The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. BYRD).

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

Let us pray:
And I will make of thee a great nation, and I will bless thee, and make thy name great: and thou shalt be a blessing: And I will bless them that bless thee, and curse him that curseth thee: and in thee shall all families of the earth be blessed.—Genesis 12:2, 3.

* * * I have loved thee with an everlasting love: therefore with loving-kindness have I drawn thee.—Jeremiah 31:3.

God of Abraham, Isaac, and Israel, on this eve of Rosh Hashanah, first of the Jewish high holy days, as their new year begins, we recall with gladness and gratitude Your remarkable promise to Abraham and the assurance of Your everlasting love through Jeremiah. Thank Thee for the promise of universal blessing through Your Old Testament people, for their unprecedented perseverance despite repeated efforts throughout history to destroy them. Let Thy blessing rest upon them through these days of penitence and spiritual renewal in anticipation of Yom Kippur, the Day of Atonement. Be glorified in them and in all who have faith in Thee, O Lord our God. Amen.

RECOGNITION OF THE MAJORITY LEADER
The PRESIDENT pro tempore. The Senate will be in order.

Under the previous order, the time which is ordinarily used by the two leaders at the beginning of the session has been reserved.

Does the majority leader wish to be recognized?

THE JOURNAL
Mr. MITCHELL. I ask unanimous consent that the Journal of the proceedings be approved to date.

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

SCHEDULE
Mr. MITCHELL. Mr. President, this morning, there will be no time for morning business, and the time for the two leaders, as the President pro tempore has noted, will be reserved for use later today.

The Senate will now begin consideration of H.R. 2991, the State, Justice, Commerce appropriations bill.

It is my hope and intention that we will be able to complete action on this measure today. I note that the distinguished chairman and the ranking member are present to proceed to the consideration of that measure. So I encourage them in their efforts.

I yield the floor.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1990

The PRESIDENT pro tempore. Under the order, the Senate will now proceed to the consideration of H.R. 2991.

The clerk will report.

The assistant legislative clerk read as follows:

The Senate proceeded to consider the bill (H.R. 2991) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

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

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

H.R. 2991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE

General Administration

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $2,000 for official entertainment, $28,429,000, $28,958,000.

OFFICE OF THE INSPECTOR GENERAL


Office of the CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $101,314,000, $101,288,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $1,292,067,000, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $32,861,000, $31,150,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $104,493,000, $104,493,000.

Provided further, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly by or for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That the Secretary of Commerce or his designee shall not promulgate or enforce any rule, regulation, or grant agreement provision affecting programs authorized by the Public Works and Economic Development Act of 1965, as amended, unless such rule, regulation, or provision is either required by statute or expressed as the explicit intent of the Congress or is in substantial conformity with those rules, regulations and provisions in effect prior to December 22, 1987.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $126,081,000, $25,509,000.

Provided, That these funds may be used to monitor and evaluate proposals pursuant to title I of the Public Works Employment Act of 1978, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977:

Provided further, That none of the funds appropriated by this Act shall be available to enable the Economic Development Administration, Department of Commerce, to implement any of recommendations outlined in the Final Audit Report No. D-184-4-03 issued by the Department of Commerce or to delay or otherwise adversely affect any grant application for fiscal year 1990 by the City of Chicago as a result of negotiations on the grant described in such audit report: Provided further, That none of the funds appropriated by this Act shall be available to enable the Economic Development Administration, Department of Commerce,
meres, to delay or otherwise adversely affect any grant application for fiscal year 1989 by the State of Oregon, which the Secretary of Oregon will contribute funds, on the basis that the contribution by the State of Oregon does not affect or delay federal law or regulations. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain personnel designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Employees stationed overseas; travel and transportation; and purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $5,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special equipment vehicles eligible for purchase without regard to any price limitation otherwise established by law; $41,800,000, to remain available until expended, of which $1,000,000,000, or any previous amount appropriated, shall be available for additional regional export control assistance offices to be located in the Northern Califor­nia and in the Boston/Nashua area; Provided: That the provisions of the first sentence of section 195(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprises, including expenses of grants, contracts, and other agreements with public or private organizations, $39,741,000, of which $25,321,000 shall remain available until expended; Provided: That not to exceed $4,420,000 shall be available for program management for fiscal year 1990.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, including travel and tourism promotional activities both domestically and abroad; full medical coverage for dependents of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $12,000,000, to remain available until expended.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office for law and, and including defense of suits instituted against the Commissioner of Patents and Trademarks; [100,912,000] $85,300,000 and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1135 and 35 U.S.C. 4 and 706, to remain available until expended.
SEC. 103. No funds in this title shall be used to sell to outside interests, except with the consent of the borrower, or contract with private interest to sell or administer, any loans made under the Public Works and Economic Development Act of 1945 or any loans made under section 264 of the Trade Act of 1974.

SEC. 104. Hereafter, the National Institute of Standards and Technology is authorized to accept contributions of funds, to remain available until expended, from any public or private source to construct a facility for cold neutron research on materials, notwithstanding the limitations contained in 15 U.S.C. 276d.

SEC. 105. None of the funds appropriated in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which has not been performed as a central service pursuant to 15 U.S.C. 1521, before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are specifically notified of such action in accordance with the Committees' reprogramming procedures.

SEC. 106. That failure to recognize natural resource depletion causes current systems of economic statistics to provide distorted representation of many nation's economic activity.

SEC. 107. The Secretary of Commerce shall participate fully in the international efforts to develop standardized techniques for calculating national income accounts that recognizes the negative impact the degradation of natural resources can have on long-term economic development.

SEC. 108. That the Secretary of Commerce shall seek to adopt the use of such standardized accounts and make an annual circulation of Gross Sustainable Productivity in the United States to be issued in conjunction with the release of annual Gross National Product figures.

SEC. 109. This title may be cited as the "Department of Commerce Appropriations Act, 1990".

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $90,664,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,973,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles, $3,260,000, to remain available until expended,

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $10,261,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $86,000,000 to be expended under the direction of the Attorney General; and $4,882,000 shall be available for the operation of the United States Central Bureau, INTERPOL, not to exceed $6,000,000 for litigation support contracts shall remain available until December 31, 1991; Provided, That the funds available in this appropriation to exceed $6,474,000 shall remain available until expended for office automation systems for the U.S. Parole Commission;

CIVIL LIBERTIES PUBLIC EDUCATION FUND

For payments to eligible individuals as authorized by section 105(c) of the Civil Liberties Act of 1988, $50,000,000, to remain available until expended as authorized by section 105(c) of said Act.

For subject to the limitations of section 104(e) of the Civil Liberties Act of 1988 (Public Law 100-383) and for the maximum amount provided for under such section, effective in the fiscal year beginning October 1, 1990, and continuing each year thereafter, such sums as hereafter may be necessary are appropriated from money in the Treasury not otherwise appropriated, to be used for the benefit of eligible recipients entitled to such payments under the provisions of the Civil Liberties Act of 1948 (Public Law 100-383).

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and related laws, $42,222,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, $844,862,000, of which not to exceed $5,000,000 shall be available until September 30, 1991, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) paying advertising costs related to locating debtors and their property, such as billings, debtors' skipping, asset searches, credit reports, and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and operation of debtors' reorganization and businesses, advertising and title search and surveying costs; Provided, That of the total amount appropriated, not to exceed $6,000,000 shall be available for office reception and representation expenses.
For the necessary expenses of the United States Treasurers Program, $80,672,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the Immigration and Naturalization Service, $137,034,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the Bureau of Alcohol, Tobacco, and Firearms, $1,027,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the Bureau of Customs and Border Protection, $1,027,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the Drug Enforcement Administration, $524,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Marshals Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the Federal Bureau of Investigation, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Attorneys, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Trustees Program, $60,729,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Postal Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Courts, $80,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Secret Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Capitol Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Marshals Service, $217,027,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Attorneys, $1,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Courts, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Secret Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Capitol Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Postal Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Secret Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Capitol Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Attorneys, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Courts, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Postal Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Secret Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Capitol Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Attorneys, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Courts, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Postal Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Secret Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Capitol Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Police, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Attorneys, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Courts, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.

For the necessary expenses of the United States Postal Service, $2,000,000,000, to remain available until expended and to be included in the Salaries and Expenses appropriation for the Department of Justice.
available for administrative expenses to pay and equipment of such facilities for an aggregate amount not to exceed $25,000: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year, as amended, and of which 55 per centum of the funds appropriated to the Federal Bureau of Investigation, for expenses necessary for the administration of the Immigration and Naturalization Service, authorized by section 1341(f) of title II of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for the fiscal year ending September 30, 1969, is hereby authorized to make such expenditures, is hereby authorized to make such expenditures, Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, to remain available until expended, for expenses necessary for the administration and operation of the Immigration Examinations Fee Account, and for official reception and representation expenses.

