in-service training programs developed under this title through a professional development academy, or coordinate programs funded under this title with programs operated by such professional development academies.

SEC. 705. USE OF FUNDS.

Funds provided pursuant to this title may be used to—

(1) develop and implement teacher training programs in the areas of mathematics and science, including elementary school teacher training, which reflect the major curricula reforms in such areas;

(2) pay the costs of release time for full-time teachers to participate in in-service training programs during the school day;

(3) provide in-service training for new and existing teachers through after-school, weekend, and summer programs;

(4) support programs in elementary and secondary schools, adult education programs, community organizations and institutions of higher education to—

(A) provide mathematics and science-related education and programs;

(B) develop materials and methods;

(C) conduct pilot and demonstration projects; and

(D) disseminate the products of the activities described in subparagraphs (A), (B) and (C);

(5) involve mathematics and science related organizations, agencies, and personnel, such as mathematicians, scientists, and mathematics and science students in the provision of mathematics and science-related activities such as—

(A) team teaching programs in which graduate students or professionals in the fields of mathematics and science co-teach classes with classroom teachers; and

(B) youth internships for outside-the-classroom experiences with science and mathematics;

(6) establish summer programs for high school students which teach mathematics and science and which include activities to interest students in the teaching of mathematics and science as a profession;

(7) establish weekend and after-school programs for elementary school students in the areas of mathematics and science; and

(8) establish programs to instruct parents of elementary school aged and pre-school aged children in activities involving mathematics and science which may be conducted at home.

SEC. 706. PROGRAM REQUIREMENTS.

(a) IN-SERVICE TRAINING.—Each organization or agency receiving a grant under this title shall include in teacher training programs assisted under this title in-service training for elementary school teachers.

(b) CULTURAL AND GENDER SENSITIVITY TRAINING.—Each organization or agency receiving a grant under this title shall include in each program assisted under this Act, cultural and gender sensitivity in the teaching of mathematics and science.

(c) STAR SCHOOLS PROGRAM.—Each organization or agency receiving a grant under this title, who also receives Federal financial assistance under the Star Schools Assistance program, shall make in-service training programs developed under this title available for dissemination through the Star Schools telecommunications network.

(d) DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION ACT.—Each organization or agency receiving a grant under this title shall coordinate programs developed under this title with activities and services funded by the Dwight D. Eisenhower Mathematics and Science Education Act.

(e) SHARING OF COSTS.—Each organization or agency receiving a grant under this title shall share the costs of programs established under this title in accordance with Foundation practice. The Director, at his discretion, may waive the requirement this subsection for any grantee unable to meet the requirements of this subsection.

(f) COORDINATION.—Each organization or entity receiving a grant under this title shall coordinate programs funded under this title with other mathematics and science teacher training programs in the State.

SEC. 707. APPLICATION REQUIRED.

Each organization or entity desiring a grant under this title shall submit an application to the Director, at such time and in such manner, and accompanied by such information as the Director may reasonably require. Such application shall contain a description of—

(1) existing in-service training programs;

(2) the in-service training program to be delivered through a grant under this title and a description of how such proposed program will be coordinated with existing programs; and

(3) how the applicant will meet the requirements of section 706.

SEC. 708. EVALUATION.

The Director shall conduct an independent evaluation of the effectiveness of curricular reforms in science and mathematics education and shall report the results of such evaluation to the appropriate committees of Congress within 4 years of the date of enactment of this Act.

SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

Section 101 of the National Science Foundation Authorization Act of 1988 is amended—

(1) in subsection (c) by striking "$2,388,000,000" and inserting "$2,424,500,000";

(2) in subsection (c)(2) by striking "$205,300,000" and inserting "$241,800,000";

(3) in subsection (d) by striking "$2,782,000,000" and inserting "$2,818,500,000";

(4) in subsection (d)(2) by striking "$240,200,000" and inserting "$276,700,000";

(5) in subsection (e) by striking "$3,245,000,000" and inserting "$3,281,500,000";

(6) in subsection (e)(2) by striking "$281,000,000" and inserting "$317,500,000";

(7) in subsection (f) by striking "$3,505,000,000" and inserting "$3,541,500,000";

(8) in subsection (f)(2) by striking "$308,000,000" and inserting "$344,500,000".

TITLE VIII—SCHOOL BASED MANAGEMENT/SHARED DECISIONMAKING INCENTIVE

SEC. 801. SHORT TITLE.

This title may be cited as the "School Based Management/Shared Decisionmaking Incentive Act".

SEC. 802. FINDINGS.

The Congress finds that—

(1) schools may be more effective when individuals who are held responsible for the outcomes of decisions are also responsible for making such decisions;

(2) the needs of students vary from one school building to the next and faculty and administrators of a school need sufficient flexibility to use resources in the way that will best meet students' needs;

(3) school based management/shared decisionmaking provides flexibility for teachers and school based administrators to create a school environment which meets the specific needs of students attending such school; and

(4) school based management/shared decisionmaking provides an opportunity for parents and the community to play a larger role in the operation of a school.

SEC. 803. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Fund for the Improvement and Reform of Schools and Teaching Act is amended by—

(1) redesignating subparts 3 and 4 as subparts 4 and 5, respectively;

(2) redesignating sections 3231, 3232 and 3233 as sections 3241, 3242, and 3243, respectively;

(3) redesignating sections 3241, 3242 and 3243 as sections 3251, 3252 and 3253, respectively; and

(4) inserting the following new subpart after subpart 2:

"Subpart 3—School Based Management/Shared Decisionmaking

"SEC. 3231. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to local educational agencies whose applications are approved under this subpart, to provide incentives to test school based management/shared decisionmaking programs at school sites within the local educational agency, and to evaluate and disseminate results of such evaluation.

"(b) PROFESSIONAL DEVELOPMENT ACADEMY.—Each recipient of a grant under this subpart, who also receives Federal financial assistance under the Professional Development Academy Establishment Act established pursuant to title II of the Teacher Recruitment, Training and Professionalism Act of 1989 shall either provide in-service training programs developed under this subpart through a professional development academy, or coordinate programs funded under this subpart with programs operated by such professional development academies.

"SEC. 3232. SCHOOL BASED MANAGEMENT/SHARED DECISIONMAKING.

"(a) IN GENERAL.—As used in this subpart the term "school based management/shared decisionmaking" means a process by which a team of individuals is formed at a school site to make decisions regarding the man-

agement of the school. Such a team may include—

"(1) teachers, including representatives of professional teachers associations or organizations, where applicable;

"(2) the school principal;

"(3) school administrators;

"(4) parents;

"(5) community representatives;

"(6) school employees; and

"(7) students.

"(b) RESPONSIBILITIES.—(1) The school based management/shared decisionmaking team is responsible for decisions, determined by the team, which affect the school and classroom environment. Such decisions may include decisions such as—

"(A) curriculum and instruction priorities which meet priorities and goals of the local educational agency, including materials and activities, organization, evaluation and assessment, while taking into account the special needs of students;

"(B) student grouping, promotion, and tracking;

"(C) school rules and discipline policies;

"(D) the scheduling, and structure of the school day;

"(E) the school environment;

"(F) the physical structure of school facilities;

"(G) the administrative structure of the school;

"(H) the use of funds available to the school;

"(I) establishing standards for the hiring and evaluation of teachers and administrators;

"(J) professional development programs which will meet faculty needs; and

"(K) relationships with parents and community.

"(2) The school superintendent and school board of each local educational agency receiving assistance under this title shall encourage school individuality while also ensuring sufficient coordination and linkages to allow student mobility.

"SEC. 3233. USES OF FUNDS.

"Funds provided pursuant to the provisions of this subpart may be used to—

"(1) establish training programs for teachers, principals, administrators, superintendents, school board members and members of the school based management/shared decisionmaking team regarding the implementation of school based management/shared decisionmaking, including—

"(A) use of decisionmaking skills, concensus building, creative problem solving, and group dynamics;

"(B) ways to establish a school mission which responds to the needs of students attending the school;

"(C) use of staff resources to implement school based management/shared decisionmaking; and

"(D) use of nonprofessional staff, including paraprofessionals, volunteers, peer tutors, and instructional technologies, so that an individual teachers' time can be used most productively; and

"(2) evaluate the effectiveness of school based management/shared decisionmaking in improving student performance, and teacher recruitment and retention.

"SEC. 3234. APPLICATION.

"(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this subpart shall submit an application to the Secretary, at such time and in such manner, and containing such additional information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—The Secretary shall only approve applications which meet the requirements of this subpart and contain—

"(1) a description of the school based management/shared decisionmaking program to be tested with funds provided under this subpart;

"(2) if available, a list of schools chosen to participate in school based management/shared decisionmaking, and a description of the school based management/shared decisionmaking teams established or to be established;

"(3) a description of the training programs to be established or expanded with funds provided under this subpart; and

"(4) assurances that the administrative and teaching staff of the local educational agency has participated in the development of the application.

"(c) PRIORITY.—In approving applications under this title, the Secretary shall give priority to applications which seek to implement school based management/shared decisionmaking programs on a local educational agencywide basis within 5 years of application.

"SEC. 3235. EVALUATIONS.

"(a) RECIPIENT INFORMATION.—(1) Each recipient of a grant under this subpart shall annually submit to the Secretary such information regarding the program as the Secretary may require. Such information shall include a description of—

"(A) how support was achieved for the program;

"(B) what decisions were transferred to the school based management/shared decisionmaking teams;

"(C) any resulting changes in teacher attitude and staff turnover; and

"(D) any resulting changes in student performance.

"(b) EVALUATION BY THE SECRETARY.—The Secretary shall—

"(1) within 1 year of the date of enactment of this subpart, compile and analyze the information received pursuant to subsection (a) and submit such analysis to the appropriate committees of the Congress; and

"(2) within 2 years of the date of enactment of this subpart, conduct an evaluation of school based management/shared decisionmaking programs funded under this subpart as well as other school based management/shared decisionmaking programs to determine the effectiveness of such programs in improving school performance.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3252 of the Fund for the Improvement and Reform of Schools and Teaching Act (as redesignated in subsection (a)(3)) is amended—

(1) in subsection (a) by striking "$30,000,000" and inserting "$35,100,000"; and

(2) in subsection (b) by inserting at the end thereof the following new paragraph (3):

"(3) The Secretary may reserve not more than $5,100,000 from funds appropriated for activities authorized in subpart 3.".

TITLE IX—TEACHER RECOGNITION

SEC. 901. SHORT TITLE.

This title may be cited as the "Teacher of the Year Recognition Act".

SEC. 902. STATEMENT OF PURPOSE.

It is the purpose of this title to provide special and extensive nationwide recognition and honor to elementary and secondary school teachers selected each year as the State teachers of the year and to provide additional recognition for the national teacher of the year.

SEC. 903. FINDINGS.

The Congress finds that—

(1) the quality of America's schools depends primarily on the men and women who teach in such schools;

(2) in order to attract academically talented young Americans into teaching, Americans must raise the status of teaching as a profession;

(3) in order to keep the best teachers in the classrooms, Americans must raise the status of teaching as a profession;

(4) at present, America's best school teachers receive too little recognition;

(5) Americans can raise the status of all teachers by recognizing and honoring those who are truly outstanding; and

(6) the time has come to reaffirm the centrality of teaching, to honor outstanding teachers, and give such teachers the nationwide recognition they deserve.

SEC. 904. DEFINITIONS.

As used in this title—

(1) The term "Secretary" means the Secretary of Education.

(2) The term "State teacher of the year" means an individual designated as teacher of the year in each of the several States by the Council of Chief State School Officers.

(3) The term "national teacher of the year" means the individual chosen as national teacher of the year by the Council of Chief State School Officers.

(4) The term "President" means the President of the United States.

SEC. 905. PROGRAM AUTHORIZED.

The Secretary is authorized and directed, in accordance with the provisions of this title, and in consultation with the relevant Committees of Congress, to design and implement a recognition program for teachers designated by the Council of Chief State Schools Officers as teachers of the year and the national teacher of the year.

SEC. 906. PROGRAM REQUIREMENTS.

(a) LOCATION.—The ceremonies and briefings held pursuant to the recognition program authorized by this title shall take place in Washington, DC, and shall include at least one major event sponsored by the Congress.

(b) CEREMONIES AND BRIEFINGS.—The recognition program shall consist of ceremonies to honor the teachers and their accomplishments, and informational briefings on issues of interest to teachers.

(c) CONSULTATION REQUIRED.—The Secretary shall consult with educational organizations in designing the recognition program authorized by this title.

(d) EXPENSES.—(1) The Secretary shall to pay the costs of travel, room and board, and expenses of the teachers participating in the program.

(2) Notwithstanding any other provision of law, the Secretary is authorized to accept gifts of money and contributions of goods and services to help defray the costs of this title.

SEC. 907. MEDAL AUTHORIZED.

(a) IN GENERAL.—The Secretary shall designate and procure a medal to honor the State teachers of the year and the national teacher of the year.

(b) PRESENTATION.—Such medals shall be presented to the teachers participating in the recognition program by the President or his designee.

SEC. 908. STATE AND LOCAL PROGRAMS.

The Secretary is authorized to work with State and local governments, State and local educational agencies, and other organizations to encourage the development of State and local recognition programs to honor outstanding teachers and other educators.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 22, 1989.

Hon. EDWARD M. KENNEDY,
Hart Building, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The National Education Association, representing nearly 2 million education professionals and support personnel nationwide, is proud to endorse your Excellence in Teaching Act of 1989. This insightful piece of legislation represents a significant step toward revitalizing our public education system by upgrading the teaching profession and addressing the pressing national problem of teacher shortages.

We commend you for your leadership in this key area of national policy and pledge our active support for the enactment of this important legislation.

Sincerely,

KENNETH F. MELLEY,
Director of Government Relations.

AFT ANNOUNCES SUPPORT FOR LEGISLATION DESIGNED TO SUPPORT TEACHER EDUCATION AND RECRUITMENT

WASHINGTON, DC.—Albert Shanker, president of the 710,000-member American Federation of Teachers (AFT), today announced his union's support of two bills designed to support teacher education and recruitment. The Excellence in Teaching Act, introduced by Senator Edward M. Kennedy (D-MA), and the National Teacher Act of 1989, introduced by Senator Claiborne Pell (D-RI), were introduced today in the Senate.

"Our country will need approximately 2.2 million teachers if it is going to meet the impending teacher shortage," Shanker explained. "We are facing a national crisis, and if the Federal government, particularly our elected officials, are seriously committed to strengthening our education system, they should support these bills."

Shanker explained the bills introduced by Senators Kennedy and Pell will place resources behind efforts to increase the number of minority teachers, including loan forgiveness, scholarships and aggressive recruitment. "If we are going to get the caliber of teachers we need—particularly minorities—we need to make a concerted effort. The time for rhetoric has past."

Shanker added these efforts should be supplemented by others, such as developing an incentive system for schools that will help encourage education reform at the local level. "Both of these bills recognize the need for change. They recognize that the same old thing isn't good enough anymore and place programs within the context of the broader movement for education reform. The AFT will do everything it can to see that the bills are enacted by this Congress."

THE NATIONAL PTA,
OFFICE OF GOVERNMENTAL RELATIONS,
Washington, DC, September 15, 1989.

Hon. EDWARD M. KENNEDY,
Chair, U.S. Senate Labor and Resources Committee, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National PTA, comprised of over 6.6 million parents, teachers and other child advocates, applauds the introduction of the "Excellence in Teaching Act." A major factor in school improvement is the nation's ability to attract, recruit and employ caring, competent and skilled teachers. Without these components, the educational reforms required for school improvement will quickly atrophy. The National PTA is especially concerned about the decrease in the number of minorities who are entering college. In addition, those who are entering college are not choosing teaching as a career. In order to reverse this trend, the National PTA is especially supportive of Title II, the Professional Development Academic provisions designed to establish a comprehensive professional development strategy including parenting education; Title IV, Bilingual Teacher enhancement designed to increase the number of teachers with knowledge of bilingual/ESL teaching techniques; Title V, Early Childhood Development Teacher Enhancement designed to increase the number of early childhood education teachers; and Title VI, Education of the Handicapped Teacher Enhancement designed to prepare regular classroom teachers to work with mainstreamed children.

Title VII, the Mathematical Sciences Teacher Enhancement provision is long overdue. The National PTA is concerned about the quality of science and mathematics teaching in addition to the underrepresentation of women and minorities who are not counseled math and science careers. In cooperation with the Carnegie Foundation and the Mathematical Sciences Education Board, the National PTA has distributed 30,000 multi-dimensional programs for parents called "Math Matters." This is to enhance home-school coordination of math activities, to encourage children at a young age to understand the importance of math and to pursue math courses during the school years.

The National PTA is prepared to work with you as Congress begins to schedule hearings and mark-up the bill. We are especially grateful for the efforts of two of your staff people, Amanda Broun and Shirley Sagawa in allowing our input during the development of the bill.

Sincerely,

ARLENE ZIELKE,
Vice President for Legislative Activity.

COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
Washington, DC, September 18, 1989.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Council of Chief State School Officers (CCSSO), I commend you for development and introduction of the Excellence in Teaching Act of 1989. The Council is pleased to support the bill with its combination of important provisions to strengthen recruitment and preparation for teaching.

The Federal government must assist directly with entry of highly qualified personnel to the teaching profession and continuing training of current staff. We support strongly the purposes of Titles I and II, the Teacher and Senior Corps, and the Professional Development Academies. These titles provide scholarships and incentives for employment which can attract high caliber candidates and professionals to service in places of most need.

The Council places a high priority on increasing the number of minority teachers. We commend the specific provisions within the Act aimed at increasing the number of minority teachers and teachers trained in bilingual education.

The Council commends also the provision for incentives to increase the number of teachers of early childhood education. CCSSO has committed to ensuring the universal of quality early childhood education for all three and four year old children. Title V is a step toward filling the need.

America's education renewal depends on major Federal action to recruit, prepare and retrain our professional teaching staff. We support the Excellence in Teaching Act of 1989 as part of such Federal Action.

Sincerely,

GORDON M. AMBACH.

HARVARD UNIVERSITY,
GRADUATE SCHOOL OF EDUCATION,
Cambridge, MA, September 25, 1989.

Senator EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Human Resources, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to let you know how pleased I am with the bill that you plan to introduce, "The Excellence in Teaching Act." The thrust of the bill is in exactly the right direction. It will provide important benefits for the children of this country by enhancing the recruitment and retention of able teachers. Let me know if I can be of help to you as the bill makes its way through Congress and, I hope, to passage.

My congratulations to you and your staff, who I am sure have worked long and hard on this important legislation already.

With best wishes,

Sincerely,

PATRICIA ALBJERG GRAHAM,
Dean.

THE STATE EDUCATION DEPARTMENT,
THE UNIVERSITY OF THE STATE OF NEW YORK,
Albany, NY, September 15, 1989.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Chairman, Labor and Human Resources Committee, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I write in support of your bill soon to be introduced in the Senate, the Excellence in Teaching Act. The New York State Board of Regents have advocated the re-creation of the National Teachers Corps, which until 1982 was authorized under the Higher Education Act. We believe the next decade will require a renewed commitment on the part of the Federal government to attracting dedicated, motivated individuals into the teaching profession, especially in the urban and rural areas where teacher shortages will continue to be prevalent.

In New York State, it is projected that 89,000 vacant teaching positions will need to be filled between 1988 and 1992 and that 26,000 of this number are expected to be filled by new, first-time teachers. Approximately 13,300 of these new teachers will be needed in New York City, the state's largest urban area. Your proposal for Teacher

Corps and Senior Teacher programs, giving special emphasis to students who wish to teach in areas experiencing shortages, will help us to meet this need. The Minority Teacher Retirement program in your bill will be particularly important in New York City, where minority teachers make up only 27 percent of the teaching force, compared with a student population that is 79 percent minority.

I commend the comprehensive nature of your bill, focusing attention on other needs in the teaching field that must be addressed, such as bilingual, early childhood, and math and science teaching. I believe the administrative structure of the bill, allowing state education agencies to play a prominent role in most programs, is appropriate. State education agencies are generally in the most favorable position to have a broad understanding of the needs of the entire state in the area of teacher training and recruitment.

I look forward to working with you to ensure passage of this measure, and to securing the necessary funding to implement all programs contained in the Act. Please call upon me for assistance.

Sincerely,

THOMAS SOBOL.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, September 18, 1989.

Hon. EDWARD KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KENNEDY: We are writing to you to express our support for the goals in the "Excellence in Teaching Act", to be introduced this month and to thank you for seeking our input.

As the highest education policymakers for states, state boards of education are in business to improve teaching and learning in public schools so any valid effort to help us achieve these goals is commendable. The members of the National Association of State Boards of Education believe that state boards need to create conditions to attract, motivate and retain high caliber teachers in our public schools. As this task grows more difficult and complex, we welcome a federal role in these efforts.

We support federal efforts that acknowledge the importance, the professionalism and the critical services teachers bring to the field of education. Many areas addressed in your legislation, such as minority recruitment, the professional development of established teachers and the enhanced training of teachers in specialized fields such as early childhood development, bilingual education and handicapped education are of critical importance to our states.

Thank you for your work in this important area. We look forward to continuing to work with you on this significant piece of legislation.

Sincerely,

BRENDA LILIENTHAL WELBURN,
Deputy Director.

THE COUNCIL OF THE
GREAT CITY SCHOOLS,
Washington, DC, September 18, 1989.

Hon. EDWARD KENNEDY,
Chair, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Council of the Great City Schools, a coalition of the nation's largest urban public school systems, I am writing to express our enthusiastic suport for the "Excellence in Teaching Act" scheduled for introduction this week. Your leadership in improving and expanding our nation's teaching profession is greatly appreciated by our organization.

This new bill will provide many of the key components in a much needed federal strategy to improve our schools by enhancing teaching and teachers. It focuses on the recruitment, training, retraining and professionalization of teachers at a time when our educational system may be facing an unprecedented shortage.

We are particularly pleased with the bill's provisions that give an extra nod to our inner-cities, areas experiencing 2.5 times the projected teacher shortages of other locales. Incentives under the new Teacher Corps to teach in inner-city schools will help enormously in closing that gap. Your focus on minority teacher recruitment, bilingual, and early childhood teaching also holds enormous promise for our schools.

The Council is also excited that this bill evolved from our testimony presented before your Committee in January and a subsequent visit you made to the Dade County Public Schools to see their innovative teaching and school-based management efforts.

We are pleased to support this bill and will be happy to work for its passage. Please call on us should you need assistance in this or other educational areas. Thank you again for your leadership and support for our urban schools.

Sincerely,

MICHAEL CASSERLY,
Associate Director.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, September 20, 1989.

Re Support for the Teacher Recruitment, Training and Professionalism Act.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The National School Boards Association (NSBA), on behalf of the 97,000 local school board members across the country, welcomes the introduction of your bill, the Teacher Recruitment, Training, and Professionalism Act of 1989.

Local school board members are convinced that the key to improving the performance of students is the availability of top quality teachers for the public schools. Yet, at the very time when local school boards are struggling to raise academic standards and to serve adequately growing enrollments of children with serious barriers to learning, they are facing significant shortages of teachers in such key areas as mathematics and science, special education, and bilingual education. Moreover, in many schools with large miority enrollments, particulary in urban areas, they are experiencing an alarming scarcity of minority teachers.