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES
For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, to be available as authorized by title II of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and of which $1,007,631,000: Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary for the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for incarcerated persons in penal and correctional institutions: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $3,000 shall be available for official reception and representation expenses.

NATIONAL INSTITUTE OF CORRECTIONS
For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, $10,112,000, to remain available until expended.

BUILDINGS AND FACILITIES
For planning, acquisition of sites and construction, purchase, relocation, equipping and acquisition of facilities and remaining and equipping of such facilities for penal and correctional use, including all necessary physical facilities, by contract, or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including all expenses for constructing, remodelling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses, $10,112,000, to remain available until expended.

OFFICE OF JUSTICE PROGRAMS
SALARIES AND EXPENSES
For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for the Missing Children's Assistance Act, as amended by the Anti-Drug Abuse Act of 1988, including salaries and expenses in connection therewith, $86,150,000, to remain available until expended and of which $89,693,000, to remain available until expended, is hereby authorized to make such expenditures, is hereby authorized to make such expenditures, for the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $68,153,000, to remain available until expended, such amount shall be exclusive of depreciable property, and to make such contract commitments, without regard to fiscal year limitations as provided by section 1341(f) of title II of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to be made exclusive of such amount as may be necessary for carrying out the program set forth in the budget for the current fiscal year for the purchase of passenger motor vehicles (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED
Not to exceed $2,857,000 of the funds of the corporation shall be available for its administrative expenses for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including all expenses for constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses, $2,857,000, to remain available until expended, as authorized by section 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, $10,112,000, to remain available until expended.

PUBLIC SAFETY OFFICERS BENEFITS
For payments authorized by part I of title I (5 U.S.C. 102 Stat. 6093) as amended, $25,000,000, to remain available until expended as authorized by section 3107 of title 5, United States Code.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE
SEC. 201. A total of not to exceed $30,000, from funds appropriated to the Department of Justice in this title shall be available only for official reception and representation expenses, in accordance with distributions, procedures, and regulations established by the Attorney General.


SEC. 204. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is later.

(b) For the investigation and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—
(1) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—
(2) sums authorized to be appropriated for the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

SEC. 205. Not to exceed $5,000,000 for the purpose of reimbursing States for costs of incarcerating illegal aliens and certain Cuban nationals as authorized by section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-403).
September 29, 1989

CONGRESSIONAL RECORD—SENATE

United States Code, section 3723(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 398; 41 U.S.C. 255), the third undesignated paragraph of "Exceptions" of "Unemployment Insurance" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 321), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 355; 41 U.S.C. 254(a) and (c)).

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, as the case may be, and the Drug Enforcement Administration, as the case may be, and the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous revenue.

(1) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall report to the Attorney General and the Comptroller General the results obtained, with respect to each such closed undercover operation, the results of such undercover investigative operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the undercover operation and related matters, including information pertaining to—

(i) the results,

(ii) any civil claims, and

(iii) any other information of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, as the case may be, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous revenue.

Section 308. Section 6077 of the Anti-Drug Abuse Act of 1988 (Public Law 100-680, 102 Stat. 3991) is amended—

(1) in subsection (a) by striking; and

(2) in subsection (b) by striking—

"(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous revenue."

Section 309. The Civil Liberties Act of 1988 (Public Law 100-697, 102 Stat. 4133) is amended by adding at the end thereof the following new section:

SEC. 18. ENTITLEMENTS TO ELIGIBLE INDIVIDUALS.

"Notwithstanding any other provision of this title, beginning on October 1, 1990 the payments to be made to any eligible individual under the provisions of this title shall be an entitlement as defined in section 401(c)(2)(C) of the Congressional Budget Reform and Impoundment Control Act of 1974 (Public Law 93-344)."

Section 310. Pursuant to the provisions of law set forth in 18 U.S.C. 3771-3777, not to exceed $100,000 of the funds appropriated to the Department of Justice in this title shall be available for any purpose as to which the Attorney General determines is not so transferred to circumvent any constitutional or statutory requirement of State law that prohibits the expenditure of Federal funds for abortion, except where the life of the mother would be endangered if the fetus were carried to term or in cases of rape or incest.


Section 312. Section 504(a)(2) of part D of title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 275(a)) is amended to read as follows:

"(2) of the total funds remaining after the allocation made under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States."

This title may be cited as the "Department of Justice Appropriations Act, 1999."
EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3711, as amended, the sums of $40,000,000, of which $39,900,000 is provided for emergencies in the American Republics, $10,000,000 for emergencies in the Far East and Pacific, and $10,000,000 for emergencies in Europe, Africa, and Near East; to remain available until expended as authorized by 22 U.S.C. 2286(c).

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $11,300,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $106,034,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international organizations, pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 4810(c) and 22 U.S.C. 2674, except that passenger motor vehicles with additional systems and equipment may be purchased without regard to any price limitation otherwise established by law as authorized by 31 U.S.C. 1343(c). $1,743,967,000, of which $33,498,000 is for the construction security program, to remain available until expended, and in addition, the sums of $1,710,469,000 in respect of fees collected pursuant to section 38 of the Arma Export Control Act, as amended, may be used in accordance with section 38(b)(3)(A) of such Act (section 1255(c) of Public Law 100-204). In addition, not to exceed $29,152,000, to remain available until expended, may be transferred to this appropriation from "Acquisition and Maintenance of Buildings: Provided Further, That the level of service provided through the Foreign Affairs Administrative Support System (FAAS) shall be commensurate with the amounts appropriated, or otherwise made available, Therefore in Appropriations Acts Abroad."

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $18,672,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 504 of the Foreign Relations Authorization Act, Fiscal Year 1985, as amended (22 U.S.C. 6868), and for representation by United States missions to the United Nations and Organizations of American States, $1,000,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided for, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956, and to provide for the protection of foreign missions and Consular Service with the provisions of 3 U.S.C. 208, $9,100,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service New Diplomatic and Consular Construction Act, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic and Security Act of 1986 (22 U.S.C. 4851), $312,200,000, of which $348,100,000 to remain available until expended as authorized by 22 U.S.C. 2786(f). Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for Foreign Service Mission and Other Diplomatic and Consular Posts and other Foreign Service posts abroad.

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, for conducting foreign relations and for the diplomatic and consular services, including all personnel costs authorized by relevant Acts of Congress and for the operation and maintenance to be constructed to intercept sewage flows from Tijuana and from selected canyon areas as currently planned, and for necessary expenses, not otherwise provided for, including salaries and expenses as authorized by the Interceptor System Act of 1983, $1,743,967,000.

U.S. BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided for, for, including not to exceed $9,000,000 for representation expenses incurred by the International Joint Commission, $45,000,000; for the International Joint Commission and the United States Army Corps of Engineers; and for the International Boundary and Water Commission, $10,460,000; to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, for, including not to exceed $9,000,000 for representation expenses incurred by the International Joint Commission, $45,000,000; for the International Joint Commission and the United States Army Corps of Engineers; and for the International Boundary and Water Commission, $10,460,000; to remain available until expended as authorized by 22 U.S.C. 2696(c).

U.S. MISION TO THE ASIA FOUNDATION

For a grant to the Asia Foundation as authorized by section 601 of Public Law 100-204, $14,100,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of section 7 of the Fishermen's Protective Act of 1967, as amended, $600,000, of which $450,000 shall be derived from the receipts collected pursuant to that Act, to remain available until expended.
gramming provisions of this Act shall include an explanation and crosswalk providing information regarding the impact of the reprogramming on the program, project, activity, subactivity, or bureau from which funds or positions are proposed for transfer.

Sec. 343. For fiscal year 1991, the Department of State is authorized to submit a budget justification document to the Committees on Appropriations which provides function, subfunction, and object class information for each program, project, activity, subactivity, and bureau within the Department.