Your multifacted bill attacks these problems through a laudable combination of scholarships, expanded oportunities for professional development, and incentives to teach in urban areas and in high priority subject areas. The inclusion of school board members in training opportunities under the incentive program for school-based management and shared decision-making is also commendable.

NSBA looks forward to continuing to work with you to refine the bill as it moves through the legislative process. Thank you for your dedication to the needs of public school children.

Very truly yours,

JAMES R. OGLESBY,
President.
THOMAS A. SHANNON,
Executive Director.

NATIONAL ASSOCIATION FOR
BILINGUAL EDUCATION,
Washington, DC, September 18, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the members and Executive Board of the National Association for Bilingual Education, I congratulate you and your staff for developing the "Excellence in Teaching Act," and pledge NABE's active support for this vital legislation. More than any other piece of education legislation in recent years, this bill focuses on the basic ingredient of quality education—quality teaching.

Research confirms reason: teachers hold the key to school improvement, and only by upgrading the quality of instruction will we succeed in raising student academic performance.

Each of the eight titles of the "Excellence in Teaching Act" addresses well-known problems in teacher recruitment and teacher preparation. Together they get out a comprehensive, thoughtful and integrated program to expand our teaching force and upgrade the quality of instruction in our Nation's schools.

The "Excellence in Teaching Act" addresses the demographic changes affecting our schools. The dynamic growth of our minority and immigrant student populations underscores the necessity of expanding recruitment and training programs for minority and immigrant teachers. The programs authorized in the bill, operating from high school through graduate school, will help overcome the worsening shortage of minority teachers and role-models for our children.

The "Excellence in Teaching Act" also addresses the technological and economic challenges confronting the Nation. The bill's emphasis on language development, clearly set forth in the title on "Bilingual Teacher Enhancement" helps erase the existing arbitrary and dysfunctional divisions between English instruction, foreign language development, and bilingual education. In so doing, the legislation promises to improve the communication skills of American students and their cognitive development. The legislation's emphasis on science and math teaching similarly responds to the current and future needs of our students and our society.

The programs authorized by the bill, including the Teacher Crops, Senior Teacher Corps, and Professional Development Academies, are structurally sound and coherent. And while we would like to see higher authorization levels for all the bill's titles, political realism suggests that the current authorization levels are well-chosen.

Through our 35 State affiliates and combined membership of nearly 10,000 parents, educators, and school administrators, we will vigorously promote the "Excellence in Teaching Act." We look forward to its early

passage, and stand ready to assist you and the bill's co-sponsors in any way possible.

Sincerely,

JAMES J. LYONS,
Executive Director and Legislative & Policy Counsel.

[From the National Association for the Education of Young Children, Washington, DC, Sept. 26, 1989]

EXCELLENCE IN TEACHING ACT HAILED BY EARLY CHILDHOOD EDUCATORS

The National Association for the Education of Young Children, the nation's largest professional association of early childhood educators with more than 70,000 members, has announced its strong endorsement of the Excellence in Teaching Act, introduced by Senator Edward Kennedy today.

According to Ellen Galinsky, NAEYC president, "Research and practical experience have clearly documented that the most critical ingredient for quality in early childhood programs is assuring that there are sufficient numbers of well-trained staff with knowledge of child development and early education. Highly trained staff are the most likely to provide young children with the loving care and attention they need, while providing a stimulating learning environment."

"As more and more young children spend significant portions of their day outside the home—given labor force participation rates of mothers of preschool children that exceed 50% and are expected to continue to grow—the public responsibility for assuring that early childhood programs offer a high quality experience that promotes sound development and learning has also increased. This legislation stresses the importance of the early years by providing incentives for teaching preschool children. Our entire educational system will benefit by this bill's emphasis on recruiting qualified individuals into the teaching profession and increasing the professionalism and retention of teachers at all educational levels," Galinsky noted.

The bill includes a special focus on early childhood development and education, authorizing $17 million in FY 90 to increase the number of qualified early childhood education/child development teachers. Funded activities would include providing financial assistance for students to earn credentials and degrees, recruiting minority teachers, supporting the development of new training programs at the graduate and undergraduate levels, and supporting the expansion or upgrading of existing training programs. Funds would be used to provide both pre-service and in-service professional development opportunities.

The bill also amends the existing Child Development Associate scholarship program to allow scholarships to be used to pay part of the costs of training as well as credentialing and increases the yearly authorization from $1 million to $4 million. This scholarship program has assisted a number of practitioners in child care programs, federally funded Head Start programs, and other preschool programs to obtain the nationally recognized Child Development Associate (CDA) Credential. The increased authorization will significantly increase the accessibility of the credential and improve the educational qualifications of those working with young children.

[Note.—The National Association for the Education of Young Children, founded in 1926, seeks to improve the quality of care and education for children birth through age 8, the critical years of development.]

THE COUNCIL FOR EXCEPTIONAL CHILDREN,
Reston, VA, September 15, 1989.

Senator EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the members of The Council for Exceptional Children I wish to extend our support for the Excellence in Teaching Act of 1989 and our commendation for your work in developing and introducing this most important piece of legislation.

Recently in testimony before the Senate Subcommittee on the Handicapped, CEC and other national organizations expressed our deep concern about the present and projected shortages of qualified special education and related services professionals. We are extremely worried that federal mandates to educate children and youth with handicaps may become a hollow promise unless we can recruit, prepare and retain needed personnel. The Act you are about to introduce will be an important part of the tapestry of federal initiatives that hopefully will help address this critical problem. Further, we applaud the provision in the Excellence in Teaching Act that would provide assistance to improve the knowledge and skills of regular educators about the needs of children and youth with handicaps.

We look forward to working with you and the Committee as you consider this important legislation.

Sincerely,

FREDERICK J. WEINTRAUB,
Assistant Executive Director, Department of Governmental Relations.

NATIONAL ALLIANCE OF PUPIL SERVICES ORGANIZATIONS,
Bethesda, MD, September 15, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Labor and Human Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Alliance of Pupil Services Organizations, representing over 300,000 professionals in education is proud to convey its support of the Excellence in Teaching Act. The Act is comprehensive in scope, long range in its intended impact and effectively designed to deal with the significant shortage of educational professionals needed to teach our nation's children.

Sincerely,

KEVIN P. DWYER,
NCSP Co-Chair.

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS,
Washington, DC, September 15, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Who will teach our children? Who will teach our children science and math? Who will deal with the complex educational needs of our diverse population of children, with their multiple languages and ethnicity? If trends among our college-bound youth continue, the answer to these questions will be, "No one will teach our children."

The threat to public education of not having qualified teachers is approaching a crisis level. Piece-meal solutions and rhetoric will not solve this problem. The problem must be attacked comprehensively, as it is by the Excellence in Education Act.

The National Association of School Psychologists is pleased that the United States Senate is considering this significant legislative proposal to support bright and energetic people in the profession of teaching. This Act has so many sound components that members of our Association feel will enable it to become a landmark law—a law guaranteeing the continuation of free public education for all our nation's children.

The National Association of School Psychologists strongly supports this legislative proposal and urges its passage by the United States Senate.

Sincerely,

HOWARD M. KNOFF,
President.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
Washington, DC, September 19, 1989.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the American Association of State Colleges and Universities (AASCU), I am writing to give our support to the "Excellence in Teaching Act."

I want to commend you, Senator, for getting the federal government back into teacher education. Your bill will do much to revitalize teaching and teacher education. It contains elements that the education community will welcome, such as incentives to recruit minority students into teaching, students into teaching in underserved areas, and teachers into critical areas of math and science.

The re-establishment of the Teachers Corps will help professionalize teaching for current teachers as well as for future teachers. Your bill will assist in alleviating the teacher shortage by attracting new teachers into the field, for it supplements what many states and institutions of higher education are doing.

The member institutions of the American Association of State Colleges and Universities are committed to the improvement of teacher education with the recognition that the preparation of teachers able and willing to educate students for the demands of the 1990s and the 21st century is one of our top national priorities. Your bill will aid that commitment.

We hope for a warm acceptance of your initiative by members of your committee and the full Senate.

Sincerely,

ALLAN W. OSTAR,
President.

NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES,
Washington, DC, September 19, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the National Association of Independent Colleges and Universities, representing more than 800 independent institutions of higher education across the country, I would like to express support for the Excellence in Teaching Act that you are about to introduce.

The nation's independent colleges and universities are committed to recognizing the important work of the nation's teachers and to encouraging more individuals to enter the teaching profession. We applaud your leadership in proposing legislation that

would provide such recognition and encouragement, with particular emphasis on minority teachers.

We stand ready to assist you in any way we can to ensure passage of this important legislation.

Sincerely,

RICHARD F. ROSSER,
President.

ACCT-AACJC,
JOINT COMMISSION ON
FEDERAL RELATIONS,
Washington, DC, September 18, 1989.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The Excellence in Teaching Act that you are about to introduce could strengthen minority teacher recruitment and teacher development on every level of the profession. The bill deserves the Congress' earliest consideration.

The bill's recognition of community colleges as a primary source of talent is very much in tune with the sweeping demographic changes that will shape both the general workforce and teaching profession of tomorrow. Since more than half the Americans going to college now start in community colleges, we look forward to working with you to expand and strengthen this aspect of the bill. (You might be interested to know, for example, that 65 percent of the classroom teachers in Florida started their college work in community colleges.)

Consider this letter our request to offer testimony at your first hearing on the bill.

Sincerely,

FRANK MENSEL,
Vice President for Federal Relations, AACJC; Director of Federal Relations, ACCT.

NATIONAL COUNCIL
OF EDUCATIONAL
OPPORTUNITY ASSOCIATIONS,
Washington, DC, September 15, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC

DEAR SENATOR KENNEDY: On behalf of the National Council of Educational Opportunity Associations (NCEOA), I am pleased to support the Excellence In Teaching Act which you are introducing in the Senate. You are to be congratulated for your efforts to develop this critical legislation.

The Council fully supports this bill, particularly its provision of Summer Institutes for Future Teachers. The NCEOA represents institutions of higher education, administrators, counselors and teachers who are committed to advancing equal educational opportunity in America's colleges and universities. NCEOA's principal concern is sustaining and improving educational opportunity program services. The majority of educational opportunity programs are the federally funded TRIO projects which currently operate in over 800 postsecondary institutions and more than sixty community agencies.

The Summer Institutes for Future Teachers would complement and enrich the six existing TRIO Programs. Like the other TRIO Programs, the Institutes would provide academic instruction, counseling, tutoring, encouragement and support. The Institutes would provide assistance with applications for admission to, financial assistance from, and enrollment in institutions with teacher education programs. The Institutes would also provide activities designed to acquaint students with teaching as a profession through their service as tutors assisting other students. While providing needed assistance to students, this program will also address the critical shortage in the number of qualified teachers from minority and other underrepresented groups by encouraging these students to consider careers as teachers.

Most of the recent reports on the condition of schooling in the United States have pointed out the importance of teachers in the reform of American education. The restructuring and professionalization of teaching, coupled with the decline prestige and public confidence in teaching has made teaching less attractive, particularly to minorities. As a result, while demographers are predicting that one of every three Americans will be nonwhite by the year 2000, the number of minority students choosing education as a profession has declined significantly in recent years.

In the fall of 1986, minority students were 29.6% of public elementary and secondary enrollment. In 1985-86, only 10.4% of the teaching force was minority. Black students constituted 16.1% of enrollment in 1986, while Black teachers made up only 6.9% of the teaching force (down from 8.0% a decade earlier).

The Summer Institutes for Future Teachers is a critically needed response to the shortage of teachers from under-represented groups. The NCEOA endorses this approach and pledges our support of the entire Excellence In Teaching Act.

Sincerely,

ARNOLD L. MITCHEM,
Executive Director.

MEXICAN AMERICAN
LEGAL DEFENSE AND EDUCATIONAL FUND,
Washington, DC, September 21, 1989.

Re: The Excellence in Teaching Act.

Hon. EDWARD M. KENNEDY,
Chairman, Labor and Human Resources Committee, U.S. Senate, Washington, DC.

Dear Senator KENNEDY: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), I write in support of the Excellence in Teaching Act soon to be introduced. As you know, MALDEF has long championed the cause of equal educational opportunity at all levels of the American educational system. Through our court cases, past and present, we challenge the barriers that continue to make education, especially higher education, an unattainable goal. Yet, even as we approach the 21st century the barriers remain. The resources devoted to education continue to fall behind the needs of a growingly diverse ethnic and language minority student population.

Ironically, even as our population is growing, the number of Hispanic and other minority teachers in our schools is declining. Between 1979 and 1982, eleven of the seventeen states with the largest minority school age populations experienced declines in the minority teacher population (U.S. Dept. of Education). Furthermore, the 1987 Status Report on Minorities in Education estimates that Hispanics comprise only 2.5% of the teaching population. Consequently, MALDEF is particularly interested in the "Minority Teacher Recruitment" and "Bilingual Teacher Enhancement" portions of the Act. We applaud this effort which not only encourages and promotes greater opportunities for Hispanics to become involved in teaching, but recognizes the importance of providing a foundation for greater knowledge and sensitivity to language and cultural issues by all teachers in the classroom environment.

MINORITY TEACHER RECRUITMENT

Minority students benefit greatly by exposure to minority role models in the classroom. Unfortunately, the increased demand for teacher testing has had the dramatic and disproportionate effect of screening out a high number of Hispanic and other minority candidates from the field of education. Consequently, we urge that strong measures be incorporated in the Excellence in Teaching Act to offset the negative consequences of standardized tests. Such studies or measures to improve assessment should be geared to developing valid alternatives to standardized testing. At minimum, if testing must be used, test scores should be considered as one factor in a range of factors (e.g. experience, recommendations, academic record) which may be used to assess the whole person and his or her ability to succeed in the classroom. Furthermore, the evaluation of the competence of the teacher should include a measure of the ability to teach children of minority backgrounds.

BILINGUAL TEACHER ENHANCEMENT

The dearth of qualified bilingual and English-as-a-Second-Language teachers in the United States has reached crisis proportions. Although approximately half of all public school teachers interact with limited English proficient students, as little as six percent have any knowledge of second language instruction. The allocation of resources to train new bilingual instructors, reinvigorate existing bilingual teachers, and educate all teachers in techniques for educating language minority students, is vital to the continuing integrity and effectiveness of our educational system.

MALDEF looks forward to working with you and your staff to fulfill the promise of the Excellence in Teaching Act.

Sincerely,

ANTONIA HERNANDEZ,
President and General Counsel.

NATIONAL ASSOCIATION OF STATE
UNIVERSITIES AND LAND-GRANT
COLLEGES,
Washington, DC, September 14, 1989.

Hon. EDWARD M. KENNEDY,
United States Senate, Washington, DC.

DEAR SENATOR KENNEDY: I write on behalf of the National Association of State Universities and Land-Grant Colleges to commend you for developing the significant legislative proposal, The Excellency in Teaching Act, and introducing it for Senate action.

To a major degree the contents of this bill address the various tribulations American education faces today—most especially teaching of the highest quality to confront the complex society we are.

It is especially noteworthy that you directed your staff to consult widely with the education community at all levels as the bill was being prepared. Our association happily participated in offering suggestions for improvement, and we were grateful that the final version of the bill reflects some of our suggestions.

As you are aware, one of our major concerns was the early proposal to fund the bill by taxing federal research and development funding. That, too, was changed, and we are grateful for that. We understand the difference of finding funds in the current fiscal environment, but question the prudence of

shifting funds from one valued objective to another. Should this issue arise again we would welcome further discussion with the staff.

The process of moving this bill through the Senate and eventually to enactment by the Congress no doubt will encounter questions regarding the efficacy of different segments and ideas. That should create a fruitful debate on the entire range of issues in teaching education and result in a highly supported law.

We look forward to working with you and your staff toward that objective.

Sincerely,

ROBERT L. CLODIUS,
President.

STATEMENT OF THE NATIONAL ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS REGARDING THE EXCELLENCE IN TEACHING ACT

(By Dallas Martin, President)

The need for America to recruit and train more quality teachers has never been greater, and we therefore applaud Senator Kennedy's leadership in introducing the Excellence in Teaching Act.

This bill not only provides needed scholarships to enable upper classmen and women, and graduate students to obtain the prerequisite skills that will enable them to enter the teaching profession, but also provides the mechanisms and resources that will enable experienced teachers to improve their skills and expand their areas of expertise. Particular emphasis is also directed towards increasing the number of minorities who enter into teaching and enhancing the skills of more individuals who can effectively educate handicapped and bilingual students.

States, school districts, and institutions of higher education would be eligible to receive grants from the National Science Foundation to enhance mathematic and science education, thereby helping more citizens to become proficient in these critical areas of skill. As such, we see this important legislation as a needed complement to the many other critical educational programs that are being supported at the Federal level. The creation of a Teacher Corps, in cooperation with state and local school districts, is not unlike the highly successful Peace Corps which was launched by President Kennedy twenty-five years ago. However, this time the investment is at home, directed towards our most important commodity, and educated citizenry.

AMERICAN ASSOCIATION OF
COLLEGES FOR TEACHER EDUCATION,
Seattle, WA, September 18, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I am writing in my capacity as President of the American Association of Colleges for Teacher Education, to express our support for the Excellence in Teaching Act. We believe this visionary and far-reaching legislation will have a significant impact on the preparation of new teachers and the continuing professional development of individuals now in teaching careers. We are particularly pleased with the attention given minority teacher, recruitment, and the professional education of teachers who will work with limited English proficient and handicapped children and youth.

You and your colleagues are to be commended for your commitment to excellence in teaching and in teacher education. We look forward to working with you toward the successful passage and funding of this important legislation.

Sincerely,

JOHN I. GOODLAD,
President, AACTE.

WHEELOCK COLLEGE,
Boston, MA, September 18, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I want to commend you for drafting the proposed Excellence In Teaching Act of 1989, which we at Wheelock College believe could have a very positive effect on efforts to recruit, train, and retain highly qualified elementary and secondary school teachers in the next decade. The proposed legislation is comprehensive and bold. Its incentives for undergraduates should encourage more and more of our young people to enter the teaching profession particularly if the the scholarship forgiveness provisions are enacted. The National Teacher Corps provisions will provide badly needed assistance in those areas of the country which suffer severe shortages of qualified teachers, and the provisions for graduate study under the supervision of a mentor teacher will link full certification of teachers directly to promising practices in the schools. The legislation's provisions for professional development academies, a senior teacher corps, and school-based management also support the growing national consensus for reform in teacher training and education.

Having completed its Centennial, Wheelock College is one of the country's leading institutions preparing men and women for careers in elementary education and early childhood education. We strongly support the proposed Excellence in Teaching Act of 1989, because we believe it will have an immediate and positive effect on the quality and the supply of people entering the teaching profession, as well as provide encouragement to those outstanding teachers who wish to remain in the classroom.

We hope very much the proposed legislation receives the enthusiastic support of Congress.

Very truly yours,

DANIEL S. CHEEVER, Jr.,
President.

UNIVERSITY AT BUFFALO,
STATE UNIVERSITY OF NEW YORK,
Buffalo, NY, September 19, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I am delighted to add my support for your proposed Excellence in Teaching Act. I write in support of this bill wearing at least four different hats.

As Vice-President and Northeast Regional Coordinator of the Holmes group, a consortium of nearly 100 of the major research universities in the country dedicated to the improvement of teaching and teacher preparation

As a member of the Board of Overseers of the Regional Laboratory for the Improvement of Education in the Northeast and Islands

As a member of the National Association of State Universities and Land Grant Colleges' Commission on Education for the Teaching professions

As Dean of the Graduate School of Education at the State University of New York at Buffalo

I can assure you that each of these perspectives, your bill is a major step forward. It clearly recognizes the critical role education must play in maintaining our country's research and development capacity.

I want especially to support the Teacher Corps, the Professional Development academies, and the Minority Teacher Recruitment titles. These are all areas which are absolutely crucial to the future of teaching in our country. I particularly applaud the stress on collaboration among various segments of our educational system and the emphasis given to the establishment of cooperative networks of educational professionals working together. This is as refreshing change from the more traditional heavy-handed, top-down proposals for educational reform.

If there is anything that I or any of the organizations to which I belong can do to help, please let me know. Best of luck in your efforts to bring this initiative to fruition.

Sincerely,

HUGH G. PETRIE,
Dean.

UNIVERSITY OF MISSOURI-
KANSAS CITY,
SCHOOL OF EDUCATION,
Kansas City, MO, September 18, 1989.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I write to express my strong support for the proposed Excellence in Teaching Act of 1989. It is an excellent piece of legislation which I believe will make a significant difference in the nation's ability to attract highly qualified and motivated individuals to the teaching profession and to assure their continuing professional development.

Title III of the Act, in particular, deserves the full support of all those concerned with the social ideals of the public schools in a racially and culturally diverse democracy such as ours. Evidence indicates a dramatic decline in the number of minorities entering teaching at a time when minority student enrollments are on the rise across the country. The U.S. must attack this problem not only with idealism, innovation, and initiative, but also with the kind of added resource this legislation proposes.

New federal initiatives regarding education are long overdue. I deeply appreciate your leadership in this critical area of national concern.

Sincerely,

DONALD W. MOCKER,
Dean.

Mr. DOMENICI. Mr. President, I am pleased to be a cosponsor of the Excellence in Teaching Act.

During this school year, the Nation will spend a record $353 billion on education. Over the fiscal year 1982—fiscal year 1989 period, funding for the Department of Education has increased from $14.5 billion to $22.8 billion, an increase of nearly 60 percent. Adjusted for inflation, this is an increase of more than 20 percent.

In spite of these funding levels, there are alarming problems in education and people are now talking about an education deficit: the ability of our educational system to keep pace with

change—economic, technological, and social.

Over the past several years, we have heard a lot about what lies ahead for our Nation's work force. We have heard that new jobs in the economy will favor the most educated. That the fastest growing jobs will be in professional, technical, and sales fields, requiring postsecondary education and advanced skill levels.

We have also heard about children at risk of failing. Minorities, and those living in poverty. Pregnant and parenting teens and those whose academic achievement falls well below their grade level. SAT scores that have remained virtually the same for seven years. Dropout rates that average 25 percent.

This deficit is the difference between what we need to remain a competitive Nation and what we are producing in our educational system.

Mr. President, this education deficit is frightening. And if it's frightening for those of us looking on the outside in, I can only imagine what it is like being on the inside looking out. I refer specifically to teachers, Mr. President. Those in the trenches.

I am not surprised to learn that 20 percent of new teachers leave during their first year of teaching and that over half leave before reaching their sixth year. Nor am I surprised that the proportion of college students majoring in education fell from 21 percent in 1970 to 9 percent in 1986. Or that in 1986, the demand for new teachers exceeded the supply by 15,000 teachers. By 1992, the demand will exceed the supply by 74,000 teachers.

Mr. President, increasingly we are asking more and more from those involved in education. From students as well as teachers. It is time to acknowledge that our education deficit can not be cured without the help of those in the classroom—the teacher.