This title may be cited as the "Department of State Appropriations Act, 1991.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of the trip to the State of New York and New Jersey, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344 [$1,289,924,000, of which not to exceed $15,000 shall be available for the production of an oil portrait of former Chief Justice Warren E. Burger to be placed in the United States Court Building; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenditures as expended as the Chief Justice may approve.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), [$3,300,000] $5,547,000, of which $3,338,000 shall remain available until expended. Provided, That for fiscal year 1980 and hereafter, funds appropriated under this heading shall be available for improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for removal of electrical transformers containing polononinated biphenyls both, without compliance with section 3709 of the Revised Statutes, as amended (40 U.S.C. 5).

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, [§8,830,000] $8,600,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, [§12,340,000] $12,327,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the United States circuit, district, and territorial courts (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, and other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, [§1,349,863,000] $1,289,924,000 (including the purchase of firearms and ammunition). Provided, That such surplus as may be available in the fund established pursuant to 28 U.S.C. 1393 may be credited to this appropriation as authorized by section 407(c) of the Judiciary Appropriations Act, 1987 (Public Law 99-591, 100 Stat. 3341-64). Provided further, That the total amount appropriated, $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions: Provided further, That notwithstanding any other provision of law, not to exceed $2,500,000 for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 300a-12). Said expenses shall be available only after the United States Court of Claims has determined that the fund established pursuant to this Act is sufficient to pay judgments awarded under the Act.

DEFENDER SERVICES

For the operation of Federal Public Defender and Counsel Corporations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under indictment in the criminal justice of the United States, as amended, and for miscellaneous expenses as expended as the Chief Justice may approve.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $12,648,000.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIAL OFFICERS' RETIREMENT FUND

For the Payment to Judicial Officers' Retirement Fund, as authorized by Public Law 100-659, and to the Judicial Survivors Annuity Fund, as authorized by Public Law 99-336, $4,340,000.

UNITED STATES SENTENCING COMMISSION

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $6,520,000.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.


SEC. 403. For fiscal year 1990 and hereafter, funds made available under title 28, United States Code, shall be deposited in the United States Bankruptcy Courts of the United States if deposited in the United States Bankruptcy Courts shall be deposited in the United States Bankruptcy Courts and the United States Claims Court shall be responsible for administrating elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel, as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), [$322,670,000] ($322,670,000) advertising and rent in the District of Columbia and elsewhere, $34,670,000 of which an amount not to exceed $5,000 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $12,648,000.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIAL OFFICERS' RETIREMENT FUND

For the Payment to Judicial Officers' Retirement Fund, as authorized by Public Law 100-659, and to the Judicial Survivors Annuity Fund, as authorized by Public Law 99-336, $4,340,000.

UNITED STATES SENTENCING COMMISSION

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $6,520,000.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.


SEC. 403. For fiscal year 1990 and hereafter, funds made available under title 28, United States Code, shall not be limited to persons with formal legal training.

SEC. 404. Notwithstanding any other provision of law, for fiscal year 1990 and hereafter, (a) the Administrative Office of the United States Courts, by contract or agency agreement, shall provide instrumentation of the United States in such manner as is necessary to assist in the performance of the duties of the Debtor, Trustees, or other such interested parties under the Bankruptcy Code.

SEC. 405. For fiscal year 1990 and hereafter, such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as authorized by section 401 of the Judicial Proceedings Act of 1981 and section 5 of the Judicial Conference of the United States Committee pursuant to 28 U.S.C. 1930(b) shall be deposited to the
"Courts of Appeals, District Courts, and other Judicial Services, Salaries and Expenses" appropriation to be used for salaries and expenses incurred in providing these services.

SEC. 406. Pursuant to section 140 of Public Law 97-92, during fiscal year 1990, Judges and members of the Judicial Conference of the United States shall have the same percentage increase in salary accorded to employees paid under the General Schedule pursuant to 5 U.S.C. §5315.

Salaries and expenses made in this title which are available for salaries and expenses shall be available, notwithstanding the provisions of section 5505 of title 5 of the United States Code, or any other provision of law, for the judicial conference of the United States in accordance with section 140 of title 5, United States Code, to promote the effective organization and cooperation of the judiciary in the United States.

Section 1930fa(1-J) of title 28, United States Code, as amended, shall be deposited as a special deposit account in the Treasury, for the use by Radio Free Europe/Radio Liberty and the Voice of America, $183,500,000, to remain available until expended.

OPERATIONS AND TRAINING
For necessary expenses of operations and training activities authorized by law, $335,870,000, to remain available until expended.

ADVISORY COMMISSION ON CONFERENCES IN OCEAN SHIPPING
For necessary expenses of the Advisory Commission on Conferences in Ocean Shipping, including services as authorized by section 110 of Public Law 98-337, $18,000,000, to remain available until expended.

ARMY CONTROL AND DISARMAMENT AGENCY
For necessary expenses of the Army Control and Disarmament Agency, $3,142,000, to remain available until expended.

BOARD FOR INTERNATIONAL BROADCASTING
For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated, as authorized by the Act of September 29, 1989, as amended, $25,000,000, to remain available until expended.
from investigating or processing claims of land and structures; not to exceed supervised waivers under the Age Discrimination
sections 6 and 14 of the Age Discrimination in Employment Act; not to exceed
any policy or practice pertaining to unsupervised waivers of rights on August 27, 1987 f29 CFR sections
any sales, licenses, applications, or proceed­ings, which were suspended pending the con­clusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for non-commercial educational television sta­tions in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): Provided further, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply applica­tion for exemption and representation expenses; and not to exceed
that amount of Japanese currency not to exceed the equivalent of $1,610,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.
LEGAL SERVICES CORPORATION
PAYOUT TO THE LEGAL SERVICES CORPORATION
For payment to the Legal Services Corpora­tion to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $321,000,000 of which $275,368,000 is for basic field programs, $7,313,000 is for Native American programs, $10,100,000 is for mig­rant programs, $1,146,000 is for law school clinics, $1,041,000 is for supplemental field programs, $68,000,000 is for legal aid training centers, $7,528,000 is for national support, $8,168,000 is for State support, $901,000 is for the Clerking House, $531,000 is for com­puterized legal information systems, $509,000 is for regional cen­ters, and $8,316,000 is for Corporation management and administration.
MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES
For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $960,000.
MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION
SALARIES AND EXPENSES
For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $390,000, to remain available until expended.
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
SALARIES AND EXPENSES
For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by $5,000,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $89,000 shall be available for official recep­tion and representation expenses.
SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES
For necessary expenses of the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $3,000 for official reception and representation expenses, $168,707,000, of which not to exceed $10,000 may be used toward funding a permanent secretarial for the International Organization of Securities Commissions: Provided, That immediately upon enactment of this Act, the rate of fees under section 14 of the International Organization of Securities Commissions Act of 1933 (15 U.S.C. 77q(b)) shall increase from one-fiftieth of 1 per cent to one-fortieth of 1 per cent and such increase shall be de­posited as an offsetting receipt to the general fund of the Treasury.
SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)
For necessary expenses, not otherwise provided for, of the Small Business Adminis­
that no funds appropriated under this Act shall be used to impose any new or increased user fee or loan fee, or to enforce any rule or regulation with respect to the funding or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987: Provided further, That none of the funds appropriated or made available by this Act may be used to impose any new or increased loan guarantees or the guarantee of loan servicing activities, including loan servicing, shall be transferred to this appropriation from the "Disaster Loan Fund" as authorized by Public Law 100-584:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [§7,400,000 $7,552,000]

BUSINESS LOAN AND INVESTMENT FUND

For necessary expenses of the "Business Loan and Investment Fund", [§77,500,000 $76,000,000] to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note; and (ii) authorized by the proviso in section 301(f) of the Small Business Act (15 U.S.C. 637f(a)(1)) is amended to read as follows:

"(f) Notwithstanding any other provision of law, amounts authorized for guarantees of debentures issued by small business investment companies may be used for guarantees of debentures issued by companies licensed under section 301(d) and financed by issuance and guaranty of certificates under section 321.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1988 (Public Law 100-881, 102 Stat. 4436-4437), [§11,235,000] $12,090,000, to remain available until expended: Provided, That section 607 of the Judicial Improvements and Access to Justice Act, Public Law 100-481, as amended, section 215 of the State Justice Institute Act of 1984 is hereby repealed and the title to this Act is hereby amended to read as follows:

"In order to encourage all lending institutions and other entities making loans authorized under this subsection to provide loans of $50,000 or less in guarantees to eligible small business loan applicants, during the period beginning on January 1, 1984, and ending on December 31, 1985, the Administration shall (i) develop and allow participating lenders to solely utilize a uniform small business loan application form, and (ii) allow such lenders to retain one-half of the fee collected pursuant to this paragraph if the amount committed and outstanding to the applicant would exceed $50,000 unless the amount in excess of $50,000 is an amount not approved under the provisions of this paragraph."

The last sentence of subparagraph (A) of section 301(f) of the Small Business Act (15 U.S.C. 637f(a)(1)) is amended to read as follows: "In the case of cosponsored activities which include the participation of a Federal, State, or local public official or agency, the Administration shall take such actions as it deems necessary to ensure that the cooperation does not constitute or imply an endorsement by the Administration give undue recognition to the public official or agency, and the Administration shall ensure that it receives appropriate recognition that the cosponsored activity concerned is the participant's profit making concern or a governmental agency or public official."

Section 303 of the Small Business Act 1985 (15 U.S.C. 633) is amended by adding at the end thereof the following new subsections:

The Administration is authorized to make, and to contract to make, periodic interest reduction payments to the holder of a debenture or the appropriate fiscal agent of a small business investment company described in section 301(d) to cover the difference, if any, between-

(1) the amount of interest the company is required to pay on debentures issued by it (other than debentures issued to the Administration), and-

(2) the amount the company would have to pay if the debentures purchased by the Administration, as determined under section 317.

Amounts authorized for direct purchases of debentures and participation certificates of a small business investment company may be used for guarantees of debentures issued by companies licensed under section 301(d) and financed by issuance and guaranty of certificates under section 321.

The last sentence of subparagraph (A) of section 5(b)(17) of the Small Business Act (15 U.S.C. 636(a)(19)) is amended to read as follows:

"(19) In addition to the Preferred Lenders Program authorized by the proviso in section 5(b)(17), the Administration is authorized to establish a Certified Lenders Program to assist in establishing their knowledge of Administration laws and regulations concerning the guaranteed loan program and their proficiency in program requirements. In the case of a certified lender as determined by the Administration, the last sentence of subparagraph (A) of section 5(b)(17) is hereby revived.
For salaries, not otherwise provided for, necessary to enable the United States Information Agency to carry out the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1974, as amended (22 U.S.C. 4031 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1638), to carry out international communication, educational and cultural activities, and to carry out related activities authorized by law, including employment, without regard to civil service laws, of persons on a temporary basis (not to exceed $700,000, of this appropriation), as authorized by 22 U.S.C. 1471, expenses authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2501 et seq.), for living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5912 et seq. and 22 U.S.C. 2571-1; and for entertainment, including official receptions, $12,902,000 of the amounts allocated by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 2451 et seq.), the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti Program or Cuba Service of the Voice of America), including the purchase, rent, construction, improvement and equipping of facilities, operations, and rental of necessary equipment for radio transmission to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aeroplanes) as may be required to house and operate necessary telecommunications equipment.

For an additional amount necessary, to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, including, but not limited to the purchase, rent, construction, improvement and equipping of facilities, operations, and rental of necessary equipment for radio transmission to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aeroplanes) as may be required to house and operate necessary telecommunications equipment.

For salaries and expenses of the Director of the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1471), expenses authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2501 et seq.), for entertainment, including official receptions, $12,902,000 of the amounts allocated by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 2451 et seq.), shall remain available until expended; Provided, that none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended, exclusive of any cap on such rate.

For an additional amount necessary, to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, including, but not limited to the purchase, rent, construction, improvement and equipping of facilities, operations, and rental of necessary equipment for radio transmission to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aeroplanes) as may be required to house and operate necessary telecommunications equipment.

For an additional amount necessary, to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, including, but not limited to the purchase, rent, construction, improvement and equipping of facilities, operations, and rental of necessary equipment for radio transmission to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aeroplanes) as may be required to house and operate necessary telecommunications equipment.
the project director of a recipient has afforded reasonable notice and opportunity for a hearing to all eligible clients present in the United States and is—

(A) an alien lawfully admitted for permanent residence who is the subject of an order of deportation or exclusion made in response to a request from a Federal, State, or local official on a finding of facts by an independent hearing examiner, that—

(1) such request for a hearing shall be made in writing; and

(2) such hearing shall be conducted by an independent hearing examiner.

that an alien who is lawfully present in the United States or a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under section 101(a)(20) of the Immigration and Nationality Act unless such application has not been rejected.

It is hereby declared to be the policy of the Congress that communications made in response to a request from a Federal, State, or local official on a finding of facts by an independent hearing examiner, that—

(1) such request for a hearing shall be made in writing; and

(2) such hearing shall be conducted by an independent hearing examiner.

That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for any action, claim, or case, which directly involves the client's legal rights or responsibilities, and that responsible efforts shall be made to inform clients who are parties to such an action of the nature of the dispute and the relief that is sought. Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 101(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that financial assistance under this Act shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee shall be informed of such financial assistance under this Act has been afforded reasonable notice and opportunity for a hearing, and that the Corporation shall not be entitled to provide such communications that—

(A) the project director of a recipient has afforded reasonable notice and opportunity for a hearing to all eligible clients present in the United States and is—

(1) an alien lawfully admitted for permanent residence who is the subject of an order of deportation or exclusion made in response to a request from a Federal, State, or local official on a finding of facts by an independent hearing examiner, that—

(1) such request for a hearing shall be made in writing; and

(2) such hearing shall be conducted by an independent hearing examiner.

The provision shall not be construed to prohibit the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under statute, order, or regulation. Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 101(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that financial assistance under this Act shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee shall be informed of such financial assistance under this Act has been afforded reasonable notice and opportunity for a hearing, and that the Corporation shall not be entitled to provide such communications that—

(A) the project director of a recipient has afforded reasonable notice and opportunity for a hearing to all eligible clients present in the United States and is—

(1) an alien lawfully admitted for permanent residence who is the subject of an order of deportation or exclusion made in response to a request from a Federal, State, or local official on a finding of facts by an independent hearing examiner, that—

(1) such request for a hearing shall be made in writing; and

(2) such hearing shall be conducted by an independent hearing examiner.
Corporation shall be used, directly or indirectly, by the Corporation or any recipient to in any way restrict or limit the competitive award of grants or contracts or to enforce, implement, or operate any system or to enforce, implement, or operate any system for the competitive award of grants or contracts until such action is authorized pursuant to this Act or is required by the Secretary of the Corporation to the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate, except that nothing herein shall prohibit the Corporation Board, members, or staff from engaging in in-house reviews of or holding hearings on proposals for a system for the competitive award of all grants and contracts, including support centers, and that nothing herein shall apply to any competitive awards program currently in existence; subsequent to confirmation such new Board of Directors shall develop and implement a proposed system for the competitive award of all grants and contracts; Provided further, that such grants or contracts shall not be subject to any amendments to regulations relating to fee-generating cases (45 CFR part 1609) or the use of private funds (45 CFR parts 1610 and 1611) not in operational effect on October 1, 1988.

The Secretary, as the head of the National Support Center, shall review the reports submitted under paragraph (1) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Sec. 610. (a) The Secretary of State, in consultation with the Secretary of Commerce, shall, with respect to those species of sea turtles the conservation of which is subject to regulations promulgated by the Secretary of Commerce on June 29, 1987—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of such species of sea turtles;

(2) resume negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial or recreational fishing for such species of sea turtles; and

(3) encourage such other agreements to promote the conservation of such species of sea turtles with such countries to protect such species of sea turtles;

(4) initiate the amendment of any existing international treaty for the protection and conservation of such species of sea turtles to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section; and

(5) if the Secretary of State determines by not later than one year after the date of enactment of this section—

(a) a list of each nation which conducts commercial or recreational fishing for such species of sea turtles; and

(b) a list of each nation which conducts commercial or recreational fishing for such species of sea turtles within the geographic range of distribution of such sea turtles;
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(SE) a list of each nation which conducts commercial shrimp fishing operations which may affect adversely such species of sea turtles; and

(C) a full report on—

(i) the results of his efforts under this section; and

(ii) the status of measures taken by each nation listed pursuant to paragraph (A) or (B) to protect and conserve such sea turtles.

(1) In GENERAL.—The importation of shrimp or products from shrimp which may affect adversely such species of sea turtles shall not be permitted after May 1, 1991, except as provided in paragraph (2).

(2) CERTIFICATION PROCEDURE.—The ban on importation of shrimp or products from shrimp pursuant to paragraph (1) shall not apply if the President shall determine and certify to the Congress not later than May 1, 1990, and annually thereafter that—

(A) the government of the harvesting nation has provided documentary evidence of the adoption of a regulatory program for the harvesting of shrimp which has been harvested with commercial fishing technology which may affect adversely such species of sea turtles shall be prohibited not later than May 1, 1991, except as provided in paragraph (2).