It is time for policy makers to pay attention to the more than 2 million school teachers in our public elementary and secondary schools. The Excellence in Teaching Act does just that.

This bill provides substantial incentives for both those looking to enter the teaching profession and those already in the field. As a great supporter of math and science education, I am pleased to see provisions included in the bill that may help alleviate the shortage of math-science teachers.

But I am also pleased with the provisions that enhance bilingual education, handicapped education, early childhood education and minority teacher recruitment. I am certain that the incentives in this bill will go a long way toward alleviating teacher shortages in many of these critical areas.

Mr. President, the scope of this bill is broad. It represents a sound first step to addressing many of the concerns of teachers and it is an excellent complement to all of our efforts for at-risk children. I am proud to be a cosponsor.

Mrs. KASSEBAUM. Mr. President, I am pleased to join today as a cosponsor of the teacher bills being introduced by Senators KENNEDY and PELL. Teachers play a critical role in our educational system, and it is not by accident that teaching has been identified as one of the six areas of special focus in the upcoming education summit as well as one of the educational priorities identified by congressional Democrats last week.

I can think of no profession deserving of more respect than that of teaching. As Henry Adams wisely observed, "A teacher affects eternity; no one can tell where his influence stops." We place our children in the hands of teachers 5 days a week for 9 months out of the year. Yet, we often fail to accord teachers the level of respect generally given to other professionals such as doctors and lawyers.

An estimated 1.3 million new teachers will enter our schools during the period between 1986 and 1992. The quality of those individuals will make an enormous difference in our ability to meet the high standards of excellence we need and expect for our educational system. In addition, the millions of teachers already in the system require our support in addressing increasingly more challenging classroom situations.

Although I am not tied to every particular of these two bills, I believe they touch upon a broad array of issues we need to confront if we want a quality teaching force capable of responding to new demands and challenges. They address the recruitment of talented individuals into the teaching profession, particularly members of minority groups and those with skills in shortage areas such as math and science. Unfortunately, the teaching profession is often not seen as the most attractive option for talented students. These measures also attempt to strengthen teacher training programs and to expand opportunities for inservice training of teachers already in the classroom.

The cumulative effect of these initiatives is to underscore the enormous importance of teachers and to help make teaching an attractive and highly respected profession. In sorting through these ideas, I do believe we need to be mindful of budget considerations and establish priorities accordingly.

I commend Senators KENNEDY and PELL for their leadership in developing these proposals, and I look forward to working with them in refining and melding these ideas.

Mr. KERRY. Mr. President, tomorrow, President Bush will convene an education summit to address one of the most serious issues facing our Nation and our future. We all hope that the administration will take this summit and the recommendations of our governors seriously, for our education system is in serious crisis and it needs serious attention. The governors are at the frontlines in the battle to improve our schools, to increase funding and the effectiveness of spending on education. They know what works, where improvements must be made, what our schools, teachers, and students need.

Again and again, we see articles and studies on our failures in educating our children. This week, the New York Times is running a series on how the skills learned by our students do not match the skills required by the workplace. Many of America's young people are simply not prepared to be productive members of the workforce. This is a tragedy for our young people; it means a life of deadend jobs with little security. It is a threat to our economic security and our society. American business is investing billions in educating its workers in basic skills, skills that should have been acquired in grade school, in high school.

To compete successfully in an increasingly competitive world marketplace, our workers must be educated and trained so that they are able to adapt to rapidly changing technologies. Before young people enter the workforce, they must be challenged in school to be the best. But for our students to be the best, they must be taught by teachers who are the best. Many of our teachers are and we should reward them. We also must work to ensure that all of our teachers are; we should increase inservice training and improve recruitment. We face a serious shortage of teachers, especially in the sciences. We must make teaching a more attractive career and we must make it clear that we all respect teachers as professionals.

Today, my colleagues from Massachusetts and Rhode Island are introducing very important legislation that will go a long way to address these issues. This legislation creates a new national teacher corps, and creates recruitment incentives, enhanced inservice training, and a senior teacher corps. All of these reforms are very much needed and will improve the quantity and quality of our teachers.

No single proposal, no set of actions by the private sector or by any unit of government will help us meet our goal—the best prepared work force in the world by the year 2000. Hundreds of decisions on contracts, on curricula, on budgets, on organization, particularly at the community level, are what really matter and what will ultimately make a difference.

One of the most important decisions individuals make is the decision to enter teaching. We must revalue

teaching so that the decision to enter the profession is made more attractive. We simply cannot expect to teach an increasingly more difficult-to-teach student body and an increasingly sophisticated curriculum, unless we can attract many more of the highest quality and best trained graduates of our colleges and universities to teaching.

Over the last several months, I have been working on two pieces of legislation to authorize fellowships to encourage our best students to enter the teaching profession, at all levels. Financial incentives are absolutely necessary. When I ask a group of college students, "Who plans to enter teaching?," rarely do I see a hand raised in response. It is no surprise that we face a severe shortage of teachers. How, in today's society, can we ask math or science majors and graduate students to teach for a salary of $18,000 or $20,000 when within months they can earn two or three times that in the private sector? Financial incentives are one part of the solution, but an important one.

The Excellence in Teaching Act and the National Teacher Act of 1989, of which I am a cosponsor, are important pieces of a comprehensive effort to improve teaching and education. They should be considered quickly. The crisis in our schools requires quick action; our students and our teachers deserve nothing less.

Mr. ROCKEFELLER. Mr. President, today I am pleased to join my colleagues in support of the Excellence in Teaching Act. This bill responds to the expected shortage of teachers in our Nation's classrooms by establishing a National Teacher Corps.

Indeed, when we look back and think about our education, it probably is not a particular textbook, or classroom or computer that inspired us—it is usually an outstanding teacher that we remember as having the greatest influence on us.

Unfortunately, Federal education policy generally ignores that basic fact. We are doing very little to attract top students into the classroom and statistics seem to show that the natural course of events will not create a sufficient pool of new teachers. Women, who were once a dependable labor pool for the teaching market, now have far more opportunities and are entering other fields—like law, business, and medicine—in record numbers.

Furthermore, we are doing little to retain the high quality teachers that we have. Twenty percent of new teachers leave during their first years, and over half of all teachers leave before reaching their sixth year of teaching.

This Teacher Recruitment bill aims to attract new teachers to the profession, as well as give a boost to the stature and professionalism of those who are already in the field. The bill gives preferences to those areas of the country that are suffering from teacher shortages—rural areas and inner cities. It also targets subject matter which is most likely to see shortages in qualified professionals—math and science, preschool, and handicapped. New and experienced teachers would be eligible to participate in support programs to enhance their teaching skills.

I am proud to be cosponsoring a bill which establishes an incentive for college students, and people with other careers, to enter teaching. It sets up a National Teacher Corps which awards up to $8,000 per year in scholarships for 2 years of undergraduate or graduate education in exchange for a 5-year commitment to teach in a part of the country where there is a teacher shortage.

I am especially pleased that Senator KENNEDY has included key provisions of a measure I introduced in April—S. 843, the Math/Science Teacher Corps Act of 1989—in his omnibus teacher bill. Senator KENNEDY's bill provides special incentives to students to teach math and science—critical areas for Federal attention. It also includes training grants to aid efforts by schools to help teachers who are currently teaching math and science.

We need top quality math and science teachers in the classroom now more than ever. At a time when our economy is becoming increasingly dependent on technological competence, our high school students are scoring in the bottom ranks on international assessments of performance in science and mathematics.

Consider the statistics. A 1988 study by the International Association for the Evaluation of Educational Achievement found that our fifth graders ranked 8th in science achievement, while ninth graders placed 15th, ahead of only Hong Kong. Even those high school seniors considered the best in science did poorly, ranging from 9th place in physics to 13th place in biology.

More than half of the high school principals in a nationwide survey reported difficulty in hiring fully qualified science and math teachers. In a survey of my State of West Virginia last year, 23 counties—nearly half of the State—reported shortages of math teachers; 19 counties experienced shortages in chemistry and physics; and 13 counties reported the same with biology.

How can we expect our students to excel without qualified teachers?

The best way to inspire students in these areas is by providing an adequate supply of bright, motivated, and well-trained math and science teachers. A Math/Science Teacher Corps will attract qualified, committed people to the classroom. While some of these people will fulfill their teaching requirement and leave the profession, it's my hope that others will become committed to teaching.

My bill, S. 843, offers Federal scholarships of $7,500 to top juniors and seniors in college who agreed to teach at the precollege level for 2 years in return for each year of aid. The bill requires that these students major in math, science, or engineering so that they demonstrate a keen interest in the subject matter that they will be teaching. The National Science Foundation would run the program and select each year the 500 members of the Math/Science Teacher Corps.

Senator KENNEDY has incorporated some of the key provisions of my legislation, S. 843, in his omnibus bill. His measure recognizes the particular need for math and science teachers by establishing a special Math and Science Teacher Corps. To expand the pool of people teaching in these areas, Corps members must be majoring in math or science or currently employed in the areas of math, science or engineering. The National Science Foundation plays an important advisory role in establishing the criteria for Corps membership.

Neither my bill, S. 843, or Senator KENNEDY's bill will solve the teacher shortage problem in the math and science areas. A variety of steps are needed in these areas—including higher salaries and more professional treatment of teachers—in order to overcome the problems. However, a national teacher corps will go a long way toward increasing the supply of teachers and raising the status of the profession.

Mr. DODD. Mr. President, I rise today to voice my strong support and cosponsorship for the Teacher Recruitment, Training and Professional Act of 1989, sponsored by Senator KENNEDY, and the National Teacher Act of 1989, sponsored by Senator PELL. Months of effort have gone into the structure of programs included in the complementary bills being introduced this afternoon. I commend Senators KENNEDY and PELL and their staff on their work.

Just last week, the Democratic leaders in the Congress reconfirmed our commitment to education with a list of education priorities for the Nation. This week President Bush is meeting with Governors at an education summit to further define national education priorities. Among the priorities discussed by my colleagues was the need to tackle and prevent the impending teacher shortages. Within the next decade an estimated 1 million new teachers will be needed to replace retiring educators and meet increased needs for teachers qualified to meet the changing dynamics of the school environment.

For too long we have focused our Federal resources on needed elementary and secondary school programs and resources without considering the instrumental role of the educator. We cannot afford to continue on this course. Without an adequate supply of education professionals, all education programs will suffer, our youth will be cheated out of quality education and the Nation's security and economic competitiveness will be in jeopardy.

While the movie "Stand and Deliver" highlights the tremendous contributions of Jaime Escalante to the education of disadvantaged students, there are similar success stories in each of our States. These bills are designed to assure a continued supply of high quality teachers such as Mr. Escalante.

We have found that more and more schools are facing a shortage of educators in the areas of math, sciences, foreign languages, and special education. This is happening when the demands on teachers are increasing disproportionately. Those schools not facing shortages today will see the demand for teachers exceed the supply within the next 5 to 10 years.

The problems of teacher shortages, retention, and morale; student to teacher ratios; and the availability of specialized teacher training and retraining programs are the reasons we are introducing the teacher enhancement bills today.

There is no time to waste. To prevent a national crisis, we need to work with our youth, schools, local and State governments to raise the respectability of teachers and the attractiveness of the teaching profession. We need to give youth, from all ethnic backgrounds, incentives to serve as role models in their communities as teachers in the years to come.

We also need to improve teacher morale and to improve the retention of quality teachers already in the system. As the Nation increases its expectations of teachers, and looks to them to be educators, counselors, advisors, role models and sometimes family all in one, we need to simultaneously provide educators, support, and resources.

For the Nation's school systems and especially for children, our Federal Government needs to make a commitment to bolstering local and State efforts to assure a flow of quality individuals into the teaching profession. Finally, it is equally important that Federal efforts bolster the availability of services needed to retrain and retain experienced educators.

Mr. President, I strongly urge my colleagues to work with us to solve the teacher shortage problem.

Mr. BINGAMAN. Mr. President, I rise today as a proud cosponsor of the two important educational initiatives being introduce in the Senate today. The Teacher Recruitment, Training, and Professionalism Act and the National Teacher Act of 1989 herald the beginning of a renewed and reinvigorated commitment to the future of our children and our country. Both have my wholehearted support.

These initiatives direct our attention and resources toward the key to educational excellence: The professionals who teach our children.

For some time, I have been gravely concerned about reports of a future shortage of quality teachers in our Nation's classrooms. The reports urged us to take action then—3, 5, 6 years ago—but we did not. Instead, we talked about the problem. We conducted more studies. We issued more reports.

Well, the "future" is here, and the national teacher shortage is real. Despite a widespread awareness of the problem, in recent years we have taken precious few steps toward meeting the challenges posed by the Nation's teacher shortage. And despite this awareness, we have done little to assure our children of the quality education they deserve. Instead, we have spent years talking about these problems.

Now, we must take action. If we do not, all of the talk and debate about educational reform, all of our good intentions, will be meaningless. If we do not take action now, we threaten our children's future and our country's position as a leader in the competitive world of the 21st century.

Through this legislation, we begin to take action. We begin to turn our talk into a real and lasting commitment to our children—to their educational excellence. Through this legislation, we begin to rebuild our foundation of teachers—qualified teachers who can nuture the changes that must be made in our educational system so that all of our children can achieve excellence.

Mr. President, I say that this legislation will help us rebuild our foundation of teachers because, daily, that foundation is eroding, and we are rapidly slipping to the point where our schools will be besieged by a "teacher deficit."

This deficit comes at a particularly challenging time for us, at a time when the effects of our Nation's economic condition threaten our long-term ability to compete in the international marketplace. As the world's nations move toward a global economy, if America is to remain a leader, we must remain competitive. To do this, we must motivate and prepare our children well. We must do all we can to ensure that they receive a quality education. Without question, quality begins in the classroom—in their classroom and in the classroom of their teachers.

Unfortunately, strong demographic and social forces must be overcome if we are to take the steps necessary to assure our children of a quality education. Estimates are that nearly 1 million people will have to enter the teaching profession by 1993 if our children are to have enough teachers to fill their classrooms. That means we will need about 360,000 more teachers than are now expected to be available.

Two years ago, a school district in my home State of New Mexico conducted a survey of area colleges to determine the number of students who had chosen education as their profession. Of more than 95,000 undergraduates surveyed at selected universities in Colorado, New Mexico, and Arizona, only 5 percent were enrolled in teacher training. At the University of New Mexico, only 3 percent of those surveyed planned to become teachers. This helps explain why school districts in New Mexico are forced to go beyond our State's borders to fill 50 percent of their teacher demand.

Adding to the problem is the high attrition rate within the teaching force. Estimates are that 20 percent of all new teachers leave the profession during their first year and that more than half of all new teachers leave the profession within 6 years. This occurs at a time when the children of the "baby boomers" are swelling the enrollment in our schools.

School districts throughout the country are feeling the pinch. One of the largest school districts in my State, the Albuquerque Public School District, reported that for the 1987–1988 school year, it would need 600 new teachers. Recruiters planned to find 375 of those teachers outside of New Mexico. Annually, the district must replace about 600 teachers from turnover, growth, and retirements. Yet this district is one of the most desirable places in which to teach in New Mexico. School districts in the rural—some very remote—areas of the State often have even more difficulty attracting and keeping teachers.

Mr. President, these problems are not unique to New Mexico. School districts around the country often recruit teachers from Germany, Spain, and other nations because of the current United States deficit. Schools in New York reported recently that they had imported nearly 200 teachers from Spain between 1985 and 1987.

Because of the current shortage of trained educators, several States have begun issuing "emergency teaching certificates," thus putting less-qualified or inexperienced people into the classroom. Many of these new or reassigned educators are expected to teach subjects clearly outside of their field of competence. In 1981, the U.S. Department of Education found that 58 percent of the Nation's new mathematics teachers were either uncertified or ineligible for certification to teach math courses. The Department

also found that 55 percent of our science teachers and 50 percent of our English teachers were unqualified or ineligible to teach the courses to which they were assigned.

As problematic as the teacher shortage is nationally, its effect unfortunately may be felt hardest by those in the greatest need of assistance—our minority children. This is because the proportion of minority teachers in our education work force is declining at a rate even sharper than that of the teacher population as a whole. And the changing composition of the student body is directly opposite to the changing composition of our teaching force. Senator KENNEDY noted earlier that in 45 of the country's largest cities, minority children make up 70 percent of the student population, while only 30 percent of the teaching force is minority. Without question, these students need role models and a teaching system that reflects the diversity of their unique racial and cultural heritage.

Mr. President, by no means is this legislation a panacea for all of the challenges that I and others have described today. But this legislation can serve as an excellent starting point. Its many provisions can help us reach the necessary goal of achieving excellence in our teaching force. It will enable us to:

Recruit highly qualified individuals into the teaching profession;

Improve the training opportunities for new and experienced teachers; and

Increase the status of the teaching profession.

Importantly, it places special emphasis on the shortage of minority teachers and the shortage of teachers for certain subject areas—math and science; and certain needs—bilingual, handicapped, and preschool.

I am particularly pleased that this measure incorporates a legislative idea I introduced earlier this year, S. 451, the Future Teacher Training Corps Act of 1989. That bill would establish a program through which States would award graduate fellowships to outstanding undergraduate students and midcareer people who are interested in the teaching profession. In return for the award, the recipient would agree to teach in geographical areas or in subject areas where a shortage exists. The bill names mathematics and the sciences as key subject areas, but would allow the States to identify three additional subject areas as being in need of teachers. States also would determine which districts suffer the greatest shortage of teachers, from remote rural areas to innercity schools.

Like the Future Teacher Training Corps, the bill we are presenting today will provide an incentive for individuals, both in college and working in other careers, to become teachers through a new National Teacher Corps.

Members of the Teacher Corps would receive scholarships for 2 years of undergraduate or graduate education and be placed in a teaching position in a shortage area upon graduation and participate in an induction program, which includes working with a mentor teacher during the beginning of their teaching careers. In addition, members could apply for funds to continue postgraduate education.

The bill provides an additional recruitment incentive through loan forgiveness of up to 100 percent of Stafford loans for 2 years of college for students who teach in poverty areas for 5 years. In addition, preservice training will be enhanced through model programs in teacher preparation and promising practices.

Other recruitment initiatives within the bill are geared toward increasing the number of minority professionals through summer institutes for high school students, establishing magnet schools for future teachers, and improving articulation between 2- and 4-year institutions.

Mr. President, I will conclude by reiterating that the time to act is now. We in the Congress have talked about the problems facing our educational system long enough. For our children's sake, the talking must end and serious action at the Federal level must begin.

Education will continue to belong to the State and local governments, but I believe there is room for the Federal Government to encourage capable individuals to consider teaching careers. This Nation must be prepared for the challenges of the future, and I believe this legislation is a step toward that preparation. I urge my colleagues to support the legislation introduced today. Thank you.

By Mr. PELL (for himself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. JEFFORDS, Mr. MATSUNAGA, Mr. DODD, Mr. COCHRAN, Mr. SIMON, Mr. ROBB, Mr. BURDICK, Mr. KERRY, Mr. BOREN, and Mr. RIEGLE):

S. 1676. A bill to strengthen the teaching profession; to the Committee on Labor and Human Resources.

NATIONAL TEACHER ACT

Mr. PELL. Mr. President, I am pleased to join Senator KENNEDY in introducing two important bills to improve and enhance teaching. My own bill is the National Teacher Act of 1989.

This legislation is a modest, targeted approach to enhancing the teaching profession. For as I said recently at the Disney Salute to the American Teacher, our future rests upon the teachers of today. Far too often our society recognizes achievement in terms of material growth, and the accruement of wealth. True success depends, however, upon education, and that rests in turn upon the teacher.

It is the teacher that undertakes the uniquely American task of educating the youth of this country, who come from every background and level of academic achievement. Our future as a strong and competitive nation rests upon our commitment to quality education and especially on the commitment we make to our teachers. This legislation seeks simply to strengthen and build upon that commitment.

One of the most pressing problems we face is an impending teacher shortage. We must encourage more young people to enter the profession. Thus, the legislation I am introducing would provide loan forgiveness for a young person who becomes a teacher. The loans such persons received in their junior or senior years of college would be completely forgiven over a 5-year period of teaching in a school receiving Federal compensatory education assistance, a so-called chapter 1 school.

But increasing the numbers of teachers is not enough. We must attract more minorities into the profession. The National Teacher Act, therefore, would provide support for new programs of education and training to bring minorities who are already in school support or paraprofessional positions into teaching.

We must also ensure that the training teachers receive before they enter the profession is of the highest quality. We must invest in model teacher preparation programs that use the latest techniques available, and most of all, involve excellent senior teachers in the education of those who want to enter the profession.

But quality instruction does not stop when the teacher enters the profession. It is an ongoing process.

We must look, therefore, at the impact that class size has on the ability of the teacher to teach. A demonstration program in my bill would do just that.

We must also provide a series of national teacher academies to provide programs of assistance not unlike the National Science Foundation Summer Institutes. These would be available to select teachers from each congressional district, and there would be academies in several key disciplines: Math; English; civics and government; basic skills and literacy instruction; the arts; history and geography; economics; life sciences; physical sciences; foreign languages.

But national academies for a few teachers are not sufficient. Therefore we will involve those teachers who have participated in the national academies in an ongoing program of in-service training for their colleagues in the communities from which they

come. Thus, we would provide for congressional district academies in each of the disciplines for which there is a national academy. These academies would function on a year-round basis and would provide an almost constant flow and exchange of information that would bring new excitement and challenges to the teacher already in the classroom.

My legislation is a beginning. A beginning of a much-needed and long-awaited Federal focus on the teaching profession. Since the earliest days of this country, our Nation has been known for its abundance of natural resources. Few would disagree with the National Government's responsibility to strengthen and protect those resources. I believe that of all the resources we share as a nation none is more important nor more precious than that of our teachers. Today let us make a commitment to cultivate this resource for the good of us all—in this day and the next.

By Mr. BIDEN:

S.J. Res. 205. Joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week"; to the Committee on the Judiciary.

NATIONAL CITIES FIGHT BACK AGAINST DRUGS WEEK

Mr. BIDEN. Mr. President, today, with the support of the National League of Cities, I am introducing a joint resolution which designates the week of December 3, 1989, through December 9, 1989, as "National Cities Fight Back Against Drugs Week."

To say that drugs pose a threat to American well-being and integrity is an understatement. Whether on the street or in the media, we have all been witnesses to the devastation they have wreaked on individuals and on our country's core societal institutions.

The magnitude of the drug problem is such that Americans now consider it the most urgent crisis facing our Nation—more pressing than ensuring a strong national defense and more immediate than providing shelter for the homeless.

To be sure, the drug problem is a national one, encompassing rural and urban areas alike. With this resolution, however, particular attention is given to our cities because of the disproportionate and overwhelming burden they bear. They are living in fear. Understandably, they have pleaded for help.

And what do they need this assistance for? Among so many other things, they need it to control soaring crime rates, to increase treatment center capacities, and to implement education programs. They need assistance because drugs have depleted their resources and their wills.