(B) the average rate of incidental taking of such sea turtles by United States vessels in the course of such harvest shall not be greater than the average rate of incidental taking of sea turtles by United States vessels in the course of such harvesting.

(C) if the President shall determine and certify to the Congress any reasonable and appropriate steps that the harvesting nation has provided documentary evidence of the adoption of a regulatory program for the harvesting of shrimp pursuant to paragraph (4).

(3) EXEMPTIONS.—The ban on importation of shrimp pursuant to paragraph (2) apply if the President shall determine and certify to the Congress under section 700 of the Reorganization Act of 1978, as enacted, that the average rate of incidental taking of sea turtles by United States vessels in the course of such harvest is less than the average rate of incidental taking of such sea turtles by United States vessels in the course of such harvesting.

The President will see first hand the extensive nature of that, and I am confident he will get at the bottleneck, and the Federal Emergency Management Administration on the way.

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For the Department of Commerce we recommend $3,547,326,000, an increase of $819,764,000 over the President's budget. Last week $1,244,544,000 for the Decennial Census next April which is the same as the House—$5,700,000 below request.

We restored certain entities that were redlined in the President's budget again. We restored EDA, $194,482,000; NOAA's marine research program, $200,000,000; and the public TV facilities grants, $20,000,000 that the administration annually zeroes out.

Let me hasten to emphasize at this point that the Senator from New Hampshire and the Senator from South Carolina have disciplined ourselves; there are no EDA earmarkings here at all, and I know that makes me very unpopular with my colleagues. I have gotten letters personally written for the first time up here in 23 years, handwritten, with tears you can see smearing the ink. I am with them and they are justified, and I will work with the Economic Development Administration and the administration on these requests.

Again, there are no earmarks in the bill. We have held fast on that one. In NOAA we restored $29 million to maintain the weather stations. We also provided $26 million in increases to expand global climate change and the new coastal/ocean initiative.

As indicated earlier, we also funded several of the new initiatives in the trade bill such as the Free Trade Agreement with Canada, antidumping/countervailing duties and unfair practices; an increase of $13,723,000 to $181,296,000 for the International Trade Administration.

For the National Institute of Standards and Technology we recommend $1,000,000, to cover most of their increases in addition to the funds for the new Advanced Technology Program and the regional centers. Finally, we provide $2,500,000 to establish a National Endowment for Children's Television.

DEPARTMENT OF JUSTICE

While I have already mentioned our efforts in the war on drugs let me say that for the Department of Justice we recommend $6,250,138,000, an increase of $401,754,000 over fiscal year 1989. In addition we have $53,582,000 in offsetting receipts credited the Department for increased fees created in the bill—$30 million for the FBI fingerprint fee, $15 million for the antitrust fee, and $8,582,000 for the Immigration and Naturalization Service examination fee. So you can see we worked it over pretty good, trying to milk every dime we could possibly find to stay within our alloca-

COMPETITIVENESS AND TECHNOLOGY

Mr. President, drugs are certainly our No. 1 priority, but we have not lost sight of other national priorities. Last year we enacted the Trade and Competitiveness Act and in this bill we have provided for expansion of trade and competitiveness activities. For example:

We establish the National Trade Data Bank at the Bureau of Census. We fund the Executive Secretariat and the chapter 18 and 19 binational panels of the United States-Canada Free Trade Agreement.

Increases for the antidumping/countervailing duty case load, and to implement the unfair trade practice provisions of the Trade Act, are provided for the International Trade Administration, an increase of $8,000,000, for the U.S. Foreign and Commercial Service.

The support is maintained of the Tailored Clothing Technology Corporation to keep our apparel industry competitive.

The $7,500,000 funding level is maintained for the regional centers for Transfer of Manufacturing Technology; as well as $10,000,000 to initiate the new Advanced Technology Program, and $1,300,000 for the Technology Transfer Program of the National Institute of Standards and Technology.

The $1,000,000 to establish the Joint Legislative/Executive Council on Competition created in the Trade Act.

The full budget of the U.S. Trade Representative plus an additional $1,000,000 for the USTR's workload in implementing the Trade Act, the Canada Free Trade Agreement, as well as the Uruguay round of multilateral trade negotiations.

HURRICANE HUGO

Yesterday the Senate approved my amendment adding an additional $1.1 billion for FEMA on the continuing resolution to appropriate funds for Hurricane Hugo relief. We're eventually going to have a Hugo assistance bill, but while the damage assessments are being completed and the overall relief programs formulated, we are doing all we can.

In this bill we have increased EDA's title IX assistance for sudden and severe dislocations from $12,454,000 to $40,000,000. This will help the communities rebuild their devastated public utilities and new Advanced Technology Program and the regional centers.

Finally, we provide $2,500,000 to establish a National Endowment for Children's Television.

DEPARTMENT OF COMMERCE

For the Department of Commerce we recommend $3,547,326,000, an increase of $819,764,000 over the President's budget for the December Census next April which is the same as the House—$5,700,000 below request.

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Let me hasten to emphasize at this point that the Senator from New Hampshire and the Senator from South Carolina have disciplined ourselves; there are no EDA earmarkings here at all, and I know that makes me very unpopular with my colleagues. I have gotten letters personally written for the first time up here in 23 years, handwritten, with tears you can see smearing the ink. I am with them and they are justified, and I will work with the Economic Development Administration and the administration on these requests.

Again, there are no earmarks in the bill. We have held fast on that one. In NOAA we restored $29 million to maintain the weather stations. We also provided $26 million in increases to expand global climate change and the new coastal/ocean initiative.

As indicated earlier, we also funded several of the new initiatives in the trade bill such as the Free Trade Agreement with Canada, antidumping/countervailing duties and unfair practices; an increase of $13,723,000 to $181,296,000 for the International Trade Administration.

For the National Institute of Standards and Technology we recommend $1,000,000, to cover most of their increases in addition to the funds for the new Advanced Technology Program and the regional centers.

Finally, we provide $2,500,000 to establish a National Endowment for Children's Television.
tion, and at the same time provide the money for law enforcement. The amount recommended maintains existing services for all programs within the Department of Justice.

However, when we add the $3,095,868,000, which is provided in the drug amendment for the Department of Justice we bring the total increase for the Department to $2,247,879,000.

We did not provide funding for Japanese reparations. The Administration has proposed to provide $50,000,000. However, the committee approved language making these payments an entitlement in fiscal year 1991.

**DEPARTMENT OF STATE**

We recommend a total of $3,095,868,000 for the Department of State, which is $176,109,000 below the requests. The bipartisan budget agreement required an overall $387 million outlay reduction from the requests in international affairs spending. In the 302(b) allocations the committee directed that this bill take $187 million of the reduction and foreign operations the other $200 million. Because the other foreign affairs agencies in the bill are relatively fixed, or in the case of the radio modernization programs, are low outlay programs, the bulk of the reduction was necessarily applied to the Department of State.

For the Department’s basic salaries and expenses appropriations we recommend a total of $1,773,619,000. This includes: $16,485,000 for the telecommunications network; $9 million for the Beltsville Information Center; and $10,385,000 for construction security.

I think we have taken care of Secretary Baker’s needs there in exemplary fashion.

For contributions for international organizations the subcommittee recommended $868,011,000, the full amount required for the 1990 assessment. In the 302(b) outlay reduction we did not provide the $45,916,000 requested for U.S. arrears to international organizations due to the Kassebaum amendment and other restrictions on U.S. contributions.

Otherwise we appropriated the full amounts requested by the Department except that we added $1,300,000 to the Great Lakes Fisheries Commission for lamprey control; as well as $5,800,000 over the Department’s request of the Asia Foundation.

**ASIA FOUNDATION**

Mr. President, we are completely baffled by the Department’s consistently unfunding of the Asia Foundation. Every United States Ambassador to an Asian nation that I have had the opportunity to talk to last 13 years has praised the Asia Foundation. It does significant work and I think we ought to get in step on these efforts.

Ambassador Mansfield, in Japan, was particularly supportive of the foundation. Last week I received a letter supporting the full $18 million authorized the foundation from his successor, Ambassador Armacost. I ask unanimous consent that the letter be printed in the Record at this point. There being no objection, the letter was ordered to be printed in the RECORD, as follows:

**AMBASSADOR OF THE UNITED STATES OF AMERICA, TOKYO.**

**September 11, 1989.**

**HON. ERNEST F. HOLLINGS,**

**U.S. Senate.**

**DEAR MR. CHAIRMAN:** In recent years I have had the opportunity to see firsthand in the field, as well as to judge from a Washington vantage, how a private organization like The Asia Foundation, working quietly off center stage, can effectfully support U.S. Government objectives that are shared by our friends in Asia. In Manila, I admired the way in which the Foundation has bolstered the underpinnings of democratic institutions, responding to Asian initiatives. It is impressive to see how many Filipino leaders have been touched in one way or another by Asia Foundation programs. The same is true in most of the developing countries in Asia.

Here in Japan, the Foundation has been doing an effective job in reaching rising young leaders, especially in the political arena, where a generational change is now in progress. By enhancing understanding about the United States and respect for American views, problem-solving becomes that much less emotional.

I strongly urge that the Congress appropriate the full authorized amount for The Asia Foundation for FY 1990.

Sincerely,

**MICHAEL H. ARMACOST.**

**Mr. HOLLINGS.** Mr. President, I will continue.

**THE JUDICIARY**

For the Judiciary, we recommend $1,613,692,000, an increase of $157,419,000 over fiscal year 1989. In addition we provide $33 million in offsetting receipts credited to the courts of appeals, district courts, and other judicial services for increased fees created in the bill. The Supreme Court and Administrative Office received their full request.

As I said earlier, in the drug amendment an additional $120,323,000 was provided to the judiciary—courts of appeals, district courts, and other judicial services; defender services; fees of jurors and Commissioners; and, court security. These additional resources will provide these accounts with their requested increases in fiscal year 1990.

**RELATED AGENCIES**

A total of $2,875,839,000 was approved for the 27 related agencies in this bill. By and large the related agencies are maintained at their base levels. The notable items are:

**MARAd:** A total of $170,650,000 is recommended, a reduction of $134,680,000 from the request. The reduction mainly comes from the Reserve Force appropriation where only $107,900,000 of the $239,030,000 is recommended. OMB transferred this amount out of the Defense 050 category, and we can't give up anymore from our domestic allocation.

**BIB:** We recommend a total of $378,500,000, including $183,500,000 for the Israel Relay Station account.

**BCC:** Full budget request of $105,831,000 which includes restoration of 40 working years lost to inflation. Continues restrictions on minority ownership, swaps, and cross ownership.

**PTC:** We recommend the full budget of $89,580,000 plus $10 million more from the new premerger filing fee on Hart-Scott-Rodino filings.

**Legal Services Corporation:** We have provided LSC an increase of 4.1 percent bringing their total to $321 million. We have basically continued the process as it was last year, with separate funding for State and National support centers, migrants, and so forth.

**SEC:** The full request of $168,707,000 which will be offset by a change in the filing fee. Our report directs eight additional positions for processing the filings of public utility holding companies.

**SBA:** A total of $413,188,000. We are basically same as House on the salaries and expenses with some juggling around at request of the Small Business Committee. We provide $78 million for direct loans. We also have technical language to the authorization bill requested by the Small Business Committee.

**USIA:** A total of $946,050,000 which pretty much tracks the authorization bill. We recommend $180,300,000 for exchange programs; and, $170 million for radio construction, of which $16 million is for TV-Marti. NED is held at current and budgeted level of $15,800,000.

**GENERAL PROVISIONS**

The general provisions are basically the same as carried previously in the bill except that we made some technical changes to language in the bill with regard to Legal Service Corporation. We also put in a limitation on expenditures for consulting services by the Departments of Commerce, Justice, State, and the Small Business Administration that Senator Paxon requested.

We also added Senator Johnston's amendment requiring the Secretary of State to initiate negotiations for the development of international agreements to protect endangered and threatened sea turtles. It calls for a ban on imports of shrimp from any nation that: First, fails to adopt a regulatory program for turtle protection which is comparable to that of the United States; and second, has higher
incipient catches of sea turtles than U.S. shrimpers.

At the full committee we added two new general provisions. One, that I sponsored on behalf of myself and the distinguished junior Senator from Tennessee (Mr. Gore), the chairman of the Space Subcommittee of the Commerce Committee, protects the emerging U.S. launch industry from unfair Soviet and Chinese competition. The other, by the distinguished senior Senator from Hawaii (Mr. Inouye), clarifies the statutory prohibition against trade benefits to countries supporting international terrorism.

Those are the highlights, and I will await making these corrections of printing errors motions plus the original motion for the bill to be considered as original text after I yield to my ranking member, Senator Rudman.

The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Mr. President, I thank the Chair.

Mr. President, I am very pleased to once again join the junior Senator from South Carolina in presenting bipartisan recommendations for fiscal year 1990 appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies. This is a balanced bill that meets the priorities of the Congress and the administration.

Within the allocation initially provided to the subcommittee we were able to restore many of the programs traditionally supported by the Congress that were proposed for elimination or substantial reduction by the administration. At the same time we were able to fund the Justice Department and the judiciary at levels that would allow them to continue in 1990 at operating 1989 levels.

Both Senator Hollings and I realized that this level of funding would be insufficient, so we proposed a separate drug funding title to provide the President with his full request for the Justice Department and the judiciary in 1990. With very little change, that title was incorporated into the drug funding amendment that passed the Senate as part of the Transportation appropriations bill.

For the Justice Department, the funding provided in this bill and in the drug amendment represents an increase of 38 percent over the 1989 enacted level and 56 percent over the 1988 enacted level. For the Federal judiciary, the increase is 19.5 percent over 1989 and 21 percent over 1988.

This will allow for a number of important Presidential initiatives in the Justice Department, including: $1.4 billion for prison construction and renovation; $215 million for the establishment of organized crime drug enforcement task forces, which will include personnel from throughout the Justice Department and from the Departments of Treasury and Transportation; funding to allow the Drug Enforcement Administration to establish 7 new State and local task forces, bringing the total number to 50 in 1990; and an increase from $160 million in 1989 to $450 million in 1990 for grants to state and local enforcement agencies to help combat crime on the street; in addition, the committee recommends retaining the current maximum State matching requirement of 25 percent for the next 2 years rather than allowing the match to increase to 50 percent as would occur absent a change in the law.

The subcommittee recommendations support other important priorities for 1990, including: 95 percent of the funds requested for the decennial census; a $6 million increase to fully fund the needs of the United States and Foreign Commercial Service; continuation of our sea turtles bill; and the continued funding of our national parks, ocean and coastal programs of the National Oceanic and Atmospheric Administration, with important enhancements for the global change program and the coastal and ocean research initiatives. We also support the advanced technology program of the National Institute of Standards and Technology; a provision to completely fund the civil liberties public education fund beginning in 1991 to provide for the long-delayed payments to Japanese-Americans interred during World War II; funding of $183.5 million to virtually complete the Israel radio relay station of the Board for International Broadcasting and the Voice of America; a modest but important inflationary increase of 4.1 percent for the Legal Services Corporation; and full funding of $168.7 million for the important work of the Securities and Exchange Commission in policing our Nation's securities markets.

Once again, I salute my chairman for the leadership and skill he has shown in preparing this bill. It is a pleasure to work with him and his fine staff.

Senator Hollings and I are open for business; we hope we can complete action on this legislation quickly, and I encourage any Member with an amendment to come to the floor as soon as possible.

Mr. President, let me just say something on a personal note about my colleague from South Carolina. I know that he would much rather be in South Carolina this morning with the President and his constituents looking at the enormous damage and human suffering that has occurred in South Carolina and other States. I deeply appreciate the fact that, recognizing the complexity of this bill, my friend from South Carolina, the chairman of this subcommittee, decided to stay here in Washington to finish this bill by the end of the fiscal year.

I am very delighted that he is here and I thank him for being here this morning because it is important. We have an enormous amount of funding here for the fight against drugs, in part that, in the Committee on the Judiciary, the FBI, the State Department, and the President is an expert in the field. He has been handling it for years and I am delighted he is here this morning, but I know his heart is someplace else.

Mr. President, we have a number of amendments that Senators have advised they were going to bring to the floor and I think a great number of these are going to be accepted. I know it is the interest of both leaders that we finish this bill in good time this morning. I would simply say to my colleagues and their staffs who may be watching in their offices that we would like to keep this moving because it will take very little time to accept most of these amendments and I think there may be roll calls on possibly two or three. I notice that one Member of the Senate is here this morning, Senator Adams, who I believe may have an amendment. Others on this list are known to themselves, so I would certainly hope that there will be prompt action to come to the floor and offer the amendments. I know the distinguished President pro tempore makes that plea rather regularly. I do not expect to meet with any more success than we usually do, but possibly we will get people here on time.