Both sides of the aisle have agreed that success at the local level is essential to solving the national drug problem. Now that we agree on this point, we must act. This resolution does just that, by calling for programs, ceremonies, and activities that will raise the awareness and morale of those in our cities.

My fellow Senators, where drugs induce chaos, this resolution seeks to restore order. It is a definite part of the total solution. Our cities have been tread upon; this resolution will help replenish their desire to fight.

I ask unanimous consent that the joint resolution be printed in the RECORD following this statement.

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

S.J. RES. 205

Whereas the presence of drugs and narcotics in our society has resulted in innumerable problems of human, community, social and economic dimensions;

Whereas the dissolution of the family, inadequate education system, poverty, unemployment and greed all contribute to illegal drug use;

Whereas the consequences of drug-related problems are witnessed in the loss of human lives, the loss of economic productivity and the diversion of public resources to address these problems on all fronts;

Whereas the demand for illegal drugs is a pervasive problem that affects all segments of our society, including professional and affluent people;

Whereas illegal drugs plague urban, suburban and rural communities of all sizes and regions;

Whereas illegal drugs constitute a problem in our community and lead to a host of problems such as homicide, robbery, burglary and other crimes and domestic violence;

Whereas a national response is needed to curtail the importation, trafficking, sale and abuse of drugs;

Whereas our nation's cities and towns carry the heaviest burden in confronting the nation's drug problem;

Whereas hundreds of America's dedicated public servants have died and thousands others risk their lives daily in our cities' individual battles against illegal drugs and in the criminal activities stemming from illegal drugs; and

Whereas the National League of Cities has called on the President and the Congress to join in a partnership in fighting drugs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 3 through 9, 1989, is designated as "National Cities Fight Back Against Drugs Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

By Mr. GORE (for himself, Mr. WARNER, Mr. CRANSTON, Mr. SANFORD, Mr. ADAMS, Mr. KERRY, Mr. WIRTH, Mr. BAUCUS, Mr. D'AMATO, and Mr. DODD):

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultive Parties, for the full protection of Antarctica as a global ecological commons; to the Committee on Foreign Relations.

PROTECTION OF ANTARCTICA AS A GLOBAL ECOLOGICAL COMMONS

Mr. GORE. Mr. President, last week I rose to address a subject not often addressed in the Chamber: Antarctica. A week earlier, I had an opportunity to chair some hearings on the subject. Earlier this year, I had several opportunities to discuss the terms of a new convention or treaty that could be submitted to the Senate soon.

I met in New Zealand late last year with the originators of that treaty process. And last year as well, along with Senator HOLLINGS, I traveled to Antarctica. During that visit, I looked quite closely at some of the provisions of the convention that we are told the President may soon submit to the U.S. Senate.

This morning I rise to introduce a joint resolution on behalf of myself, Senator WARNER, Senator CRANSTON, Senator SANFORD, Senator ADAMS, Senator KERRY, Senator WIRTH, Senator BAUCUS, Senator D'AMATO, and Senator DODD, calling for the negotiation of a new agreement to ban commercial mining or oil operations in Antarctica. I hope, Mr. President, that the President of the United States will not submit the convention, to which I referred earlier, to this body for ratification. I do not believe it is good enough, and I believe dramatic changes have taken place since its negotiation which should lead our Nation to speak out in the world community in behalf of a far more comprehensive measure to protect one of the most fragile parts of our Earth against commercial exploration.

The Antarctic is remote from our thinking on most occasions and, yet, as we become more concerned about global climate changes and begin to piece together the workings of the global ecosystem, we begin to understand Antarctica, far from being at the fringes of life on Earth, is near its core, a prime mover in the organic food chain, a principal cause of the pattern of wind and ocean currents which make up the system of weather as we know it.

Anyone who visits Antarctica cannot help but experience a sense that the place dwarfs all human scale, but Antarctica is, in fact, extremely fragile, vulnerable to the destructive effects of organized human activity. Up to this point, of course, the only kind of activity in Antarctica has been scientific, but that could change very quickly in the event that exploration was to uncover large-scale mineral deposits or offshore oil. From that point on, Antarctica would be vulnerable to environmental abuse of the sort that could

cause irreparable damage not merely to that region but to ourselves.

Anticipating this, the Antarctica Treaty consultative parties began working 9 years ago on amendments to the treaty intended to regulate commercial exploitation by requiring that proposals for licenses and any operations pursuant to the issue of those licenses must be highly regulated.

The product of that labor, the so-called Wellington Convention, or more formally the Convention on the Regulation of Antarctic Mineral Resource Activities, marks for some an important step forward in the history of international effort to protect the environment. However, it would signal the opening gun of a rush to gain proprietary information for the first time about mineral deposits in Antarctica.

It would set up a series of measures which could ultimately lead to activities that would destroy that fragile ecosystem.

I have therefore come to the view that this convention is not good enough and even though it represents the results of a lot of hard work by people who had good intentions, it has been overtaken by the swiftly changing global political context in which the struggle to preserve the environment is taking place.

Rules to control commercial exploitation of Antarctica are all to the good but in the meantime we have come to realize that Antarctica is worth far more to humanity intact than it could ever be worth as a source of oil and other minerals.

Not everyone will see it that way, but for those who do this proposed convention has its dark side because it may well be conducive to a process of commercial exploration and development which, once begun, will outrace efforts to devise, impose and police restraints.

For that reason, my cosponsors and I, on this joint resolution believe that the convention in and of itself is inadequate to the task of providing the kind of complete protection needed in the Antarctic. We were told, after all, that the fragile ecosystem of the North Slope in Alaska was vulnerable to environmental damage and we were reassured that a system of careful protections against abuse could prevent that from taking place.

We have seen now with the oil that spilled out of the *Exxon Valdez* how empty those promises were and we have seen, though not as frequently on our television screens, in the newspapers the reports of the terrible oil spill that has already taken place in Antarctica. The *Bahia Paraiso,* though spilling a much smaller quantity of oil, has done grave damage to the ecosystem surrounding the American base called Palmer Station.

Ironically, one of the most important research efforts designed to uncover the damage being done by the so-called ozone hole was completely undone. Three years of work on the effects of extra ultraviolet radiation on the food chain were destroyed by that oil spill. It should serve as a reminder of how unwise it would be to begin exploitation of mineral resources in Antarctica. What would the oil be used for, after all, except to add further to the accumulation of greenhouse gases in our atmosphere at the time when the world is groping for ways to reduce such emissions.

In any event, we have reached the conclusion, my cosponsors and I, that the President ought not to submit this convention in its present form to the Senate for consent to ratification. Instead, we call upon the President to initiate a new round of negotiations, the objective of which ought to be a supplementary agreement banning proprietary exploration of the Antarctic and banning commercial mineral oil and drilling operations there.

I understand that this course of action will cause consternation to some, but I want to note that the Prime Minister of Australia has already declared that his government will not consent to ratification of the Wellington Convention and the Government of France has spoken out in ways which lead many to believe that they soon will join Australia in announcing their opposition to this convention as well. Under the terms of the convention, only one of the Antarctic Treaty consultative parties can object and stop that process dead in its tracks. Under these conditions, we must look at alternatives and the President should move forward.

Next month at the 15th Antarctic Treaty consultative meeting in Paris, we should suggest that agreements to supplement the Wellington Convention and modify its approach by banning commercial mineral development in Antarctica be placed high on the agenda of that meeting.

I believe that around the world public opinion is ready to support the treatment of Antarctica as a global ecological commons. It should be declared off limits to the commercial exploitation of oil and mineral resources, and I believe that public opinion in this country and elsewhere in the world is ready to support that kind of move.

Antarctica provides a major opportunity to put into effect a new emerging global consensus on the necessity of imaginative, bold measures to protect the world's ecological system.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 206

Whereas Antarctica, like the great oceans and the atmosphere, is a part of the global commons;

Whereas the Antarctic region, including the continent and the Southern Ocean, is a fragile ecosystem that supports an amazing abundance of life, and is, in turn, crucial to other life on Earth;

Whereas Antarctica is a critical area in the study and documentation of global change;

Whereas negotiations of the Antarctic Treaty Consultative Parties have resulted in the Convention on the Regulation of Antarctic Mineral Resource Activities;

Whereas the Convention on the Regulation of Antarctic Mineral Resource Activities, while requiring consideration of environmental impacts prior to allowing minerals development in Antarctica, does not guarantee preservation of the Antarctic environment;

Whereas the challenge to humankind is to ensure that Antarctica is stewarded in a manner that conserves its unique environment and preserves its value for scientific research. Now therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That Antarctica is a global ecological commons, and should therefore be managed under a new agreement among the Antarctic Treaty Consultative Parties or a protocol to the Convention on the Regulation of Antarctic Mineral Resource Activities to the same effect, either of which shall be subject to periodic review, but should for an indefinite period establish Antarctica as a region closed to commercial minerals development and related activities;

That under such new agreement, information about mineral or other resources in Antarctica should be obtained under strictly controlled arrangements, and that such information should be openly shared in the international scientific community;

That the Convention on the Regulation of Antarctic Mineral Resource Activities, though a considerable step forward, is not adequate in and of itself to provide the necessary level of protection for the fragile environment of Antarctica and could actually stimulate movement toward commercial exploitation;

That pending the negotiation and entry into force of a new agreement among Antarctic Treaty Consultative Parties ensuring the full protection of Antarctica as a global ecological commons, or of a protocol to the Convention on the Regulation of Antarctic Mineral Resource Activities to the same effect, the President should not present the Convention on the Regulation of Antarctic Mineral Resource Activities to the Senate for advice and consent to ratification;

That, for the duration, the United States should support the interim restraint measures presently in force among nations signatory to the Convention on the Regulation of Antarctic Mineral Resource Activities; and

That the negotiation of a new agreement, or a protocol to the Convention on the Regulation of Antarctic Mineral Resource Activities, for the full protection of Antarctica as a global ecological commons should be a major item on the agenda of the pending XV Antarctic Treaty Consultative Meeting, opening in Paris on 9 October 1989.

Mr. KERRY. Mr. President, I am pleased to be an original cosponsor of the resolution being introduced today

that provides greater protection for Antarctica. There is no doubt that the Antarctic plays an important and unique role in our global ecosystem. Ninety percent of the Earth's ice and 70 percent of the Earth's fresh water are found there, and it is an integral part of the Earth's climate system. In addition, the Antarctic seas support large populations of marine life from krill and plankton to whales, seals, and sea birds.

In recent years, demand for access and use of resources in Antarctica has grown. And as uses grow, so does the potential for environmental degradation. Oil spills and water pollution form toxic chemicals, raw sewage, and solid wastes have already been reported in this environmentally pristine area. Development is likely to warm temperatures with potentially disastrous effects. Some believe melting ice caps at this southern pole would raise sea levels worldwide by 15 to 20 feet. And the absorption capacity of the seas, which currently take up one-third to one-half of the world's carbon dioxide emissions, would be greatly reduced. These changes could add significantly to the global climate change that is already predicted as a result of the greenhouse effect.

The Antarctic Treaty, signed in 1959, was the first of many international agreements to provide for scientific investigation, prohibit military operations, and conserve living marine resources. Due to the unforeseen complexity of the issues, many of the Antarctic agreements have been approached in a piecemeal fashion. For example, conservation of living marine resources was addressed separately from development issues. In fact, a number of nations are questioning this individual approach. For example, France and Australia, concerned over the environmental future of the Antarctic, are refusing to support a convention on the regulation of Antarctic mineral resources activities. I believe the United States should follow suit.

I want to commend the French oceanographer Jacques Cousteau for bringing this issue to the forefront of the debate and for his life long efforts to protect our oceans and marine environment around the world.

Mr. President, I think it is time to take a strong stand to preserve the Antarctic environment as a whole and then develop responsible policies under this umbrella of preservation. This resolution that we are introducing today calls on the United States to begin immediate negotiations for a new agreement among Antarctic Treaty consultative parties that will recognize the ecological significance of and provide strong protection for the Antarctic.

In addition, Mr. President, we need to move forward to lessen our dependence on fossil fuels and reduce gas emissions that contribute to the greenhouse effect and destruction of the ozone layer. It is only logical that we also work to preserve the global environment through environmentally sound policies in Antarctica.

By Mr. JOHNSTON (by request):

S.J. Res. 207. Joint resolution approving the location of the Memorial to the Women Who Served in Vietnam; to the Committee on Energy and Natural Resources.

APPROVAL OF LOCATION OF MEMORIAL TO WOMEN WHO SERVED IN VIETNAM

Mr. JOHNSTON. Mr. President, at the request of the administration, I send to the desk for appropriate reference a joint resolution approving the location of the Memorial to the Women Who Served in Vietnam.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the joint resolution, and the executive communication which accompanied the proposal from the Secretary of the Interior be printed in the RECORD.

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

S.J. RES. 207

Whereas section 6(a) of 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 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless, not later than one hundred fifty days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area I, the location is approved by law;

Whereas the Act approved November 15, 1988 (102 Stat. 3922), authorizes 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 who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era;

Whereas section 3 of the said Act of November 15, 1988, states the sense of the Congress 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 which is within Area I; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act of November 15, 1988, should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era, authorized by the Act approved November 15, 1988 (102 Stat. 3922), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as Area I, is hereby approved.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, September 8, 1989.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: The Act approved November 15, 1988 (102 Stat. 3922), authorizes 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 who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era.

Section 1(b) of the Act requires that the establishment of the memorial be in accordance with the Commemorative Works Act of November 14, 1986 (100 Stat. 3650; 40 U.S.C. 1001 et seq.).

The Vietnam Women's Memorial Project, Inc., has proposed that the memorial be located in Area I, the area comprising the central monumental core of the District of Columbia and its environs. Section 6 of the Commemorative Works Act sets forth standards and procedures for locating a memorial in Area I. Military memorials may be established only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No memorial commemorating a lesser conflict or a unit of an Armed Force shall be permitted in either Area I or Area II. In addition, section 6(a) provides that the Secretary of the Interior may approve the location of a commemorative work in Area I only if he finds that the subject of the work is of preeminent historical and lasting significance to the Nation. That subsection directs the Secretary, after consultation with the National Capital Memorial Commission, to notify the Congress of his determination that a commemorative work should be located in Area I; and the location in Area I shall be deemed disapproved unless within 150 days of the notification it is approved by law.

On March 9, 1989, the National Capital Memorial Commission recommended to me that the memorial to honor women who served in the Armed Forces of the United States in Vietnam during the Vietnam era be located in Area I. This proposed memorial will complete the Nation's formal commemoration of our Armed Forces who fought in the Vietnam War, an event that profoundly affected the military, social, and political history of the United States. I therefore find the subject to be of preeminent historical and lasting significance to the Nation, and I have determined that the memorial authorized by the Act approved November 15, 1988 (102 Stat. 3922), should be located in Area I. This determination is consistent with the sense of Congress expressed in section 3 of that Act, that it would be most fitting and appropriate to place this memorial within the 2.2 acre site of the Vietnam Veterans Memorial. That site is within Area I.

In accordance with section 6(a) of the Act of November 14, 1986 (100 Stat. 3650, 3651), notice is hereby given that I have approved the location of this proposed memorial in Area I, that through my designee I have consulted with the National Capital Memorial Commission, and that I have determined that the memorial authorized by the Act of November 15, 1988, should be located in Area I. Under section 6(a) of the Act of November 14, 1986, the location in Area I shall be deemed disapproved unless the location is approved by law not later than 150 days after this notification.

Enclosed is a draft of a joint resolution which, if enacted in 150 days, would have the effect of approving the location of this memorial in Area I. We recommend that it be introduced and referred to the appropriate Committee for consideration, and we recommend its timely enactment.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft joint resolution from the standpoint of the Administration's program.

Sincerely,

CONSTANCE B. HARRIMAN,
Assistant Secretary.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. WILSON, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 38, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 58

At the request of Mr. BOSCHWITZ, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 58, a bill to amend the Housing and Community Development Act of 1987 to improve the Enterprise Zone Development Program, to amend the Internal Revenue Code of 1986 to provide tax incentives for investments in enterprise zones, and for other purposes.

S. 511

At the request of Mr. INOUYE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 543

At the request of Mr. SIMON, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 543, a bill to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under that act, and for other purposes.

S. 659

At the request of Mr. SYMMS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 669

At the request of Mr. WILSON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 669, a bill to require the Secretary of Energy to convey to the State of California by quit-claim deed certain lands in a naval petroleum reserve and to provide that money received from a naval petroleum reserve shall be treated the same as money received from other public lands.

S. 747

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 747, a bill to amend chapter 44 of title 18, United States Code, regarding assault weapons.

S. 754

At the request of Mr. PACKWOOD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 754, a bill to restrict the export of unprocessed timber from certain Federal lands, and for other purposes.

S. 755

At the request of Mr. PACKWOOD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 755, a bill to authorize the states to prohibit or restrict the export of unprocessed logs harvested from the lands owned or administered by States.

S. 813

At the request of Mr. WIRTH, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 813, a bill to establish the National Literacy Commission, and for other purposes.

S. 849

At the request of Mr. SIMPSON, his name was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 874

At the request of Mr. FORD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 1245

At the request of Mr. MITCHELL, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1245, a bill to amend the Federal Meat Inspection Act to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States, and for other purposes.

S. 1277

At the request of Mr. FORD, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1277, a bill to amend the Federal Aviation Act of 1958 to prohibit the acquisition of a controlling interest in an air carrier unless the Secretary of Transportation has made certain determinations concerning the effect of such acquisition on aviation safety.

S. 1338

At the request of Mr. BIDEN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1338, a bill to amend title 18, United States Code, to protect the physical integrity of the flag of the United States.

S. 1393

At the request of Mr. REID, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1393, a bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned.

S. 1405

At the request of Mr. PELL, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1405, a bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time homebuyers.

S. 1411

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Indiana [Mr. LUGAR], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1411, a bill to amend the Food Security Act of 1985 to encourage the planting of trees on conservation reserve acreage, and for other purposes.

S. 1427

At the request of Mr. BOSCHWITZ, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 1427, a bill to amend the Federal Meat and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that have been seized and condemned under such acts to charity and public agencies, and for other purposes.

S. 1618

At the request of Mr. BOSCHWITZ, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1618, a bill to amend the Internal Revenue Code of 1986 to allow less frequent deposits of payroll taxes for employers of certain lower paid employees.

S. 1619

At the request of Mr. BOSCHWITZ, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1619, a bill to amend the Internal Revenue Code of 1986 to reduce the occupational tax on small retail liquor and beer dealers, and for other purposes.

S. 1631

At the request of Mr. SIMON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1631, a bill to make a technical amend-

ment to title 11, United States Code, the Bankruptcy Code.

S. 1655

At the request of Mr. REID, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1655, a bill to amend the enforcement provisions, to provide for the disclosure of independent expenditures, to make provisions regarding intermediaries and broadcast time, and for other purposes.

SENATE JOINT RESOLUTION 160

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate December 7, 1989, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the names of the Senator from California [Mr. WILSON], the Senator from Indiana [Mr. LUGAR], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 176

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 176, a joint resolution to designate September 29, 1989, as "National Siblings of Disabled Persons Day."

SENATE JOINT RESOLUTION 193

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 193, a joint resolution designating October 1989 as "National Italian-American Heritage and Culture Month."

At the request of Mr. DECONCINI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Washington [Mr. GORTON], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 193, supra.

SENATE JOINT RESOLUTION 194

At the request of Mr. LAUTENBERG, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 194, a joint resolution designating November 12 to 18, 1989, as "National Glaucoma Awareness Week."

SENATE JOINT RESOLUTION 204

At the request of Mr. NUNN, the names of the Senator from California [Mr. CRANSTON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 204, a joint resolution designating October 28, 1989, as "National Women Veterans of World War II Day."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. HATCH], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the U.S. Senate that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts.

SENATE RESOLUTION 180

At the request of Mr. SANFORD, the names of the Senator from Washington [Mr. GORTON] and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Resolution 180, a resolution to encourage schools and civic enterprises to observe the 200th anniversary of the Bill of Rights on September 25, 1989.

AMENDMENT NO. 844

At the request of Mr. WARNER, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of amendment No. 844 proposed to H.R. 3072, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

SENATE RESOLUTION 186—RELATING TO THE PROTECTION OF THE ANTARCTIC SYSTEM

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 186

Whereas the Antarctic System is of fundamental importance to the global environment;

Whereas the special legal and political status of Antarctica and the special responsibility of the Antarctic Treaty Consultative Parties to ensure that all activities in Antarctica are consistent with the purposes and principles of the Antarctic Treaty;

Whereas the Antarctic System has unique ecological, scientific, and wilderness value: Now, therefore, be it

Resolved, That it is the sense of the Senate that the protection of the Antarctic System, including dependent and associated ecosystems, must be a basic consideration in decisions relating to all activities conducted in the Antarctic.

Mr. HELMS. Mr. President, this resolution expresses the sense of the Senate that the protection of the Antarctic System, including dependent and associated ecosystems, must be a basic consideration in decisions relating to all activities conducted in the Antarctic.

The resolution states that the Antarctic System is of fundamental importance to the global environment.

It states that the special legal and political status of Antarctica and the special responsibility of the Antarctic Treaty Consultative Parties to ensure that all activities in Antarctica are consistent with the purposes and principles of the Antarctic Treaty.

It states that the Antarctic System has unique ecological, scientific, and wilderness value.

The language of this resolution is drawn from the Preamble to the Convention on the Regulation of Antarctic Mineral Resource Activities which was adopted last year by 33 countries as a result of a meeting held at Wellington, New Zealand on June 2, 1988.

This resolution takes no position with respect to the Wellington Convention nor is it intended to.

The purpose of this resolution is to express the sense of the Senate about broad principles that should govern decisions relating to the future of Antarctica.

Mr. President, the University of North Carolina at Wilmington has a fine department of Marine Sciences and members of the faculty have been involved in scientific research relating to Antarctica and the marine environment there. I hope that future generations of explorers, scientific researchers, and students will be able to continue to advance man's knowledge about the Antarctic System.

In order to continue this scientific advancement as well as to promote the general well-being of the global environment it is fundamental that the Antarctic System be protected. I believe that this resolution is a constructive step forward to this objective.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION ACT

FORD AMENDMENT NOS. 851 THROUGH 853

(Ordered to lie on the table.)

Mr. FORD submitted three amendments intended to be proposed by him to the bill (S. 874) to establish national voter registration procedures for Presidential and congressional elections, and for other purposes, as follows:

AMENDMENT No. 851

Section 2(b) is amended by inserting before the period at the end thereof, the following, "or no requirement that voters register prior to the date of such election for Federal office to be eligible to vote in that election".

AMENDMENT No. 852

Section 4(a) of the substitute amendment is amended by inserting before the period at the end of the first sentence "or shall develop a mail voter registration application form for such elections. Such form shall—

"(1) require only sufficient identifying information, including the signature of the applicant, to enable the appropriate State election official to assess the eligibility of the applicant; and

"(2) include a statement of penalties provided by law for submission of a false voter registration application.

A form under this section may not include any requirement for notarization or other formal authentication".