Finally, let me just make an announcement to my colleagues that we had a very intense debate last night. I thought a very good debate, on the whole issue of obscenity in the arts. Senator Helms moved to instruct. That was defeated. Senator Helms has advised me this morning that he intends to offer, or ask me to offer on his behalf, an amendment which of course is the one which I think most of us late night would have liked to have voted on but could not vote on, given the very broad instruction. It is his intention to either offer it as a self or for the offer on his behalf and that will take a roll call vote, I am advised.

I will now yield the floor. I notice that the chairman may wish to move to the committee amendments first and then I believe we will be able to handle the first amendment.

I yield the floor.

Mr. BYRD. Mr. President, today we are considering H.R. 2991, the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill for fiscal year 1990. This measure provides necessary funding for three departments, the judiciary, and 27 related agencies, including the U.S. Information Agency, the Arms Control and Disarmament Agency, the
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Board for Internal Broadcasting, and the Small Business Administration.

The bill as recommended by the Committee on Appropriations provides $17,384,689,000 for fiscal year 1990. The bill is $1,782,747,000 below the President’s request. For the benefit of my colleagues, I note that $1,916,940,000 for anticrime and antidrug abuse activities in the jurisdiction of this subcommittee were provided in the emergency drug funding amendment that we adopted on the Department of Transportation appropriation bill for fiscal year 1990. Enactment of these two measures will assure necessary funding for law enforcement and Federal correctional activities, the conduct of foreign policy, international peacekeeping activities, and the decennial census, as well as longstanding congressional priorities such as: Economic development assistance; small business; legal services; and juvenile justice and delinquency prevention programs. The bill also maintains in full the Nation’s weather stations as well as other programs of the National Oceanic and Atmospheric Administration.

With respect to the subcommittee 302(b) allocation, the bill as recommended is within both the budget authority and outlay ceilings.

I wish to commend Mr. Hollings, chairman of the subcommittee and Mr. Rudman, the ranking member, for their excellent work in accommodating the priorities of the Senate within the difficult constraints of the budget agreement.

I also commend the staff of the subcommittee, Warren Kane, John Shank, Dorothy Seder, Liz Blevins, and Judee Kleepe. 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.

This is the last of the 13 fiscal year 1990 appropriation bills, and I am hopeful that it can be passed expeditiously so that the bill can go to conference and the committee complete our conferences on all bills quickly so that there will be no need for another continuing resolution.

CORRECTIONS

Mr. Hollings. Mr. President, there are several errors in the printing of the committee amendment. I ask unanimous consent that the committee amendments be corrected in accordance with the list that I send to the desk.

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

The corrections are as follows:

On page 5 line 4 change “these” to “those”;

On page 15 line 13 change “recognizes” to “recognize”;

On page 16 line 6 “Office of Inspector General” should be italicics;

On page 18 line 5 change all that appears on lines 4 through 7;

On page 31 line 6 change “7625” to “7285”;

On page 41 after line 24 insert:

“Sec. 506. (a) Of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

(1) 0.4 percent shall be allocated to each of the participating States; and

(b) On page 43 line 16 after “ings” insert “Aboard”;

On page 43 line 19 change “therefore” to “thereafter”;

On page 48 lines 12 and 13 delete “as authorized by section 105 of Public Law 100-204”;

On page 48 line 8 restore “Other” to Roman type;

On page 48 lines 17 and 18 delete “as authorized by section 601 of Public Law 100-204”;

On page 49 line 7 delete “Other”;

On page 55 line 21 after “Public Law 100-658” insert “$4,000,000” with line-type;

On page 61 line 13 after “amended” insert “(22 U.S.C. 2551)”;

On page 86 line 22 change “advances” to “advances”;

Mr. Hollings. Mr. President, I also ask, and this has been cleared on both sides, unanimous consent that the committee amendments, as corrected, save and excepting, and this is on the Japanese internment that we had a request on the other side so we want to hold up on, page 18, lines 4 through 16; page 41, lines 4 through 10, that these committee amendments as corrected with those exceptions be considered and agreed to en bloc and that the bill as amended be considered as original text for the purpose of further amendment with the understanding that no point of order shall be waived by the Chair.

Mr. Rudman, Right.

The PRESIDENT pro tempore. The committee amendments were agreed to en bloc, except the committee amendments on page 18, lines 4 through 16, and page 41, lines 4 through 10.

The PRESIDENT pro tempore. The Senator from Washington [Mr. Adams].

Mr. Adams. Mr. President, I do not want to start with the amending process if the managers have anything further.

Mr. Hollings. Yes, we want you to proceed.

Mr. Adams. But I, like the President pro tempore, wish to start early in the morning and hope that the amendments will be agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 18, LINES 4 THROUGH 16

The PRESIDENT pro tempore. The pending question is on page 18, lines 4 through 16.

AMENDMENT NO. 893

(Purpose: To express the sense of the Senate that the Secretary of State should take immediate steps to secure an international moratorium on the use of drift nets on the high seas)

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

The PRESIDENT pro tempore. Does the Senator offer his amendment to the pending committee amendment?

Mr. Adams. Yes, I do.

The PRESIDENT pro tempore. He does?

Mr. Adams. Yes.

The PRESIDENT pro tempore. Does he wish the pending committee amendment set aside as temporarily?

Mr. Hollings. Mr. President, I ask unanimous consent the pending committee amendment be set aside. We have to do that before we get to the Japanese internment, so the Senator from Washington can submit the amendment.

The PRESIDENT pro tempore. The pending amendment is set aside.

The Senator sent his amendment to the desk.

Mr. Adams. Mr. President, I thank the chairman. I will send the amendment to the desk and ask that the pending amendment be set aside so I may offer the amendment at this time.

The PRESIDENT pro tempore. The Senator has sent an amendment to the desk that was incorrectly drafted, and for that reason it would be out of order.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. Adams. Mr. President, I ask unanimous consent that the amendment that I have sent to the desk be modified in the form that it now appears at the desk.

The PRESIDENT pro tempore. The amendment is so modified.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. Adams], for himself, Mr. Bentsen, Mr. Packwood, Mr. Wilson, Mr. Kerry, Mr. Murkowski, and Mr. Bond, proposes an amendment numbered 893.
Mr. ADAMS. Mr. President, I ask unanimous consent that that reading of the amendment be dispensed with. The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment follows:

At the appropriate place insert: the marine life inhabiting the world’s oceans is one of our planet’s most important resources; there has been a major increase in the last several years in the use of long plastic driftnets as a fishery technique; finding that the use of these driftnets is a wasteful, indiscriminate, and destructive fishing technique that results in the entanglement and death of enormous numbers of target and nontarget fish, marine mammals, seabirds, and other living marine resources; Congress passed and the President signed into law the Driftnet Impact Monitoring, Assessment, and Control Act of 1987; pursuant to that law, the United States has just, after two years of negotiations, entered into bilateral agreements with Japan, Korea, and Taiwan to allow some through a multinational effort: Now, Mr. President, I hope my colleagues from the Northwest, Senators STEVENS, GORTON, and HATFIELD, in putting that letter together, and they have joined also with me in this resolution which I have offered on behalf of myself, Senators GORTON, STEVENS, PACKWOOD, and WILSON.

This resolution gives the full Senate an opportunity to do what NOPS has already done—and I think that is terribly important—encourage the State Department to work toward a worldwide ban on drift nets through a U.N. resolution.

It is likely that this concept will soon be officially codified into law. The House has already inserted a similar provision, sponsored by my good friend from Washington Congresswoman UNSOLD, into their version of the Magnuson Act reauthorization. I fully expect the Senate Commerce Committee and my good friend and long-time colleague, Chairman HOLLINGS of the Commerce Committee, to do the same thing over here.

The Magnuson Act reauthorization, however, may take some time to complete. In the meantime I believe it is important to have the Senate on record on this issue.

I do not believe I have to go into great detail for my colleagues about the horrors of driftnet fishing. Drift-net fishing is not about harvesting a portion of a sustainable resource; it is wanton massacre. Uncontrolled drift-net fishing will drain the world’s oceans of fish, mammals, and seabirds in less than a generation. If we are to survive as a species on this planet, we must summon the strength to ban destructive technologies that injure our living planet beyond repair.