AMENDMENT No. 853

Section 5(a) of the substitute is amended by striking out "Offices designated under this subsection shall include public libraries, public schools, offices providing public assistance, unemployment compensation, vocational rehabilitation, and related services, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, and government revenue offices" and inserting in lieu thereof "The State shall designate the locations that will provide services pursuant to the provisions of this subsection from locations such as public libraries, public schools, offices of city and county clerks, including marriage license bureaus), fishing and hunting license bureaus, and government revenue offices but shall include in such designation all offices in the State providing public assitance, unemployment compensation, vocational rehabilitation and related services".

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

D'AMATO (AND OTHERS) AMENDMENT NO. 854

Mr. D'AMATO (for himself, Mr. DODD, Mr. GARN, Mr. GRAHAM, Mr. GRAMM, Mr. HARKIN, Mr. MCCLURE, Mr. LIEBERMAN, Mr. STEVENS, Mr. BOND, and Mr. GORE) proposed an amendment to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 108, between lines 4 and 5, insert the following new section:

SEC. . It is the sense of Congress that—

(1) the recommendations of the National Space Council, as approved by the President in July of 1989, for the development of the National Aerospace Plane represent an improved and more affordable strategy for the United States; and

(2) if funds are made available for the National Aerospace Plane program for fiscal year 1990, the National Space Council should submit to Congress, not later than January 31, 1990, a report assessing the existing arrangement between the Department of Defense and NASA for management of the National Aerospace Plane program and should include in that report recommendations for such changes in the management arrangement as the Council considers necessary to increase the effectiveness of the National Aerospace Plane program and ensure the achievement of the goals established for such program.

WARNER (AND OTHERS) AMENDMENT NO. 855

Mr. WALLOP (for Mr. WARNER) (for himself, Mr. DOLE, Mr. WILSON, Mr. THURMOND, Mr. GORTON, Mr. SIMPSON, Mr. COATS, Mr. LOTT, and Mr. ARMSTRONG) proposed an amendment to amendment No. 825 proposed by Mr. INOUYE to the bill H.R. 3072, supra, as follows:

Strike out all after the words "Title X", and insert in lieu thereof the following:

For expenses not otherwise provided for, necessary for certain program improvements, and for other purposes; $8,358,853,000, of which $1,293,000,000 shall be transferred to and merged with "Enterprise refueling/modernization program" under the heading "Shipbuilding and Conversion, Navy," to remain available for obligation until September 30, 1994; $3,400,000,000 shall be transferred to and merged with appropriations under Title III, Procurement, for costs of installing modifications of equipment, to remain available for obligation until September 30, 1992; $290,000,000 shall be transferred to and merged with "Shipbuilding and Conversion, Navy," under a new subaccount "Icebreaker", to remain available for obligation until September 30, 1994; $959,900,000 shall be transferred to and merged with "LHD-1 Amphibious Assault Ship" under the heading "Shipbuilding and Conversion, Navy", to remain available for obligation until September 30, 1994; $20,000,000 shall be transferred to and merged with "Sealift Ship Program" under the heading "Shipbuilding and Conversion, Navy", to remain available for obligation until September 30, 1994; $279,600,000 shall be transferred to and merged with "Missile Procurement, Army", to remain available for obligation until September 30, 1992, of which $89,000,000 shall be available only for the Stinger missile program, $93,500,000 shall be available only for the Laser Hellfire program, $51,100,000 shall be available only for the TOW II program, and $46,000,000 shall be available only for the Advanced Tactical Missile System; $45,300,000 shall be transferred to and merged with "Weapons Procurement, Navy", to remain available for obligation until September 30, 1992, for the High-Speed Anti-Radiation Missile program; $70,000,000 shall be transferred to and merged with "Missile Procurement, Air Force", to remain available for obligation until September 30, 1992, for the High-Speed Anti-Radiation Missile program; $775,771,000 shall be transferred to and merged with "Aircraft Procurement, Army", to remain available for obligation until September 30, 1991, for the purchase of 66 Apache helicopters after which the Apache program will be terminated, *Provided*, That the funds provided in this paragraph shall not become available for obligation until September 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change; $910,000,000 shall be transferred to and merged with "Weapons Procurement, Navy", to remain available until September 30, 1992, for the Trident II/D-5 missile program, *Provided*, That none of these funds may be obligated until the Secretary of the Navy has notified Congress in writing that he has approved modifications or redesign of the D-5 missile needed to correct recent test deficiencies; $298,358,000 shall be transferred to and merged with "Research, Development, Test, and Evaluation, Defense Agencies" to remain available until September 30, 1991, *Provided*, That not less than $4,000,000,000 of the funds under the heading "Research, Development, Test, and Evaluation, Defense Agencies" shall be available only for the Strategic Defense Initiative program; and for the Space-Based Wide Area Surveillance Radar, $1,956,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Navy", to remain available until September 30, 1991, for the Tactical Space Operations program, $4,968,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Air Force", to remain available until September 30, 1991, for the Space Surveillance Technology program, and $10,000,000 shall be transferred to and merged with "Research, Development, Test and Evaluation, Defense Agencies", to remain available for obligation until September 30, 1991, for the Strategic Technology program.

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund, Defense"; $300,000,000, to remain available until expended. The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from state and local governments for assistance on a reimbursable basis to respond to natural or manmade disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts, and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended.

REDUCTIONS TO AUTHORIZED LEVEL

Notwithstanding any other provision of the Act, the amount on page 20, line 2, is reduced by $68,100,000 from the UH-60 Blackhawk helicopter program; the amount on page 32, line 14, is reduced by $49,000,000 from the F-15/F-16 engine upgrade program; and the amount on page 36, line 3, is reduced by $50,000,000 from the B-1B program.

INOUYE (AND STEVENS) AMENDMENT NO. 856

Mr. INOUYE (for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 3072, supra; as follows:

At the end of the bill, insert the following:

SEC. . Up to $20 million of funds available to the Department of Defense in fiscal year 1990 may be transferred to, and consolidated with, funds made available to carry out the provisions of section 23 of the Arms Export Control Act and may be used for any of the purposes for which such funds may be used, notwithstanding section 10 of Pubilc Law 91-672 or any other provision of law: *Provided*, That funds trans-

ferred pursuant to this section shall be made available only for Jordan to maintain previously purchased United States-origin defense articles: *Provided further,* That funds transferred pursuant to this section shall be available to Jordan on a grant basis notwithstanding any requirement for repayment: *Provided further,* That for purposes of section 10 of Public Law 91-672, funds so transferred shall be deemed to be authorized to be appropriated for the account into which they are transferred: *Provided further,* That the Speaker of the House of Representatives and the President of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations and Armed Services of the Senate and House of Representatives shall be notified through regular reprogramming procedures prior to the transfer of funds pursuant to the authority granted in this section.

HOLLINGS (AND OTHERS) AMENDMENT NO. 857

Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. STEVENS, and Mr. BYRD) proposed an amendment to the bill H.R. 3072, supra; as follows:

At the appropriate place insert:

SEC. . Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to repair or replace real property, facilities, equipment, and other Department of Defense assets damaged by hurricane Hugo in September 1989: *Provided,* That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred: *Provided further,* That the Secretary shall notify the Congress promptly of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

JOHNSTON (AND THURMOND) AMENDMENT NO. 858

Mr. JOHNSTON (for himself and Mr. THURMOND) proposed an amendment to the bill H.R. 3072, supra, as follows:

SEC. . During the current fiscal year, the Secretary of Defense may transfer not more than $135,000,000 of funds available to the Department of Defense to the appropriation "Atomic Energy Defense Activities," to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided,* That none of the funds to be transferred shall be from procurement or military construction appropriation accounts.

LEAHY (AND OTHERS) AMENDMENT NO. 859

Mr. LEAHY (for himself, Mr. HATFIELD, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. SASSER, and Mr. WIRTH) proposed an amendment to the bill H.R. 3072, supra, as follows:

On page 108, between lines 4 and 5, insert the following:

SEC. 9100. Notwithstanding any other provision of this Act—

(1) none of the funds appropriated in this Act may be obligated or expended to commence production of any B-2 aircraft; and

(2) the funds appropriated in this Act and available for the B-2 advanced technology bomber program may be expended only for—

(A) the completion of the production of B-2 aircraft commenced with funds appropriated before the date of the enactment of this Act;

(B) research and development for the B-2 aircraft; and

(C) flight testing of B-2 aircraft.

BUMPERS (AND BINGAMAN) AMENDMENT NO. 860

Mr. BUMPERS (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 3072, supra, as follows:

On page 108, between lines 4 and 5, insert the following new section:

SEC. . (a) None of the funds appropriated by this Act may be obligated or expended after August 30, 1990, to support or maintain members of the Armed Forces of the United States assigned to permanent duty ashore in the Republic of Korea in a number greater than 40,872 or to support or maintain members of the United States Army assigned to permanent duty ashore in such country in a number greater than 28,406.

(b) It is the sense of Congress that the President should, at the earliest practical date after the date of the enactment of this Act, initiate discussions with the Republic of Korea regarding—

(1) mutually satisfactory arrangements for achieving the limitations provided for in subsection (a);

(2) the desirability of making a phased reduction, in addition to the reduction made as the result of subsection (a), of 7,000 members of the United States Army assigned to permanent duty ashore in the Republic of Korea and of completing such reduction not later than September 30, 1992; and

(3) the kinds and quantities of military equipment and other materiel that will be needed by the Republic of Korea as a consequence of the limitation provided for in subsection (a).

(c) It is further the sense of Congress that the President should submit to Congress, not later than May 1, 1990, a report in both classified and unclassified versions on the reduction of United States military personnel assigned to permanent duty ashore in the Republic of Korea. The President should include in such report a discussion of the following matters:

(1) The feasibility of making reductions, in addition to the reduction made as a result of subsection (a), in the number of United States Army personnel assigned to permanent duty in the Republic of Korea.

(2) The type of technical and planning assistance that the United States should offer to the Republic of South Korea as that country assumes a greater burden for its own defense.

(3) The options available, and the President's recommendations with respect to the reassignment or other disposition of United States military personnel withdrawn from the Republic of Korea.

(4) The purpose and function of the presence of a substantial number of civilian personnel of the Department of Defense in the Republic of Korea.

(d) Congress reaffirms the commitment of the United States to the security and territorial integrity of the Republic of Korea.

STEVENS (AND INOUYE) AMENDMENT NO. 861

Mr. STEVENS (for himself, Mr. INOUYE, and Mr. RUDMAN) proposed an amendment to amendment No. 860 proposed by Mr. BUMPERS (and Mr. BINGAMAN) to the bill H.R. 3072, supra, as follows:

In lieu of the matter proposed to be inserted in lieu thereof:

SEC. . (a) Congress makes the following findings:

(1) The United States, as executive agent for the United Nations Command, plays a key role in preserving the armistice which has maintained peace on the Korean peninsula for 36 years.

(2) Partly because of the significant contribution that the United States has made toward preserving the peace, the Republic of Korea has been able to focus national efforts on economic and political development.

(3) The United States remains committed to the security and territorial integrity of the Republic of Korea under the terms of the Mutual Defense Treaty of 1954.

(b) It is the sense of Congress that—

(1) until North Korea abandons its desire to reunite the Korean peninsula by force and ceases to seek modern weapon systems from foreign powers, the threat to the Republic of Korea will remain clear and present and the United States military presence in the Republic of Korea will continue to be vital to the deterrence of North Korean aggression toward the Republic of Korea;

(2) although a United States military presence is essential until the Republic of Korea has achieved a balance of military power with the Democratic Peoples Republic of Korea, the United States should reassess the force structure required for the security of the Republic of Korea and the protection of the United States interests in northeast Asia;

(3) the United States should not remove any armed forces from the Korean peninsula until a thorough study has been made of the present and projected roles, missions, and force levels of the United States forces in the Republic of Korea; and

(4) before April 1, 1990, the President should submit to Congress a report that contains a detailed assessment of the need for a United States military presence in the Republic of Korea, including—

(A) an assessment of (i) the current imbalance between the armed forces of the Republic of Korea and the armed forces of the Democratic Peoples Republic of Korea, and (ii) the efforts by the Republic of Korea to eliminate the current adverse imbalance;

(B) the means by which the Republic of Korea can increase its contributions to its own defense and permit the United States to assume a supporting role in the defense of the Republic of Korea;

(C) the ways in which the roles and missions of the United States forces in Korea are likely to be revised in order to reflect the anticipated increases in the national defense contributions of the Republic of Korea and to effectuate an equal partnership between the United States and the Republic of Korea in the common defense of the Republic of Korea;

(D) an assessment of the actions taken by the Republic of Korea in conjunction with the United States to reduce the cost of stationing United States military forces in the Republic of Korea;

(E) an assessment of the willingness of the South Korean people to sustain and support a continued United States military presence on the Korean peninsula; and

(F) a discussion of the plans for a long-term United States military presence throughout the Pacific region, the anticipated national security threats in that region, the roles and missions of the Armed Forces of the United States for the protection of the national security interests of the United States in that region, the force structure necessary for the Armed Forces to perform those roles and missions, and any force restructuring that could result in a reduction in the cost of performing such roles and missions effectively.

KENNEDY (AND COHEN) AMENDMENT NO. 862

Mr. INOUYE (for Mr. KENNEDY) (for himself and Mr. COHEN) proposed an amendment to the bill H.R. 3072, supra; as follows:

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

SEC. . STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing—

(1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with

(2) Two alternative plans, one to produce 90-100 B-2 aircraft and another to produce 60-70 B-2 aircraft.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B-2 aircraft program, including—

(A) annual program costs,

(B) total program costs,

(C) 20-year life cycle costs,

(D) unit and flyaway costs;

(2) The impact on the military posture of the United States, including—

(A) strategic nuclear deterrent capabilities,

(B) long-range conventional strike capabilities.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services and Appropriations of both the Senate and the House of Representatives a report in both classified and unclassified form containing the results of the study conducted by the Secretary under subsection (a). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than January 1, 1990.

GRAHAM AMENDMENT NO. 863

Mr. INOUYE (for Mr. GRAHAM) proposed an amendment to the bill H.R. 3072, supra, as follows:

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

PARTNERSHIPS WITH SCHOOLS

SEC. . (A) DEFINITIONS.—For the purposes of this part—

(1) The term "school volunteer" means a person, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(2) The term "partnership program" means a cooperative effort between the military and an educational institution to enhance the education of students.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(5) The term "Secretary" means the Secretary of Defense.

(b) The Secretary shall design a comprehensive strategy to involve civilian and military employees of the Department of Defense in partnership programs with civilian and military elementary schools and secondary schools. This strategy shall include:

(1) A review of existing programs to identify and expand opportunities for such employees to be school volunteers.

(2) The designation of a senior official in each branch of the Armed Services who will be responsible for establishing school volunteer and partnership programs in each branch of the Armed Services and for developing school volunteer and partnership programs.

(3) The encouragement of civilian and military employees of the Department of Defense to participate in school volunteer and partnership programs.

LAUTENBERG AMENDMENT NO. 864

Mr. INOUYE (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3072, supra, as follows:

On page 108, between lines 4 and 5, insert the following new section:

SEC. . The Secretary of the Army shall execute such documents and take such other action as may be necessary to release to the New Jersey Turnpike Authority, a corporate body organized under the laws of the State of New Jersey, the reversionary right, described in section (b), reserved to the United States in and to that parcel of land conveyed by the United States to the New Jersey Turnpike Authority pursuant to the Act entitled "An Act to authorize the conveyance of certain lands within Caven Point Terminal and Ammunition Loading Pier, New Jersey, to the New Jersey Turnpike Authority", approved February 18, 1956 (70 Stat. 19). The release provided for in this section shall be made without consideration by the New Jersey Turnpike Authority.

(b) The reversionary right referred to in subsection (a) is the right reserved to the United States by section 6 of the Act referred to in subsection (a) which provides that in the event the property conveyed by the United States pursuant to such Act ceases to be used for street or road purposes and other purposes connected therewith or related thereto for a period of two consecutive years, the title to such land, including all improvements made by the New Jersey Turnpike Authority, shall immediately revert to the United States without any payment by the United States.

REID (AND BRYAN) AMENDMENT NO. 865

Mr. INOUYE (for Mr. REID, for himself and Mr. BRYAN) proposed an amendment to the bill H.R. 3072, supra, as follows:

At the appropriate place insert the following:

The Senate of the United States finds that:

(1) Public Law 99-606 requires that a report (Special Nevada Report), evaluating the impact on Nevada of the cumulative effect of continued or renewed land and airspace withdrawals by the military, be submitted to Congress no later than November, 1991;

(2) Public Law 99-606 also requires that appropriate mitigation measures be developed to offset any negative impacts caused by the military land and airspace withdrawal; and

(3) the military has continued to propose additional land and airspace withdrawals prior to submitting the Special Nevada Report required under Public Law 99-606 to Congress;

Therefore, it is the sense of the Senate that, absent critical national security requirements, the further withdrawal of public domain lands or airspace in Nevada be halted until the Special Nevada Report is submitted to Congress as required under Public Law 99-606.

HELMS AMENDMENT NO. 866

Mr. INOUYE (for Mr. HELMS) proposed an amendment to the bill H.R. 3072, supra, as follows:

At the end of the bill, add the following new section:

SEC. . (a) Congress makes the following findings:

(1) As of July 18, 1989, the Federal prison population reached an all time high of 49,418 inmates.

(2) the design capacity of Federal prisons is only 31,091 beds.

(3) The overcrowding rate at Federal prisons is 159 percent of capacity.

(4) The Bureau of Prisons projects that the federal prison population will exceed 83,500 by 1995.

(5) The President declared a war on drugs and has endorsed the idea of using old military facilities as prisons.

(6) The Federal Bureau of Prisons states in its 1988 report that using old military bases is the most cost efficient method to obtain more space to house minimum security offenders.

(b) It is the sense of Congress that—

(1) in selecting an agency or instrumentality for receipt of property or a facility scheduled for closure under the Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2629; 10 U.S.C. 2687), the Secretary of Defense should give priority to the Bureau of Prisons; and

(2) the Commission on Alternative Utilization of Military Facilities should give priority consideration to utilizing the military facilities that are scheduled for closure as minimum security prisons; and

(3) before making any decision about transferring any real property or facility pursuant to the Base Closure and Realignment Act, the Secretary of Defense should consult with the Governor of the State and the heads of the local governments in which the real property or facility is located and

should consider any plan by the local government concerned for the use of such property.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Thursday, October 19, 1989, to consider the nomination of Kyo R. Jhin to be chief counsel for advocacy for the Small Business Administration. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call John Ball, staff director of the committee at 224-5175, or Tracy Crowley at 224-3099.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on the upper basin impacts of low-water levels in Missouri River Reservoirs.

The hearing will take place in the Pioneer Room of the State Capitol, 600 East Boulevard, Bismark, ND, on October 9, 1989, beginning at 9:30 a.m.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 26, at 2 p.m. to hold a hearing on ambassadorial nominations.

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

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, September 26, beginning at 9:30 a.m., to conduct a hearing to receive testimony from William Reilly, Administrator of the Environmental Protection Agency, concerning pending amendments to the Clean Air Act.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, September 26, 1989, at 10:30 a.m., to conduct a hearing on "The Drug Crisis: Prevention and Education."

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate September 26, 1989, 9:30 a.m. for a hearing to receive testimony on House Joint Resolution 175, legislation to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 26, 1989, at 11 a.m. to resume consideration of legislation to restructure the Medicare Catastrophic Coverage Program.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, September 26, 1989, to hold hearings on the U.S. Government's antinarcotics activities in the Andean Region of South America.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 26, 1989, at 2 p.m., to hold a hearing on the nomination of Conrad K. Cyr, to be U.S. circuit judge for the first circuit; Marvin J. Garbis, to be U.S. district judge for the District of Maryland; Rebecca Beach Smith, to be U.S. district judge for the Eastern District of Virginia; and Stuart M. Gerson, to be an assistant attorney general.

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

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate September 26, 1989, 2:15 p.m. for an oversight hearing to receive testimony concerning natural gas supply and deliverability.

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

ADDITIONAL STATEMENTS

PROBLEMS WITH SOVIET UNION FULBRIGHT PROGRAM

● Mr. BAUCUS. Mr. President, as many of my colleagues are aware, one of the most successful efforts for international cooperation over the years has been the Fulbright Academic Exchange Program. In this program, the United States sends its scholars to universities abroad, where they learn and make contributions to the advancement of learning. I have been particularly pleased and hopeful that this effort, combined with other cultural and intellectual exchange efforts, will continue to produce better understanding between the United States and the Soviet Union.

I am using this opportunity to ask the Soviet Union for help. Something is going wrong with this program, and it is creating hardships for our scholars, including some in my State, Montana.

Simply put, administrative problems within the Soviet Union have led to a point where the program is deadlocked. Academic exchanges for this year are grinding to a halt. At the moment, Americans who have been invited to be a part of this program, and who have undergone an exhaustive and long process of selection, are being told that the Soviet Union is unable to arrange their placement. Accordingly, these American academics are being left up in the air as their new school terms are about to begin: They do not know whether they will soon be leaving for the Soviet Union or whether they will be staying here and securing their contracts and teaching assignments for the forthcoming year.

This causes great hardship both for American scholars and for their universities. It is also frustrating and counterproductive to the kind of exchange that I believe is in the interest of both our countries and desired by both countries.

I understand that Chairman Yagodin of the Soviet State Committee for Public Education has been trying very hard to clear up the administrative problems within the Soviet Union. I

want to thank him for his efforts. But the truth is, if these problems continue into the next academic year, I and others are going to have to rethink the entire effort. I cannot support the funding of the U.S. end of the program, which is channeled through the USIA, if it continues to create such hardships for my constituents and others.

This would be a sad loss of an important effort. I strongly support these exchanges; I know many of my colleagues do as well. I urge the Soviet Union to clear up these problems.●

HERBERT GOLDSMITH, LEADER IN WAR ON DRUGS

● Mr. D'AMATO. Mr. President, I rise to call my colleagues' attention to the leadership being provided by Herbert Goldsmith, president and CEO of Members Only, in the war on drugs.

Since 1986, Members Only has committed its advertising budget, worth some $18 million to date, to the war against drugs and, in the process, has persuaded the media to donate an additional $70 million in space and air time.

Mr. Goldsmith's antidrug efforts began in 1986 when New York's Gov. Mario Cuomo joined Mr. Goldsmith in unveiling an antidrug ad campaign, which featured Lou Piniella, Buck Williams, Boomer Esiason, and Payne Steward, wearing Members Only attire, and warning of the dangers of drugs.

The next year, a Members Only percent-of-sale program to help infants who are born addicted to drugs was announced by Larry Gatlin and Payne Steward. It raised $150,000 for a wing at Clara Hale House in New York and for the ICAN Program in Los Angeles.

Mr. Goldsmith is a public spirited citizen with an impressive track record. In 1988, an election year, he joined the League of Women Voters in tackling voter apathy. He launched a 3-week, $3 million campaign involving hardhitting commercials and a nationwide voter registration drive in department stores.

The campaign was awarded a Clio, the prestigious advertising honor, and a Spire for sales promotion excellence. This year, Herb Goldsmith was named an all-star of the year by Crain's New York Business.

Mr. Goldsmith is extending his antidrug campaign to include a focus on dangers to police officers. "Drugs don't just kill addicts" will be the theme, highlighted in a new national advertising and retail promotion campaign. In addition, Members Only is conducting a national grassroots basketball program with the Police Athletic League to foster positive relationships between young people and police and to keep young people off the streets and off drugs.

Mr. President, Herb Goldsmith is to be commended for channeling his business acumen toward public service. The war against drugs is not just the Government's war. It is a war most effectively waged by all Americans, corporate and individual alike. Herb's leadership in this regard stands as a challenge to the rest of corporate America to join in similarly dedicating their corporate resources to the national effort against drugs.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Andrew Jazwick, a member of the staff of Senator SYMMS, to participate in a program in Namibia, sponsored by the Foundation for Democracy, from August 19 to 30, 1989.

The committee has determined that participation by Mr. Andrew Jazwick in the program in Namibia, at the expense of the Foundation for Democracy, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Kevin Monroe, a member of the staff of Senator SANFORD, to participate in a program in Namibia, sponsored by the Foundation for Democracy, from August 19 to 30, 1989.

The committee has determined that participation by Mr. Monroe in the program in Namibia, at the expense of the Foundation for Democracy, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Frances A. Zwenig, a member of the staff of Senator KERRY, to participate in a program in Taiwan, sponsored by Tunghai University, from August 7 to 13, 1989.

The committee has determined that participation by Ms. Zwenig in the program in Taiwan, at the expense of the Tunghai University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Kenneth Nelson, Dr. David Freshwater, Dr. David Podoff, and Mr. David Malpass, members of the Joint Economic Committee staff, to participate in a program in Canada, sponsored by the Centre for Legislative Exchange, from October 1 to 4, 1989.

The committee has determined that participation by Messrs. Nelson, Freshwater, Podiff, and Malpass in the program in Canada, at the expense of the Centre for Legislative Exchange, is in the interest of the Senate and the United States.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $16.2 billion in budget authority, and over the budget resolution by $11.3 billion in outlays. Current level is over the revenue floor by $0.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $146.2 billion, $10.2 billion above the maximum deficit amount for 1988 of $136.0 billion.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 25, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through September 22, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution for FY 1989, H. Con. Res. 268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. RIESCHAUER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF SEPT. 22, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
Budget authority	1,248.2	1,232.1	16.2
Outlays	1,111.1	1,099.8	11.3
Revenues	964.9	964.7	.2
Debt subject to limit	2,815.0	[3] 2,824.7	−9.7
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	146.2	[4] 136.0	[5] 10.2

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with Sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for Catastrophic Health Care (P.L. 100–360).

[3] The permanent statutory debt limit is $2,800.0 billion. Public Law 101–72 temporarily raised the debt limit by an additional $70 billion to $2,870.0 billion ending on October 31, 1989.

[4] Maximum deficit amount [MDA] in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS SEPT. 22, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for nonfat dry dairy products (Public Law 101–7)		−10	
Implementation of the bipartisan accord on Central America (Public Law 101–14)	−11		
Dire emergency and urgent supplemental appropriations, 1989 (Public Law 101–45)	3,493	1,023	
Financial Institutions Reform, Recovery, and Enforcement Act (Public Law 101–73)	12,400	10,300	455
Disaster Assistance Act of 1989 (Public Law 101–82)	17	17	
Total enacted this session	15,899	11,330	455
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	([1])	([1])	
Special milk	4		
Food Stamp Program	29		
Federal Crop Insurance Corporation fund	144		
Compact of Free Association	1	1	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Payment to Hazardous Substance Superfund	(99)	(99)	
Supplemental security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Total entitlement authority	926	747	

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS SEPT. 22, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of Sept. 22, 1989	1,248,245	1,111,068	964,889
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	16,195	11,318	189
Under budget resolution			

[1] Less than $500,000.

Notes.—Numbers may not add due to rounding. Amounts in parenthesis are interfund transactions that do not add to budget totals. ●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(B) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $442.3 billion in budget authority, and under the budget resolution by $254.0 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through September 22, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF SEPT. 22, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget authority	887.1	1,329.4	−442.3
Outlays	911.2	1,165.2	−254.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,815.0	[2] 3,122.7	−307.7
Direct loan obligations	10.0	19.3	−9.3
Guaranteed loan commitments	39.3	107.3	−68.0

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The permanent statutory debt limit is $2,800.0 billion. Public Law 101–72 temporarily raised the debt limit by an additional $70 billion to $2,870.0 billion ending on October 31, 1989.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 22, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,059,700
Permanent appropriations and trust funds	966,154	796,867	
Other appropriations		214,199	
Offsetting receipts	−193,106	−193,106	
Total enacted in previous sessions	773,048	817,960	1,059,700
II. Enacted this session:			
Adjust Purchase Price for Certain Dairy Products (Public Law 101–7)		−25	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	13	7	
Dire Emergency and Urgent Supplemental Appropriations (Public Law 101–45)	−22	802	
Apex Project, Nevada Land and Water Transfer Act (Public Law 101–67)	−2	−2	
Financial Institutions Reform, Recovery and Enforcement Act (Public Law 101–73)	2,200	1,400	594
Allow Planting of Alternative Crops on Permitted Acreage (Public Law 101–81)	−10	−10	
Disaster Assistance Act of 1989 (Public Law 101–82)	502	504	
Total enacted this session	2,681	2,676	594
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses:			
Energy and Water Development Appropriations (H.R. 2696)	18,625	11,254	
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment for Foreign Service retirement	(146)	(146)	
Fishermen's guaranty fund	2	2	
Salaries of judges:			
Supreme Court	1	1	
U.S. Court of International Trade	1	1	
U.S. Court of Appeals	1	1	
Courts of Appeals	95	82	
Payment to judicial officers retirement fund	(4)	(4)	
Fees and expenses of witnesses	54	38	
Justice assistance (public safety officers benefits)	21	21	
Payment to the Central Intelligence Agency	155	155	

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 22, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Housing and other credit guaranty programs	45	31	
Guarantee reserve fund	720	720	
Firefighting:			
Forest Service	133	116	
Bureau of Land Management	75	75	
Bureau of Indian Affairs	26	26	
National Park Service	11	11	
U.S. Fish and Wildlife	3	3	
Range improvements	8	5	
BLM, miscellaneous trust funds	(1)	(1)	
Administration of territories	34	29	
Compact of free association	13	13	
Guaranteed student loans	3,651	3,046	
College housing loans	2	2	
Federal unemployment benefits and allowances (worker readjustment)	80	48	
Social Services block grant	2,700	2,565	
Payments to States for foster care and adoption assistance	1,297	942	
Rehabilitation services and handicapped research	1,726	1,329	
Vaccine improvement program trust fund	137	136	
Retirement pay and medical benefits for commissioned officers	101	97	
Medicaid	29,230	29,230	
Medical facilities guarantee and loan fund	21	18	
Payments to health care trust funds	(36,663)	(36,663)	
Advances to the unemployment trust fund	(81)	(81)	
Department of Labor, special benefits	231	229	
Black lung disability trust fund	694	673	
Federal payments to railroad retirement	1	1	
Special benefits for disabled coal miners	670	618	
Federal unemployment benefits and allowances (unemployment compensation)	209	209	
Supplemental security income	8,272	8,272	
Family support payments to States	9,092	9,092	
Payments to States for AFDC work programs	345	345	
Payments to social security trust funds	(192)	(192)	
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification and telephone revolving fund	355	355	
Conservation reserve program	1,731	897	
Dairy indemnity program	(1)	(1)	
Temporary emergency food assistance program	120	120	
Federal Crop Insurance Corporation	163	22	
Agricultural credit insurance fund	4,462	0	
Commodity Credit Corporation	(4,800)	0	
Payments to the farm credit system	88	88	
Rural housing insurance fund	2,678	0	
Rural communication development fund	2	1	
Rural development insurance fund	1,474	0	
Special milk program	18	12	
Cash and commodities for selected groups	40	40	
Food stamp program	13,970	13,119	
Child nutrition programs	4,798	4,052	
Nutrition assistance for Puerto Rico	937	925	
WAMATA interest payments	52	52	
Aircraft purchase loan guarantee program	(1)	(1)	
Coast Guard, retired pay	404	360	
Government payment for annuitants	3,780	3,304	
Special benefits (Postal Service payment)	37	37	
Compensation of the President	(1)	(1)	
FSLIC Resolution Fund	1,800	1,500	
Payment to civil service retirement	(5,296)	(5,296)	

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 22, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Federal Housing Administration fund	350	0	
Veterans Administration:			
Insurance and indemnities	14	14	
Compensation	11,690	10,720	
Pensions	3,927	3,609	
Burial benefits	149	149	
Readjustment benefits	439	422	
Loan guaranty revolving fund	620	620	
Total entitlement authority	113,956	98,600	
VI. Adjustment for Economic and Technical Assumptions	−21,185	−19,263	
Total current level as of Sept. 22, 1989	887,126	911,226	1,060,294
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution			
Under budget resolution	442,274	253,974	5,206

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.●

R.E.M. BENEFIT

● Mr. FOWLER. Mr. President, last night the members of the rock band R.E.M., from Athens, GA, took time off in the middle of their Green World Tour to do a benefit reception for Greenpeace, the Environmental Defense Fund, the Nature Conservancy and the Natural Resources Defense Council at the Botanical Gardens here in Washington.

I know that all people who care about protecting the environment are excited about the growing awareness of these issues in this country and around the world.

This is not the first time we have experienced a revival of popular concern for clean air and water, for our inheritance of pristine wilderness and our heritage of plant and animal wildlife. But the environmental movement has never been as broad-based as it is today.

More people than ever understand that this is not a narrow interest, but—from global warming to groundwater contamination—represents a basic health issue for all people, even an economic imperative. It involves our most basic responsibilities of stewardship.

While we all sense that the momentum in this struggle is shifting in favor of maintaining the natural balances of our planet, we also know that there is much, much more left to be done.

R.E.M. has worked to turn this general environmental awareness into activism at the most personal, grass roots level—reaching the most important audience of all: our young people, literally by the millions.

It is no secret, as we put the era of James Watt and Ann Burford Gorsuch behind us, that America's youth has been lured by many false goals of wasteful materialism and irresponsible personal gratification.

That is why it is so rewarding and refreshing that the members of R.E.M. measure their success not only in platinum albums, but in the positive influence of their music on our people. That testifies to their genuine commitment as artists, and their outstanding character as citizens.

I am impressed by the sense of honesty and urgency they bring to their music and to the environmental causes they have made their own. In that sense, R.E.M. is a valuable role model for us all.

I would be remiss if I didn't add, also, that Michael Stipe, Bill Berry, Mike Mills, and Peter Buck reflect great credit on our State—and I am proud to represent them as Georgians. The same holds true for those who work behind the scenes, including the band's attorney, Bert Downs, and manager, Jefferson Holt.

It was my pleasure to take part in the R.E.M. benefit, and I am pleased, also, on this occasion, to have the opportunity to congratulate these fine young men on their musical success, and to thank them for their public service.●

A MODEL U.S. SENATOR

● Mr. LOTT. Mr. President, our esteemed colleague, the distinguished senior Senator from North Carolina, has been called many things by many people during his Senate career.

A recent opinion column in the Bismarck, ND, Tribune described Senator JESSE HELMS as "one of the few men left in Congress capable of honest, gut-felt outrage" and a "continuing inspiration and delight."

As a new Senator, I agree completely with this description, and I therefore ask to insert the column in the RECORD. It is entitled, "Feisty North Carolinian a Model U.S. Senator."

The column follows:

[From the Bismarck (ND) Tribune, Aug. 30, 1989]

FEISTY NORTH CAROLINIAN A MODEL U.S. SENATOR

(By Frederic Smith)

I do enjoy and admire U.S. Sen. Jesse Helms. In counting the ways, I find this has less to do with his political positions—although I invariably like these, too—than with the style of the man.

Helms is one of the few men left in Congress capable of honest, gut-felt outrage—as opposed to the theatrical, self-righteous kind that plays to some special-interest group or other. Second, Jesse's guts and gut feelings are in remarkable agreement with Joe Sixpack and the rest of that unpretentious and much imposed upon citizenry that goes by the name of the 'the silent majority.'

If Jesse is mad, it's probably over something that a whole lot of other people are mad about as well.

Third, the senator has always shown an admirable indifference to what the liberal press has had to say about him. Perhaps this is because he used to be in journalism himself, and knows that the pretensions of that calling to prescience and objectivity are largely the bunk.

Recently, Helms has been a convenient whipping boy for editorial opinion inflamed over something he "made" the Senate do: vote some sensible restrictions, at last, on awards made by the National Endowment for the Arts. Presumably, he also bears responsibility for a whack taken at the NEA on the House side earlier this summer, although it is hard to figure how.

To review, the NEA stuck $45,000 of our money into two ostentatiously offensive "art" exhibits. One, the crucifix in urine, was in Helms' state of North Carolina, where the whiff could not escape his notice. The other consisted of homoerotic photographs.

The House action was to cut a symbolic $45,000 off the NEA's $171 million appropriation for next year. (At .00026 percent, that makes quite a statement.) The Senate, at Helms' urging, upped the ante by shutting off NEA support of the offending museums for five years.

Imagine it—in the North Carolina instance, Jesse was actually bringing home the bacon in reverse, a profile in courage that gives us another reason to revere the man.

Again at his instigation, the Senate took the further step of forbidding future NEA funding of "obscene and indecent (works), including but not limited to" the most obvious smut, of which it provided examples.

The Senate's action, especially, has inspired the predictable bleats about "censorship," as well as self-serving effusions from the affected museums that expose, better than words of mine ever could, the smug mindset of our selfappointed, but tax-supported, cultural "elite."

Whining that his museum had only been "doing our job," one weasel described that job as "challenging people's way of looking and seeing and thinking about critical issues of art, culture and society."

It has been my experience that people who talk like this are usually those least willing or able to handle challenges to their own ideas and presumptions. Instead of entering into debate, they grab for and start waving the bloody shirt of "censorship." This is supposed to end the discussion.

But what does "censorship" amount to in this case, beyond the strings or conditions attached to every other kind of federal aid?

With a highway contractor, for instance, it is not enough that he be bonded and have an exemplary record in his business of building roads. He must also satisfy the Office of Economic Opportunity that, in his hiring practices, he not only does not discriminate against minorities, but actively tries to recruit them.

That college is "censored" that must field a girls' as well as boys' sports team or find its kids ineligible for guaranteed student loans. And so on, with every distribution of federal tax dollars you can name.

One of many existing strings at the NEA itself is that individual (as opposed to institutional) grants may go only to the previously published writer or previously exhibited artist. In a case I remember, the NEA—surely carrying coals to Newcastle—lavished $6,000 on Erica Jong, the novelist wife of a rich New York psychiatrist, so she could afford to take time off from painting her toenails to give the world the forgettable "Fear of Flying."

"It helped," she noted laconically, in the book credits. Meanwhile, how many aspiring novelists, who would have killed for that kind of windfall, were prevented by its lack from "challenging people's way of looking and seeing and thinking"?

The surprising answer: not a one. Despite the "censorship" of poverty, as reinforced by the NEA, real writers continue to find a way to pen and publish the necessary books. Similarly, I think we may feel confident—the market for smut being what it is—that dabblers in urine and other excrementa will find their niche without the participation of the American taxpayer.

That involuntary participation is all that Jesse Helms would withdraw. Unlike the college or highway contractor, the "artist" can go on without it, free as a bird. But it took Jesse Helms to remind us of the obvious.

Way to go, Jesse—you are a continuing inspiration and delight. May your tribe increase.

P.S. For the record, and contrary to a recent piece on this page, the senator is neither 'little' nor 'shabby,' being physically as well as senatorially quite large and at least as well dressed as, say, Sam Donaldson.●

MOREHOUSE SCHOOL OF MEDICINE'S SERVICE TO RURAL AND MINORITY COMMUNITIES

● Mr. FOWLER. Mr. President, I rise today to bring the attention of my colleagues in the Senate to the exceptional service rendered to my State and to our Nation by the Morehouse School of Medicine.

The Morehouse School of Medicine was founded to address one of our Nation's most severe health care problems, the shortage of physicians for minority, poor and rural communities.

Many rural and inner city communities in this country continue to have horrifying doctor-to-patient ratios, as low as one to 25,000. In more affluent areas the ratio is more like 1 doctor for every 250 people.

The shortage of physicians is particularly acute among minorities. Although some 12 percent of American citizens are black, less than 3 percent of all U.S. physicians are black.

The Morehouse School of Medicine, in its short history, has already taken great strides toward addressing these problems. The school got its start in 1975 under the direction of Dr. Louis Sullivan, now the Secretary of Health and Human Services appointed by President Bush. I have had the good fortune of being a friend to Dr. Sullivan for a long time, and I know he has earned all the honor and respect he is being accorded in his new position.

One of the most important accomplishments of the Morehouse School of Medicine in its early years has been its record of placing physicians where they are needed the most. Of the 78 practicing physicians who are MSM graduates, 68 have remained in Georgia. All 78 are practicing either in inner cities or rural areas. Twenty-five practice in rural areas and 53 in inner cities.

On October 8, James A. Goodman, Ph.D., will officially be installed as the second president of MSM, to succeed Dr. Sullivan. Dr. Goodman also has a very distinguished record of service to the city of Atlanta and to the Morehouse School of Medicine, where he has held important administrative positions under Dr. Sullivan since 1980. I know that Dr. Goodman will carry on the fine tradition established at Morehouse School of Medicine, including the exemplary record of service to poor and minority communities. That is an example I would like to challenge all our medical schools to follow.

I would also like to offer Dr. Goodman and the Morehouse School of Medicine my sincerest wishes for the continued success of this important institution.●

WILL HILL TANKERSLEY

● Mr. SHELBY. Mr. President, I would like to draw my colleagues' attention to an articulate letter written by one of my constituents and friends, Will Hill Tankersley. He eloquently expresses the outrage we all feel when one American becomes the victim of such senseless brutality.

I ask that this article be printed in the RECORD at this time.

The article follows:

[From the Montgomery (AL) Advertiser, Aug. 6, 1989]

U.S. MUST AVENGE MURDER OF COL. HIGGINS

Letter to the Editor:

The murder of Marine Lt. Col. William R. Higgins by pro-Iranian terrorists is a crime so brutal and senseless that it defies the comprehension of civilized people. Higgins was killed because he was a member of the United Nations peacekeeping force and because he was an American.

This terrible crime against one of our citizens must not go unavenged. Because it was committed in a distant country by foreigners who claim they are motivated by religion and nationalism doesn't make it less heinous or more acceptable. We cannot embrace the rationale for inactivity that discretion should be the better part of valor. But what can we do?

First we must realize that Lebanon, the place where the crime occurred, is a Syrian vassal state and Hafez Assad, the president of Syria, can bring the murderers to justice and force the release of the other hostages being held in Lebanon. We should demand that he do this and if he refuses we should take every action short of war to make things as unpleasant as possible for him.

The argument that this will turn Moslems against us is no justification for inaction. The entire world will lose respect for our country if we do nothing. Our credibility will be nonexistent and we simply can't afford that.

We cannot tolerate the murder of Americans on official business for their country. This is compounded by the fact that Lieu-

tenant Colonel Higgins was on a U.N. mission to protect the peace in a troubled area of the world.

Kipling wrote a poem about an action taken by a platoon of native troops in the British Army a century ago in response to a terrorist sniper who killed their platoon leader from ambush. It is called "The Grave of the Hundred Head." It begins:

There is a widow in sleepy Chester
Who weeps for her only son;
There is a grave on the Pabeng River,
A grave that the Burmans shun;
And there is Subadar Prag Tewarri,
Who tells how the work was done.

After the 20 soldiers of the First Shikaris avenged their lieutenant in a highly visible manner designed to deter recidivism, I am confident that terrorists in the area were less than enthusiastic about blowing out the back of another British officer's head.

Any empathy for the fecal slime who call themselves The Organization of the Oppressed on Earth is inappropriate. By their actions, torturing and hanging Bill Higgins, they have forfeited the right to treatment normally afforded human beings.

In the Armed Services and other agencies of our government we have the best trained and most able people on earth to deliver a prompt, appropriate response. Such an action would impart a blinding flash of understanding to terrorist groups that the United States of America will take whatever action is required to uphold our honor and protect our citizens.

Like the Israelis, we should refuse to give in to terrorists and an immediate, violent response should be the certain result they can expect whenever they murder innocent Americans. There comes a time when talk and negotiation are no longer reasonable or appropriate. That time has come.

We have no alternative. We cannot be perceived as craven and ineffectual and be respected by friend or foe. Without respect, we can do little to make the world a better place to live in peace and freedom. The United States would become a toothless tiger, a laughingstock in the world community.

I'm convinced that this President of ours is going to take appropriate action. He will certainly be criticized for it by some; but I'm confident this will not deter him from doing what he believes to be necessary with the overwhelming support of the greater majority of Americans.

President Bush is wise, principled, fair and tough. I feel sure that he will respond convincingly to this outrage. Lay on, George, and soon!

WILL HILL TANKERSLEY.
MONTGOMERY.●

TRIBUTE TO CHRISTOPHER COLUMBUS HIGH SCHOOL IN MIAMI

● Mr. GRAHAM. Mr. President, today I rise to offer a tribute to an outstanding educational institution, Christopher Columbus High School in Miami.

As we approach Columbus Day, we know that the memory of this great explorer is honored every day at the high school that bears his name. Just as Christopher Columbus expanded our knowledge of the world, Christopher Columbus' namesake school in Miami has a tradition of expanding the mental, physical, and spiritual potential of future leaders.

This year marks the 30th anniversary of the arrival in Miami of the Marist Brothers who have operated Christopher Columbus High School. Since 1959, nearly 6,000 students have graduated from Columbus. Graduates have excelled in collegiate sports and academics, and many of them quickly assumed positions of responsibility in our community and throughout the Nation.

When Columbus opened its doors in September 1958, 150 students attended classes in the first year. This year, the senior graduating class will be twice that size of the original total enrollment. Columbus has been accredited and reaccredited by the Southern Association of Schools and Colleges.

Columbus has produced top athletes—swimmers, wrestlers, runners, football players, basketball players, and baseball players—and top scholars. They've won debate tournaments and science fairs. Columbus students have received appointments to our military academies. And, in perhaps one of the highest tributes to the commitment of the Columbus faculty, some students have dedicated their lives to religious work.

So this year, as we remember Christopher Columbus' place in history—his curiosity, his courage, and his navigational skills five centuries ago—we know that his spirit is still alive at Christopher Columbus High School in Miami. May its students, who are recipients of the gift of knowledge, continue to explore the galaxy, and work to shape a world that will make their teachers and their parents proud.●

IMPACT OF DRUGS ON OUR SOCIETY

● Mr. SIMON. Mr. President, every day we all become more familiar with the devastating impact of drugs on our society. The President's plan of attack in launching the war on drugs in this country, particularly through increased law enforcement, is no doubt a step in the right direction.

But we cannot let ourselves forget, that this war goes far beyond the battle at our borders. It also must be waged in every American town, against all of the forces that lead our young people to drugs by depriving them of hope and opportunity.

It is a little known secret that the programs conducted under the Job Training Partnership Act [JTPA] are an important source of ammunition in our battle against drugs. By providing education and job training to our disadvantaged youth, who without such skills and opportunities turn to drugs, we offer them new hope of leading a productive life.

It is time we recognized that "In the War Against Drugs, the Toughest Enemy May Be the Alienated Youth." This is the title of an article recently printed in the Wall Street Journal that tells the remarkable story of Robert Penn—a 17-year-old high school dropout and gang member who was the "'brain' of Omaha's crack business." It describes the incentives he had to get involved and remain in the drug trade, the violence of his lifestyle, and the terrible impact of drugs on him and his family.

Robert was one of thousands of American youth who grow up without hope, amid the devastation and violence of drugs. But Robert has been lucky enough to be offered a second chance at a productive life.

Through the administrative structure of the JTPA Program in Omaha, and the initiative of Ben Gray, a television producer in that city, Robert was placed in a job—a job that is teaching him to write copy, type, report, and handle the technical aspects of television production. He is also enrolled in a GED program.

Robert is now earning one-tenth of what he was making on the street, but it's the first time he has earned money where he didn't have to "look over [his] shoulder." The boy who used to aspire to be a gangster now thinks he may want to become a television producer instead.

Spreading stories like Robert's is what JTPA is all about. Robert may not be out of the woods yet, but he's been offered for the first time what every American youth deserves—a fair chance at a bright future.

The Job Training and Basic Skills Act of 1989, S. 543, strengthens JTPA to encourage service to young people like Robert, who have been deprived of hope, and more importantly, of real opportunity to pursue their potential.

Robert's story illustrates the positive impact of the promise of a job and job training opportunities in turning around the lives of young people trapped by drugs. For many, it is their first real opportunity to escape the violence in the streets. JTPA programs offer alienated youth new hope—by offering them the basic skills and training they need to get a job.

This story also serves as an example of what can happen when the public and private sectors work together in serving our disadvantaged youth. These cooperative arrangements must be encouraged because resources are scarce. JTPA is founded on the strength of public/partnerships, because we know they can work. Robert Penn is proof.

It must be a national priority to give youth like Robert, and all who want to work, the hope and the skills they need to look forward to a lifetime of productive work. S. 543 moves us in that direction.

Mr. President, I therefore, ask that the article from the September 8, 1989, Wall Street Journal entitled "In the War on Drugs, The Toughest Foe May Be the Alienated Youth" be printed in its entirety following my remarks.

The article follows:

[From the Wall Street Journal, Sept. 8, 1989]

STREET DEALERS—IN THE WAR ON DRUGS, TOUGHEST FOE, MAY BE THE ALIENATED YOUTH

(By Jane Mayer)

OMAHA, NE.—When Ben Gray set out to fight the drug infestation of Omaha by reclaiming a youth from the local gangs, the television producer looked for "the baddest one I could find."

He found Robert Penn, an articulate 17-year-old who was a self-described "brain" of Omaha's crack business—a $10 million-a-year enterprise that has brought unprecedented grief and violence to this heartland city.

"When you said gang in Omaha," says Carl Washington, a community activist whose boxing club for inner-city boys is one of the most successful alternatives for gang members, "what you meant was Robert Penn."

Until he began working for Mr. Gray last summer, Mr. Penn was part of a nationwide network of drug distributors loosely tied to the two major street gangs in Los Angeles, the Crips and the Bloods. Authorities believe that the most powerful members of these gangs deal directly with the international drug cartels, which supply them with cocaine and other narcotics.

The gang members in turn distribute the drugs through affiliates, who have spread from coast to coast in search of new markets and recruits. Members of the Crips and Bloods have been arrested for selling crack in 47 cities, and a recent Justice Department report says organized gangs now sell narcotics in every state.

A TASTE OF BEING INSIDE

The Bush administration has declared war on this spread of drugs, concentrating on beefed-up law enforcement. But many people think the chances of victory are slight unless the alienation of youths like Mr. Penn can be overcome.

Mr. Gray believes that "institutional racism and double standards" are what created the gang and drug problems, and that the Bush plan's emphasis on more law and order "has nothing to do with the problem, so won't make any difference." Rather, he thinks the problem is that "these kids feel locked out of the system." His solution is "to give them a taste of being inside."

So far, he has succeeded with Mr. Penn, though neither is willing to proclaim victory. With funding from both his Omaha television station and a federal job-training program, the producer has taught Mr. Penn how to type, write copy, report and handle the technical aspects of television production.

"The biggest moment for me," says Mr. Gray, was the day Mr. Penn opened his first weekly pay check for $122—roughly a tenth of what the teen-ager could make on a good day in the drug trade. "He looked at me and said, 'This is the first time I have ever got money without having to look over my shoulder,'" Mr. Gray recalls.

A QUALIFIED SUCCESS

Mr. Penn, who dropped out of 10th grade last year, plans to enter a high-school equivalency program this fall while continuing to work part-time at the television station, KETV. He also has some new ambitions, far from his dream as an eight-year-old, growing up in Omaha, to emulate the gangsters of yesteryear. "I'd kind of like to do what he does," he says, looking over at Mr. Gray.

Still, neither is sure that can happen. "I'd say Robert's chances of staying out of trouble are about 70-30," says Mr. Gray. "If he can stay out of the gangs, I think he'll be successful, if only because he's intelligent."

Mr. Penn says: "I can't say I'm not going to do anything bad again. It's going to be hard." New pressures loom. His girl-friend, Antonia Valentine, just had their baby girl. "It's mostly the money," he says, explaining the difficulty he faces in resisting a return to the drug business. "Even the little money I have now, I feel broke."

Mr. Gray wants Mr. Penn to provide an example for others. "What I had hoped, and it seems to be working partly, is that by helping a leader, a guy with charisma like Robert, the others would want to follow what he's doing." Since hiring the gang leader, Mr. Gray says, he has been inundated by calls from other Crips members who also want to get out and get employed. Unable to hire them himself, he refers them to local community groups.

NOT IN TOUCH

His experience makes Mr. Gray believe the Bush administration is "definitely not in touch with what is going on. What they need to do is to understand who these kids are and why they do what they do. Most of them don't want to be in it, but they feel they have no choice."

While Omaha is largely a comfortable middle-class community, its inner city is a vivid example of the environment that has nurtured the spread of the drug trade throughout the nation. Much of the black community, which constitutes about 15% of the city's 350,000 residents, is stuck in what educator and community activist Robert Faulkner, who grew up here, calls a "dead-end street," with virtually no middle class and no upward mobility.

Many of the city's minorities originally came in the 1940s to work in meat-packing plants and railroads. But most of the packing plants have folded, and the railroads cut back on laborers. Currently, 30% of the population is unemployed in the three census tracts that form the heart of the city's largely black and impoverished north side. For those on welfare, the median income is $5,400 a year. With legitimate employment opportunities scarce, hopelessness plentiful and little local organized crime as competition, Omaha became the perfect environment for selling crack.

Ask Mr. Penn. "This is the best city for selling dope," he says. Moving back and forth between here and Los Angeles, where he has relatives in the Crips, he helped establish the local crack trade, recruiting younger children to act as his lookouts, sellers, and couriers and equipping them with cellular phones, walkie-talkies and digital pagers.

"It's a business," says Los Angeles County Police Sgt. Wes McBride. "What they're doing is setting up distributional networks. Think of it as franchises."

When Los Angeles gang members first appeared in Omaha two years ago, "It was almost as if they were doing a marketing study," says John Pankonin, supervisor of the Federal Bureau of Investigation's Omaha office, who admits that his agents are now "just barely holding their own."

Within some 16 months, the city was facing what Rep. Peter Hoagland calls "a crisis," a multimillion-dollar cocaine trade with gang-dominated violence to match. Omaha police say they keep no records of gang-related crimes—a situation that critics say is part of a pattern of denial that initially let the city's guard down. But on one recent weekend of gang-related mayhem, Mr. Hoagland asserts, "three people were shot dead, and six more were wounded. It is the most serious law-enforcement problem to face Omaha in my lifetime."

LUCRATIVE TRADE

Omaha is a lucrative crack market, Mr. Penn says, because the relative lack of competition creates the potential for huge price markups. "You can take a $20 rock [of crack] in L.A. and sell it here for $100," he says. By the time he dropped out of school last year, believing it was "a waste of time," he was earning as much as $1,200 a day.

The lure of such financial rewards is almost impossible to counter, concedes the FBI's Mr. Pankonin. "It's very frustrating," he says. "What alternative have I got for them? What job have I got for a high-school dropout that will allow him to get up at noon and make $300 in the afternoon? I don't like to admit it, but they're pretty good capitalists."

In fact, many who work closely with the local gangs believe that they are siphoning off some of the smartest and most ambitious teenagers in the ghetto by offering them entrepreneurial opportunities they simply see nowhere else. "What's open to me?" is the way Mr. Penn puts it. "McDonald's and Burger King? I can't deal with that," he says with disgust.

Such rationalizations infuriate some of those in the community who are working to counter the drug and gang problem. Mike Walsh, the chairman of Union Pacific Railroad, who has spearheaded a vigorous local business effort to raise $700,000 over the summer to provide positive employment and recreational alternatives to Omaha's inner-city kids, calls such reasoning "a complete cop-out. It's no different than a stockbroker saying he can make a whole lot more money if he cheats."

"Don't tell me society won't give you a chance if you play it straight," he says. "In every fast-food business in this town there is employment." But it is exactly this kind of employment that the gang members are rejecting.

ON-THE-JOB TRAINING

Robert Armstrong, executive director of the Omaha Housing Authority, who has won a national reputation for his hard line against drug dealers in the public housing projects he manages, asserts, "the gangs are offering opportunities to people who are being left out of the mainstream. These are young people whom society has decided are incorrigible, without the self-discipline or skills to work in a legitimate business.

"What the gangs have done is taken these same individuals, and shown them how to conduct business—how to buy wholesale, sell retail, do inventory and keep profit margins," Mr. Armstrong says. "They also teach discipline—how to pay your bills on time. The gangs are willing to do what no one else is: Train these kids."

Certainly Mr. Penn sounds quite business-like about his former trade. "I like math,"

he relates. "I sure did use it hustling. We had to weigh the dope, and if you didn't round it out, but weighed it to the very last fraction, you could make a whole lot of money."

He is equally matter-of-fact about the violence he used to guard his market share. At his mother's home, he says, he kept "a lot of guns."

"The people in L.A. taught me how to shoot," he says. "You know, if you don't shoot them, they're going to shoot you, so when I did it, I really didn't care. I just wanted to make sure that I did it right. I wasn't trying to scare people, I was trying to hurt them."

Asked if he killed anyone, Mr. Penn says only, "No comment."

"It never was fun though, hurting people," he says quietly. "My Dad told me that it's either them or you—and I just didn't want it to be me.

THE WOES OF SUCCESS

Sounding like some executives, Mr. Penn complains that the more successful he got, the worse his life grew. "The more money I got, the more out-of-control my life got," he says. By the time he reached the age of 16, graffiti were appearing on Omaha walls with his name crossed out, a promise from enemies to kill him. The police also were hot on his trail. "People don't realize that hustling's hard work. You got your police, and your enemies, and kids trying to take your dope. You're tense every day.

What was fun, evidently, was having the cash. He frittered most of it away very quickly, though. Afraid that it might be seized if he put it in a bank account, he stashed most of it with his grandmother, who he says "didn't like what I was doing, but she knew what I was up to." He says his mother knew too. He spent much of his drug proceeds buying furniture and a television set for his mother and paying off the family bills, a situation experts say is typical of the way otherwise law-abiding families get corrupted.

He also spent much of his drug proceeds on legal fees for both himself and his buddies in the gang, a situation he believes "bought my way out of jail."

What comes through is a picture of a young man struggling to be a bid shot. "All I wanted," he says, "was respect." He says he liked it when the younger kids would look up to him. "They were all asking my advice."

SENSE OF EMPOWERMENT

Rev. Elizabeth Beamis, executive director of the Methodist Ministries here, who works closely with the city's disadvantaged, stresses that the gangs are not just about money, or just about belonging, though both are big draws. "What they are really about," she asserts, "is giving kids a sense of empowerment."

She believes that many of the youngsters she has seen feel excluded from the dominant culture. "They are sophisticated, they realize that there is a two-tier economy, and that the haves are getting more every day."

Mr. Penn reflects both this sense of exclusion and a deep cynicism about the country, a mindset that gives him a little stake in its laws. He believes that his teachers "don't give a damn" about him and that the local police are corrupt, a charge Omaha authorities deny. He also has no faith in the political system.

"Politicians," he says, "I think they're the real gang members. Everyone knows that in this country money talks, and that politics is a money thing. It's the politicians who allow the drugs to come here. I mean if I can find the drugs why can't they?"

He also believes that those with enough money and influence are able to buy their way out of trouble. "You just get yourself a good lawyer, and you don't have to serve time," he says. To a certain extent, Mr. Penn's sponsor, Mr. Gray, agrees "These kids aren't dumb," he says, "they see it" when the Department of Housing and Urban Development has a scandal, "and no one goes to jail. They see it when the Reagan administration has more officials indicted than any other in history," and almost no one goes to jail. "Believe me, they notice it when Oliver North just does community work,"

"What I want is to be happy," Mr. Penn says, dreaming for a moment, "a big house, a pool, horses, satellite television—to see China, and Mexico—the American dream."

But he still sees himself as an outcast, just a step away from being an outlaw. "Society is set up so that black people can't get ahead," he says bitterly, "I'm not supposed to have the American dream and all that. I'm supposed to be in jail."●

THE STRUCTURAL IMPEDIMENTS INITIATIVE AND SECTION 301

● Mr. BAUCUS. Mr. President, I rise today to discuss the structural impediments initiative—the United States new initiative to open the Japanese market.

On May 25, the administration announced its plan to implement the Super 301 provision of the 1988 Trade Act.

In addition to naming Japan, India, and Brazil as the countries that the United States planned to focus its resources on over the next several months, the administration also launched the structural impediments initiative [SII].

The administration billed SII as an effort to address structural economic problems in the United States and Japan that contribute to the bilateral trade imbalance.

The United States will work to eliminate or at least lower various structural trade barriers, like the Japanese distribution system, price fixing and bid rigging, and vertical integration, which have hindered the efforts of United States companies to export to Japan. The United States is also interested in addressing some underlying economic problems, like the high Japanese savings rate and Japanese land policy.

The Japanese rightly responded that there were some economic problems in the United States, such as the United States budget deficit, that should be addressed as well.

When it was first announced, I applauded the structural impediments initiative. I have for sometime urged the administration to begin discussions with Japan to address these broader structural problems.

As the President's Advisory Committee on Trade Policy and Negotiations [ACTPN] noted earlier this year, these structural barriers may be blocking as much as $30 billion in U.S. exports annually.

If we are ever to eliminate the bilateral deficit with Japan, these structual barriers must be eliminated or at least sharply reduced.

Further, international pressure could help the United States address some of its own economic problems that hinder United States competitiveness in the Japanese market.

The negotiations began on September 4 in Tokyo. Unfortunately, there have been disturbing reports that the Japanese are less than committed to these negotiations. There have also been reports of inter-agency squabbles in the U.S. holding up the negotiations.

The United States and Japan have reached an agreement to conclude the SII in the summer of 1990. A mid-term report is due in March 1990.

These negotiations must succeed. In my view, they are the most important trade negotiations that the United States has ever entered into. The United States cannot continue to tolerate—either politically or economically—a $50 billion bilateral trade deficit with Japan.

I do not mean to understate the importance of the ongoing Uruguay round of GATT negotiations. The Uruguay round is also critical. If new rules are not forged on trade in agricultural products, trade in services, and protection of intellectual property, the entire multilateral trading system could break down.

But the Uruguay round is not focused on our most important trade policy challenge: opening the Japanese market. The rules that might be negotiated in the Uruguay round could greatly benefit the United States in other markets, but probably will not boost United States exports to Japan. The major problems in Japan—the distribution system, savings rates, land policy, et cetera—are not even on the agenda in the Uruguay round.

And if the imbalance with Japan is not addressed, the political coalition in support of free trade that has shaped United States trade policy since WWII will eventually unravel.

If free trade is to survive in the United States, the Japanese market must be opened. Experience has demonstrated that this is most likely to be achieved through bilateral negotiations.

I am willing to give the administration the leeway to pursue the SII on its own schedule. But if it doesn't work, we must prepare for the next step.

The next step, in my view is to employ the tools of the 1988 Trade Act—primarily an expanded and

strengthened section 301 provision—to open the Japanese market.

Obviously, the broad economic problems, such as the high Japanese savings rate and Japanese land policy, cannot realistically be addressed through section 301. They can only be addresssed through broader economic discussions with Japan or through internally driven reform in Japan.

But some issues, such as the Japanese distribution system and exclusionary business practices, can be addressed under section 301. In fact, many of my colleagues intended the Super 301 provision to be used to address exactly these problems. It is even rumored that some in the administration proposed initiating section 301 cases on these problems in this year's round of Super 301 cases.

It would be premature to move legislation to require the administration to use section 301 in this manner until the SII is given some chance to succeed.

But if SII appears to be lagging, I plan to introduce legislation to require section 301 to be used against Japanese structural barriers should the SII fail. If the SII is not demonstrating results by next summer, I am confident this legislation will pass Congress.

On November 6 and 7, the days that the next round of SII discussions are scheduled to be held in the United States, I will hold a hearing of the International Trade Subcommittee to consider the SII. At this hearing, we will take testimony from a wide array of private sector and nongovernmental groups on the SII. Both the objectives for SII and measures that should be taken if it fails will be explored.

I believe this hearing will demonstrate the deep consensus within the U.S. private sector that these negotiations must succeed.

Personally, I fully support the efforts of all capable negotiators—S. Linn Williams, David Mulford, and Richard McCormack—to make SII succeed.

I hope that the administration and the Congress can continue to work cooperatively toward a solution to these vexing trade problems.●

TRIBUTE TO CYRUS COLTER

● Mr. SIMON. Mr. President, allow me to take this opportunity to recognize one of Illinois' most distinguished authors; a man who, in his lengthy career of public service, has also been known as a lawyer and an educator—Cyrus Colter.

Mr. Colter served for 24 years as a commissioner of the Illinois Commerce Commission and is a professor emeritus of African-American Studies and English at Northwestern University. He has also served on numerous boards that illustrate his love and dedication to the advancement of culture. Among these are the Chicago Historical Society, the Great Books Foundation, the Chicago Reporter, and the Chicago Symphony Orchestra.

His first published work, "The Beach Umbrella" won the Iowa School of Letters Award for Short Fiction. Since that auspicious start at age 60, Colter has continued to write brilliant works of literature. His novels and short stories examine the intensity of isolation and emptiness that affects lower middle-class black life. His award-winning works have been translated into German, Danish, Hungarian, Italian, and Japanese.

Last year, at the age of 79, Colter published "The Amoralists," a collection of short stories as well as the novel, "A Chocolate Soldier," and he shows no signs of slowing down.

In 1975, Colter was selected as one of People magazine's 12 All-American Professors and was invited to become a member of the board of directors of the Illinois Humanities Council. In 1977, the University of Illinois at Chicago conferred on him the honorary degree of doctors of letters.

On October 20, 1989, the Illinois Humanities Council will honor Mr. Colter with the formal presentation of its Public Humanities Award for his contributions to the academic and cultural wealth of Illinois and the United States. I would like to join the Illinois Humanities Council in recognizing Cyrus Colter's contributions and brilliance. He has helped enrich our culture and for this we should all be thankful. I ask my colleagues to join me in honoring Cyrus Colter.●

MARLON STARLING'S TITLE DEFENSE

● Mr. DODD. Mr. President, Thomas Wolfe maintained that "you can't go home again." But then, Thomas Wolfe was not among the 7,300 in attendance at the Hartford Civic Center on Friday, September 15. By successfully defending his World Boxing Council welterweight title against Yungkill Chung, Hartford's own Marlon Starling not only returned home, but did so in style.

Prior to his defense against Yungkill Chung, Mr. Starling's last bout in Hartford had been in June 1987, when he was a top contender in the welterweight class. In the time since, Mr. Starling has busied himself putting away opponents, and putting Hartford on the boxing map. He won the World Boxing Association welterweight title in August 1987, with an 11th round knockout of then-champion Mark Breland, in Columbia, SC. While he subsequently lost that title the following July to Thomas Molinares, he later bounced back to beat Lloyd Honeyghan for the World Boxing Council title. Overall, Starling has amassed a 45-5-1 record, with 27 knockouts.

Marlon Starling's performance on the 15th demonstrated why many in the boxing press are concluding that he is one of the decade's best fighters. Starling would block punches, duck out of range, and then land a few blows of his own. Yungkill Chung would bend, but would not break. The young Korean had, as his manager put it, "a tiger heart." Only Mr. Starling's skill and consistency allowed him to outpoint Chung to win a unanimous decision from the judges in the 12-round bout.

Mr. President, a boxing champion must continually prove his mettle against opponents if he is to remain a champion. Marlon Starling must face more tough opponents in the future, including WBA welterweight champ Mark Breland, and IBF welterweight champ Simon Brown. Win, lose, or draw however, the people of Hartford, Connecticut, are proud to claim Marlon Starling as one of our own.●

CONTINUING MENACE OF HATE CRIMES

● Mr. SIMON. Mr. President, I rise today to bring your attention to two tragic hate-related deaths that occurred this summer and to once again urge my colleagues to support the Hate Crimes Statistics Act, S. 419. This simple measure directs the Attorney General to acquire data about crimes motivated by hatred. At the present time this country does not compile national records on crimes which manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.

The tragic deaths of Yusef Hawkins in New York City and Ming Hai Loo in North Carolina this summer indicate that hate-related violence may well be on the rise. Sixteen-year-old Yusef Hawkins was a black teen who was chased, shot, and killed by a mob of whites claiming Yusef was in "their neighborhood." Likewise, Ming Hai Loo, a 24-year-old Chinese man, was murdered by white men who thought he was Vietnamese. After being struck in the face with a butt of a pistol, Loo landed face first into a pile of glass as his attackers proclaimed they didn't like Vietnamese because their brother didn't come back from the war.

Although several people have been formally charged in both killings, the communities still echo with fear. Not only do hate crimes have an impact on individual victims, but they terrorize the entire community as well. A Chinese friend of Loo's questioned, "Why are we here? We came all this way to be killed? It's just not right."

These two tragedies were not the only incidents of hate crimes this summer. As reported in the New York

Times, a Rutgers University Jewish Student Center was desecrated by anti-Semitic and antiblack graffiti August 26. In another hate-related crime, letters packed with bacon scraps arrived at the homes of Jewish residents in the San Francisco area during the first half of this year. This prompted the B'nai B'rith's Anti-Defamation League director, Richard Hirschhaut, to announce "(N)ationwide our offices through mid-1989 are showing a rise in anti-Semitic vandalism."

While these tragedies demonstrate that hate violence is clearly widespread, without a national data base there is no adequate means to measure the true extent of the problem. S. 419 would give us this base and help law enforcement to devise strategies to combat these crimes.

I am confident that each of us wants the elimination of all criminal acts based on prejudicial motivations. We have the opportunity now to work toward this common goal as we move into the closing days of the session. I urge Members to sign on as cosponsors and work for the passage of the Hate Crimes Statistics Act.●

AMERICANS WITH DISABILITIES ACT OF 1989

● Mr. GARN. Mr. President, the Senate, just a few weeks ago, voted 76 to 8 on final passage of S. 933, the Americans with Disabilities Act of 1989. I was one of the eight voting against this legislation for reasons I will only briefly explain.

I am concerned that this bill goes too far in its attempt to establish a clear and comprehensive prohibition of discrimination on the basis of disability. In particular, I feel its impact on small business in some cases could be devastating.

I agree a strong effort needs to be made to address the needs of the disabled and the issue of discrimination against disabled individuals. However, I feel in addressing those needs and concerns Congress must also take into strong consideration the impact of such legislation on those entities being required to comply with antidiscrimination laws, which S. 933 does not adequately do.

In today's Idaho Post Register an interesting article appears which is written by Mrs. Sheila Olsen, a disabled mother of four, which expresses her concerns about S. 933. Mrs. Olsen is the 1989 National Multiple Sclerosis Mother of the Year. Mr. President, I ask that the full text of her article appear in the RECORD.

The article follows:

OPPOSITION TO DISABILITIES ACT OK

(By Sheila Olsen)

Things aren't always what they seem. Recently the U.S. Senate overwhelmingly passed the "Americans with Disabilities Act of 1989." If you are sympathetic to the needs of the disabled you are for it, right?

Only eight Senators voted against the legislation. Idaho's two Senators were among the eight! How can it be! Are Senators Jim McClure and Steve Symms against the disabled?

As one who knows something about the subject, I have more than a passing interest in this legislation. At the same time, as one who is concerned about freedom, I have an even greater concern about the glaring intervention of government in private business which this all brings about.

Make no mistake. I deeply appreciate the stated intent of this bill. As an active participant in the mainstream, and one who lacks the ability to take even a single unassisted step, I require accessibility. As a single parent with four children still in the family home, equal and fair treatment is in fact imperative. However, omnibus laws designed to fix a particular problem by mandating government-imposed solutions generally do not work. In fact, they often cause unanticipated problems—as this bill is sure to do.

After studying the bill, I am concerned about the uncompromising position taken regarding employment regardless of type of handicap and regardless of expense to the employer. I question the mandated absolute accessibility for the disabled again, regardless of the type of handicap and regardless of the expense to the employer.

There is a disturbing vagueness in the bill, particularly as it applies to hiring the mentally ill. There is an element of unfairness as applied to the instigating and financing of lawsuits and a punitive factor in the imposed penalties which could easily close a small business. I find a chilling quality in the unalurshed stated purpose of the act, "to ensure that the federal government plays a central role in enforcing the standards as established in this act—and to invoke the sweep of congressional authority.

Symms stated it frankly and his sentiment is supported by McClure: "This is a bad bill. It will stick the federal government right in the middle of small business and it won't accomplish its goal."

How then, is the goal to eliminate discrimination against the disabled to be accomplished? The true answer is to be found within individuals—not their government.

Based on my own personal experience, I have seen a growing awareness of the needs of the disabled. Frankly, the mandated accessibility in public facilities has served a good purpose. (Government has a proper role in enforcing regulations in government facilities.) Increased handicapped accessibility has led to increased handicapped use which has led to increased handicapped awareness. I believe this trend will continue as more handicapped people put themselves into the mainstream where their needs are more obvious.

There is a second consideration, and that is the importance of the disabled person to take responsibility for himself or herself. I do not presume to represent others who are disabled, but speaking as one who cannot walk, I don't require an act of Congress in order to function. When I know I will be in a situation that will be physically challenging, I simply figure out a way to meet it. I have arranged for "curb service" for everything from insurance consultation to signing income tax forms. The local business community is unfailingly helpful to me. I try to do my part by paying my bills promptly, and by not taking undue advantage.

In my considerable traveling, I am treated with courtesy and consideration. Our trip to Washington, DC., to receive the national "MS Mother of the Year" award from President Bush, was wonderful, and a case in point. My two-week stay spanned a wide variety of activities. Virtually every place was accessible including the White House, and when it wasn't, we always figured out a way to accommodate ourselves to the situation. This meant allowing myself to be scooped up and carried onto the Old Town Trolley for an enjoyable tour, scooting up and down the stairs on my rear in my sister-in-law's home where we stayed, taking an interesting back tour to reach the rest room in the Willard Hotel when I couldn't get through the door with my cart in the place next door.

I call them "adventures" and so do my children, who have learned not to be embarrassed by the "interesting" situations we often find ourselves in as we function in the mainstream.

I realize I am singularly blessed, and not all have shared in the advantages that I have. I know, too, that there is still more to do to make the world more accessible for the handicapped. But in every instance where I have been faced with a need and made a personal request, the business owner has made an accommodation—without an act of Congress.

There are many lessons to be learned from the challenges of life which we face. The first one is that everyone has their challenges. That's why Congress will never be able to pass laws fast enough or wisely enought to meet all our needs. Besides that, the obvious physical challenges are often the easiest ones to bear.

A second lesson has to do with attitude. I often call upon my children and others for physical assistance. But I do not need to burden them with the responsibility for my own sense of happiness or well being. We each should assume control over that part of our lives we are able to. Our attitude toward the challenges we face is exclusively ours to manage.

I have many blessings in my life, not the least of which are Idaho's two U.S. Senators who stand by the courage of their convictions, even as they support me in the courage to stand by mine.●

RUTH ALLMAN, TRUE PIONEER

● Mr. MURKOWSKI. Mr. President, on Wednesday, in Juneau, Alaskans will pay their final respects to one of our true pioneers, Ruth Coffin Allman, who passed away last week at the age of 84.

Ruth Allman, who we nicknamed "The Caretaker of Alaska's History," was the niece of Judge James Wickersham, Alaska's famous statesman, historian, judge, and our State's first Delegate to Congress.

Ruth dedicated her life to preserving and sharing Alaska's early history and the memory of the Judge for future generations. Alaskans will forever associate Ruth Allman with the House of Wickersham, in which she maintained the largest and finest collection of Alaskana, historical books, diaries, and documents dating back to the era when Russia owned Alaska.

For more than 25 years, Ruth welcomed tens of thousands of visitors from all over the world, and she made history come alive with her authentic stories of Alaska's history. A gracious hostess, a wonderful story teller, she was also known for her famous flaming sourdough waffles, which she served to visitors to the House of Wickersham.

Anyone who had the privilege of meeting Ruth Allman knew that they were meeting someone very special. Ruth was a remarkable woman who gave much of herself to her community and her State. She gave endlessly of her time and energy to any worthy cause or group. Young people, especially, got her attention and encouragement.

Ruth's contributions to her community touched and changed the lives of many Alaskans, and we will miss her.●

ORDER TO CONCURRENTLY REREFER S. 712 TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar Order No. 228, S. 712, a bill to provide for a referendum on the political status of Puerto Rico, be concurrently re-referred to the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry, for the consideration of matters within their respective jurisdictions.

I further ask unanimous consent that if either of these committees has not reported the legislation to the Senate by the close of business on November 1, that the majority leader, after consultation with the Republican leader, be authorized to order the bill discharged from either or both of the committees which have failed to report the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mr. WILSON. We have no objection.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement is agreed to.

ORDER TO PLACE H.R. 1396 ON THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 1396, the International Securities Enforcement Cooperation Act of 1989, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is ordered.

RELOCATION OF CERTAIN FACILITIES AT THE GATEWAY NATIONAL RECREATION AREA IN SANDY HOOK, NJ

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2835, a bill providing for the relocation of certain facilities at the Gateway National Recreation Area in Sandy Hook NJ.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2835) to provide for the relocation of certain facilities at the Gateway National Recreation Area, Sandy Hook, NJ., 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.

Mr. LAUTENBERG. Mr. President, I rise in support of H.R. 2835, a bill to provide for the relocation and reconstruction of facilities at the Sandy Hook unit of Gateway National Recreation Area. It is important that H.R. 2835 be passed today to allow for the reconstruction of the National Oceanic and Atmospheric Administration's Marine Science Laboratory at Sandy Hook.

In September 1985, the Sandy Hook National Marine Fisheries Laboratory was destroyed by fire. Thereafter, the Department of Commerce actively dicussed moving the NOAA lab to another State. However, because of the facility's importance to New Jersey and the Mid-Atlantic region, I offered an amendment barring the relocation of the facility. The State of New Jersey was given time to develop a proposal to work with NOAA in rebuilding the facility.

The New Jersey NOAA lab conducts scientific research on pollution in the New York Bight area and monitors the effects of sewerage sludge disposal and dredge spoil disposal in the Atlantic Ocean.

Planning has been underway among the Department of the Interior, Department of Commerce, the U.S. Coast Guard, and the State of New Jersey to rebuild the lab. All parties are prepared to move ahead. This bill will allow for the initial transfer of lands between the Coast Guard and the Park Service for the immediate construction of the lab.

Mr. President, the Transportation appropriations bill contains the same provision as H.R. 2835. The transfer of land at Sandy Hook is beneficial to all parties involved. The NOAA facility is an asset to New Jersey and the Mid-Atlantic region. For these reasons, I urge my colleagues to support this bill.

The PRESIDING OFFICER. Without objection, the bill is deemed read the third time and passed.

So the bill (H.R. 2835) was passed.

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

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

The motion to lay on the table was agreed to.

AUTHORIZING THE CLERK TO STRIKE CERTAIN LANGUAGE OF A SENATE AMENDMENT TO THE SENATE-REPORTED TRANSPORTATION APPROPRIATIONS BILL, H.R. 3015

Mr. MITCHELL. Mr. President, I ask unanimous consent that the clerk be authorized to strike the language of a Senate amendment to the Senate-reported transportation appropriations bill, H.R. 3015, on page 11, line 21 through page 12, line 24.

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

Mr. MITCHELL. Mr. President, I believe it necessary to explain the action just taken. The language of H.R. 2835, which the Senate has just passed, is identical to the provision in the Transportation appropriations bill. The movers of the language wanted to eliminate the duplicate action of the Senate, thereby the need to strike the language in the appropriations bill.

CHILDREN WITH DISABILITIES TEMPORARY CARE REAUTHORIZATION ACT OF 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 243, S. 1454, a bill to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1454) to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986, 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.

Mr. DODD. Mr. President, S. 1454, the Children with Disabilities Temporary Care Reauthorization Act of 1989, provides important services to families with disabled children.

I am pleased to have both Senator COATS and Senator HARKIN as original cosponsors and to have the full support of the members of the Committee on Labor and Human Resources for this legislation.

Children with special, often unremitting, needs place exceptional demands upon even the best situated parents. As a consequence, it is reported that at

least 25 percent of child abuse cases involve children with disabilities. Support services for parents with disabled children, including intermittent respite care, are both essential and cost-effective.

Federal funds were first authorized in 1986 to encourage the States to develop demonstration programs to provide temporary nursery care. Testimony before the House this year indicated that over 30 percent of families using these services would not have been able to cope had respite care been unavailable.

In the State of Connecticut, these funds have resulted in three such respite programs known as "Time Out for Parents" or TOPS. Together, with six other therapeutic child care programs, a total of 500 children receive care ranging from full-time to several hours per week. As valuable as these services are, the State administrator has told my staff that the current programs are able to reach only one-fourth of the children needing such assistance in Connecticut.

The current reauthorization extends the demonstration funds to provide nonmedical child care and referral and support services for disabled children and children at risk for abuse. The eligibility definitions are broadened and evaluations of existing programs are required, along with directives to improve State coordination of respite care services.

Respite care helps preserve families and prevent child abuse. In its absence the alternative is often institutionalization, which is less desirable for the child and more expensive for the State. The fiscal year 1988 Federal share of Medicaid payments to States for institutional care for the Mentally Retarded Program alone was $3.3 billion.

Clearly then, this legislation is as enlightened as it is cost-effective.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 246, H.R. 2088, the House-companion bill; that all after the enacting clause be stricken; that the text of S. 1454 be inserted in lieu thereof; that the bill be read for the third time, passed, and the motion to reconsider be laid upon the table.

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

So the bill (H.R. 2088) was passed.

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1454 be indefinitely postponed.

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

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

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

ORDERS FOR TOMORROW

RECESS; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow, Wednesday, September 27, 1989, and that following the time for the two leaders there be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. MITCHELL. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is H.R. 3015, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990.

The Senate resumed consideration of the bill.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m., Wednesday, September 27, 1989.

Mr. WILSON. Mr. President, I thank my friend. We have no further business.

There being no objection, the Senate, at 11:29 p.m., recessed until Wednesday, September 27, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 1989:

UNITED NATIONS

PEARL BAILEY, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DEPARTMENT OF THE TREASURY

CATALIN VASQUEZ VILLALPANDO, OF TEXAS, TO BE TREASURER OF THE UNITED STATES, VICE KATHERINE D. ORTEGA, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

EDWIN G. FOULKE, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR THE TERM EXPIRING APRIL 27, 1995, VICE ELLIOT ROSS BUCKLEY, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE [ANGUS] IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

MEDICAL CORPS

To be lieutenant colonel

JAMES O. ARMACOST, xxx-xx-xxxx 8/16/89.
WALTER F. ERSTON, xxx-xx-xxxx 2/5/89.
ANDREW NEWMAN, xxx-xx-xxxx, 3-18-89.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. RAY A. BOOSINGER, xxx-xx-xxxx 5/6/89.
MAJ. TIMOTHY R. CAMPBELL, xxx-xx-xxxx 5/6/89.
MAJ. ROSARIO J. CIRINCIONE, xxx-xx-xxxx 6/3/89.
MAJ. CRAIG L. JOHNSON, xxx-xx-xxxx 5/7/89.
MAJ. PAUL C. MERCREADY, xxx-xx-xxxx 6/2/89.
MAJ. JACK A. RYCHECKY, xxx-xx-xxxx 5/12/89.
MAJ. JOSEPH C. SMITH, xxx-xx-xxxx 6/3/89.
MAJ. WILLIAM M. WHITTAKER, JR., xxx-xx-xxxx 6/20/89.

CHAPLAIN CORPS

MAJ. DONALD D. REEVES, xxx-xx-xxxx 5/5/89.

MEDICAL CORPS

MAJ. MICHAEL E. FREEMAN, xxx-xx-xxxx 6/10/89.
MAJ. KENNETH D. WOODS, xxx-xx-xxxx 5/20/89.

DENTAL CORPS

MAJ. ERNEST C. FLETCHER, xxx-xx-xxxx 6/16/89.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

ROBERT E. APPLE, JR., xx...
ALFREDO J. ARGUEDAS, xx...
JAMES M. ASHLEY, xx...
JOHN B. ATKINSON, xx...
DENNIS R. BAIR, xx...
RICHARD A. BANDLOW, xx...
PAUL R. BARLOCK, xx...
PAUL E. BECKHART, xx...
RICHARD G. BEIL, JR., xx...
WAYNE T. BELL, xx...
MICHAEL A. BELLOVICH, xx...
CHARLES H. BENDIG, III, xx...
PETER W. BLOOM, xx...
HARVEY L. BORDEN, xx...
ROBERT W. BOREK, JR., xx...
WILLIAM H. BOWERS, xx...
FERGUS P. BRIGGS, xx...
DAVID G. BROWN, xx...
RANDALL V. BRUMBAUGH, xx...
WILLIAM H. BUCKLEY, xx...
MARK A. BULTEMEIER, xx...
WILLIAM Y. CADWALLADER, JR., xx...
JAMES K. CAMPBELL, JR., xx...
JOHN F. CAMPBELL, xx...
MARK F. CANCIAN, xx...
KINNEY W. CARDER, xx...
DAVID L. CARMICHAEL, xx...
LAWRENCE E. CARR, III, xx...
JERE J. CARROLL, xx...
LUTHER F. CARTER, xx...
LARRY L. CHAPMAN, xx...
JOHN G. CHASE, JR., xx...
BRUCE B. CHEEVER, II, xx...
THOMAS E. CHUCK, xx...
THOMAS M. CLARK, xx...
JAMES P. COLLERY, xx...
WILLIAM F. COLLOPY, xx...
MARTIN J. CONRAD, xx...
SUZAN A. COX, xx...
WALTER M. CREECH, xx...
REBER P. CRIBB, JR., xx...
VICTOR T. CRONAUER, xx...
JOHN A. CROSS, xx...

THOMAS J. CUMMINS, xx...
CHARLES H. CURETON, xx...
DAVID A. DEARBORN, xx...
RAYMOND J. DECKER, JR., xx...
WILLIAM F. DEGAN, JR., xx...
CARL W. DEGEN, JR., xx...
CLYDE D. DELOACH, xx...
PHILIP A. DETERESI, xx...
JOHN J. DICKS, xx...
PAUL E. DOHRING, xx...
ROBERT S. DONAGHUE, xx...
RUSSEL L. DRYLIE, xx...
STEVE A. EDDINGTON, xx...
JACK R. EVANS, xx...
DANIEL C. FARINA, xx...
STEPHEN T. FISHER, xx...
HENRY A. GALLOWAY, III, xx...
FREDERICK S. GALLUP, III, xx...
EDUARDO GALVAN, xx...
JOHN R. GAUMER, JR., xx...
THOMAS L. GHARST, xx...
MARK A. GISH, xx...
LAWRENCE D. GONZALES, xx...
LAWRENCE D. GOTT, xx...
CHADLEE C. GRABOW, xx...
GARY N. GRAVES, xx...
WILLIAM L. GRIGGS, xx...
RONALD G. GUILLIAMS, xx...
DARRELL F. HALSE, xx...
BARBARA E. HAMANN, xx...
KENNETH D. HANKINS, xx...
JACK L. HARELAND, xx...
JOHN A. HARP, xx...
DOUGLAS M. HARRISON, xx...
LOUETA S. HAUBER, xx...
DAVID P. HEIDENTHAL, xx...
RONALD L. HERDA, xx...
KENNETH F. HERRINGTON, III, xx...
MICHAEL J. HIRSH, xx...
MICHAEL J. HOBAN, xx...
COLLIS A. HOLLOWAY, xx...
STANLEY C. HORTON, xx...
ARTHUR J. HOWARD, JR., xx...
LEONARD M. HOWARD, xx...
JAMES A. HUMENIK, xx...
RALPH H. HUNSINGER, JR., xx...
PATRICIA M. HURST, xx...
ROBERT G. INGOLD, xx...
CHARLES H. JACKSON, xx...
MICHAEL G. JACKSON, xx...
JEFFREY D. JEFFRIES, xx...
ADAM G. JETT, JR., xx...
FRANCIS A. JOHNSON, III, xx...
LARRY W. JONES, xx...
ALICE M. JORALEMON, xx...
DARRYL F. KEANE, xx...
ROBERT E. KENNEY, xx...
JOSEPH KERKE, xx...
HERBERT R. KNOWLTON, JR., xx...
WILLIAM J. KOEHLE, xx...
RICHARD E. KREMER, JR., xx...
PAUL R. KROEGER, xx...
GEORGE C. LAKE, III, xx...
ALAN R. LAMB, xx...
JAMES M. LANAHAN, xx...
ROGER A. LANGE, xx...
CHARLES P. LATTIMORE, JR., xx...
ROBERT E. LEDEE, xx...
GAINES T. LEE, xx...
ROBERT B. LOUGHLIN, JR., xx...
FREDERIC A. MADENWALD, xx...
WESLEY F. MAY, III, xx...
JOHN M. MCAFEE, xx...
ROBERT F. MCCULLOUGH, xx...
FRANCIS L. MCDONALD, xx...
CRAIG A. MCDOUGALL, xx...
ALAN G. MCGUIRE, xx...
JAMES R. MCINTOSH, xx...
JOHN W. MCLEOD, xx...
BRIAN G. MCMULLEN, xx...
ALBERT J. MCNAMARA, xx...
DANIEL W. MCSPADDEN, xx...
JAMES M. MCWALTERS, xx...
MICHAEL W. MENEFEE, xx...
GENE MENKE, xx...
NORMAN J. MOLTER, xx...
ROBERT V. MONFORT, xx...
STEVEN C. MORGAN, xx...
MICHAEL H. MOSLEY, xx...
RAMON C. NUNEZ, xx...
DAVID W. ORR, xx...
JACK E. OWEN, JR., xx...
DALE M. PAPWORTH, xx...
JOSEPH E. PARSONS, xx...
THOMAS G. PAYNE, xx...
ROBERT C. PEITHMAN, xx...
STEPHEN F. PENNY, xx...
HIRAM M. PERKINS, xx...
FREDERICK A. PETERSON, III, xx...
JERROLD B. PETERSON, xx...
RICHARD F. PIASECKI, xx...
JAMES W. PIGGOTT, xx...
GARY L. POLITES, xx...
KATHLEEN J. POTTHOFF, xx...
ROBERT P. RACLAW, xx...
RONALD E. RANDOLPH, xx...
DAVID A. RAPER, xx...
CARL E. RATH, xx...
STEVEN B. RAY, xx...
LYNDA C. REARICK, xx...
DAVID R. REEVES, xx...
STEPHEN M. RICH, xx...
THEODORE RILEY, xx...
DAVID J. ROBERTS, xx...
SCOTT ROBERTSON, xx...
ROGER L. ROUSSEAU, xx...
CHARLES H. RUCKS, xx...
RONALD W. RUESCHER, xx...
FRANCIS X. RYAN, xx...
JOHN H. SANBORN, JR., xx...
JOHN T. SARGENT, xx...
CHARLES D. SAVAGE, xx...
SYLVIA M. SCHMITZ, xx...
STEPHEN K. SEIDL, xx...
JOHN N. SHARBEL, xx...
LARRY V. SHEPHERD, xx...
JOHN F. SHERMAN, xx...
THOMAS C. SHOGER, xx...
DON SMART, xx...
STEPHEN L. SMITH, xx...
TOM W. SMITH, JR., xx...
WALTER L. SMITH, xx...
HARRY J. STASZEWSKI, JR., xx...
DOUGLAS M. STONE, xx...
JOHN C. SWANSON, xx...
KENNETH W. TARRANT, JR., xx...
ROBERT J. THEUS, JR., xx...
JAMES L. TOMCZYK, xx...
STEPHEN P. TOTH, xx...
MELVIN O. TURNER, xx...
ELLEN J. UGUCCIONI, xx...
MICHAEL C. URENOVICH, xx...
STEVEN K. VANDOREN, xx...
SERVANDO J. VELARDE, III, xx...
WILLIAM R. VICKERS, JR., xx...
JAMES C. WAGNER, xx...
THOMAS C. WAGNER, II, xx...
DAVID L. WARE, xx...
JANICE L. WILEY, xx...
CORNELL A. WILSON, JR., xx...
GARY E. WOLFE, xx...
JOHNITA C. WOOD, xx...
JOHN M. YOUNG, xx...