This Congress has been aware of this problem for over a year or so. As one who has followed this issue closely, it is clear that to me it is the heart of something that both sides of the aisle have been concerned about for the last several years.

Our distinguished ranking colleague, Senator HATFIELD, had hearings last month out on the west coast on this thing. A lot of the pollution you just do not immediately see, but if you can see these nets in the sea, with the marine mammals and sea birds ensnared, your heart just goes out and you know that is wrong, wrong, wrong and we have got to get some kind of international approach to it.

The amendment of the Senator from Washington goes I think right to the heart of the present law to encourage even further action by the administration and the Secretary of State. I have one check to make sure that we can accept it. If there is nothing further, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the amendment of the Senator from Washington be temporarily laid aside.

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

Mr. HOLLINGS. I ask unanimous consent now the committee amendment be temporarily set aside so we can proceed with Senator HELMS’ and Senator FOWLER’S arrangement with respect to the initiative they had on the floor last evening again.

The PRESIDENT pro tempore. Without objection the committee amendment will be temporarily set aside.

The Senator from North Carolina.
September 29, 1989

Mr. HELMS. Mr. President, momentarily I shall send an amendment to the desk which addresses the central issue that we debated last night. This is a modified form but it is limited to specific language which I think all Senators must agree to and agree with.

AMENDMENT NO. 894

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

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. Helms) proposes an amendment numbered 894.

It is the sense of the Senate that the con­ferences on H.R. 2788 should agree to modify amendment numbered (7) to H.R. 2788 to read as follows:

"None of the funds authorized to be appropri­ated pursuant to this Act may be used to promote, disseminate, or produce indecent or obscene materials, including but not limited to depictions of sadomasochism, homosexual acts, the sexual exploitation of children, or individuals engaged in sex acts."

Mr. HELMS. Mr. President, this amendment if adopted and enacted with the underlying legislation will absolutely forbid by law any further in­stance of Mapplethorpe or Serrano or any other polluted mind that would claim that the taxpayers are obliged to subsidize such garbage. This was the central point of the amendment which we discussed at length last night. The second and third parties of the amendment I put in at the suggestion of distinguished constitutional lawyers who persuaded me that both were supported by actions and rulings by the U.S. Supreme Court.

But the important thing of this point—since most Senators seemed agreeable to it last night—is to make sure that $30,000 in subsidies don't go to support the obscenities of Serrano or to honor artists like Mr. Serrano with $15,000 subsidized by the taxpayers by forbidding such NEA expenditures from now on. The NEA needs to be put on notice that the Congress of the United States will not tolerate this kind of activity.

In the interest of time, there is no point going over the arguments again. If anybody wants to hear the arguments, they can read it in the Con­gressional Record this morning.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. RUDMAN. I want to thank the Senator from North Carolina for offering the amendment this morning. It was the central issue that was debated last night. Many of us were uncomfortable voting against the Senator's other amendment. We found two parts of it we could not support.

My understanding is the Senator's amendment is about to be subjected to a second-degree amendment offered by the Senator from Georgia, which I will join in as well. I can support either one.

The difference will be that the word "indecent" as well as "obscene" appears in the amendment of the Senator from North Carolina. The Senator from Georgia will offer an amendment that strikes the word "indecent" because many feel that word is not sus­ceptible of accurate interpretation under a U.S. Supreme Court case called Miller. I disagree with that yet I can support either of these amendments.

I believe what we will then have is a vote first at the time appointed on the Fowler amendment, which I believe will be offered by the Senator from Georgia. I thank, again, the Senator from North Carolina for clearing the air this morning. Because his basic purpose is not disagreed with by the overwhelming number of people in this body.

The PRESIDENT pro tempore. The Senator from Georgia (Mr. Fowler).

AMENDMENT NO. 895 TO AMENDMENT NO. 894

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

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. Fowler), for himself, Mr. RUDMAN, and Mr. PAYNE, proposes an amendment numbered 895 to amendment No. 894.

Strike all after the first word of the amendment and insert the following:

is the sense of the Senate that the confer­ences on H.R. 2788 should agree to an amend­ment in lieu of that in amendment num­bered (7) to H.R. 2788 to read as follows:

"None of the funds authorized to be appropri­ated pursuant to this Act may be used to promote, disseminate, or produce obscene materials, including but not limited to ob­scene depiction of sadomasochism, homo­eroticism, the sexual exploitation of chil­dren, or individuals engaged in sexual inter­course."

Mr. FOWLER. Mr. President, we did have a long and thorough debate last evening, on this extraordinarily difficult subject. As I said to the Senator from North Carolina (Mr. Helms) last night, those of us in this body, inade­quately prepared for the drafting of legislative language in this extraordi­narily difficult area of public policy, do know in our hearts that there is such a thing as obscenity.

We do know in our hearts that there are community standards and values which we all share and which we must uphold as public policymakers and as Americans. In the statute of the United States, as interpreted in the Miller case, there are criteria outlined as to those standards which, under the laws of the United States, are obscene.

Those of us who could not support the extra language in the original Helms amendment ought to thank the Senator from North Carolina for dropping that language, not because he does not feel so strongly about it, but because there were serious questions raised as to unintended consequences. I want to thank the Senator from North Carolina as a legislator for dropping that language. It may appear at a later date, I understand that, when it can be clarified and the conse­quences determined. But the amend­ment that he offers this morning is straightforward.

The only question that I have caus­ing this amendment is that I believe by making sure the obscenity standard applies not only to the exclusive clause, but the inclusive clause, that the language I offer prohibiting public moneys to be used for the promotion, dissemination or production of ob­scene materials strengthens the stat­ute, if adopted. It expresses the out­rage of this Senate that public funds would ever be used to promote or dis­seminate materials determined to be obscene. I thank my colleague, the Senator from New Hampshire, for joining me on this. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second.

The yeas and nays were ordered.

The PRESIDENT pro tempore. Mr. Helms is recognized.

Mr. HELMS. Mr. President, I shall be brief. Just for the record, what we are doing is taking out any reference to indecent depictions. There is a good faith disagreement about that. The Federal Communications Commission, set up by the U.S. Supreme Court to enforce standards against cer­tain broadcasts which are considered improper.

There is already justification by the U.S. Supreme Court for the enforce­ment of standards prohibiting inde­cent material. So what Senators will be voting on is whether they want to remove the word "indecent" and thereby give a loophole to staff people who want to continue to abuse the trust the public has placed in them. I hope the Federal "arts" agencies will zealously guard against using the tax­payers' pocketbook for indecent "art.

My understanding of Helms' amendment includes a limitation on indecent art as well as obscene art. I included the word "inde­cent" from the very beginning because the Court has held that the Govern­ment may constitutionally regulate inde­cent material.

Just for the record, Mr. President, there are two cases on this. One is the Sable Communications versus FCC de-
This summer, the United States success-
celled in its first major bilateral agree-
ment with Japan—Taiwan, and Korea to
monitor and collect data on driftnet
fishing in the North Pacific. This
was an important first step because it
will provide needed scientific data on
the fisheries and will give the United
States better means to enforce our
laws against the illegal taking of salmon.

Next month, I intend to work with
my colleagues on the Commerce
Committee during the reauthorization of
the Magnuson-Stevens Act to
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States better means to enforce our
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Two days ago, I joined with Senator
Stevens and others in writing a letter
to our Ambassador to the United
Nations, Thomas Pickering, asking him
to help bring before the United Na-
tions a resolution seeking a moratori-
um on driftnets on the high seas
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of driftnets on the high seas until such time as the adverse impacts of driftnet fishing can be mitigated and conservation of our marine resources ensured.

This amendment is critical to protect our vast ocean resources. Currently we are witnessing a fundamental principle of marine life—our marine resources—vanishing from the global seas. Earlier this week a number of my colleagues and I sent a letter to Ambassador Thomas Pickering requesting that he present to the United Nations a resolution calling for a worldwide moratorium in the use of driftnets, and I think that this amendment if passed will seek to strengthen that request.

Mr. President, the international fishing community has not been responsible in harvesting the world's valuable fishing resource. In fact the practice of driftnetting is both wasteful and destructive, and could ultimately lead to the deplorable state of fish stocks for future generations.

The facts are alarming. During the fishing season 30,000 miles of nets are set out each night—enough to go around the world 1½ times, and well over 1 million miles a year. Not only are there tens of thousands of marine mammals and hundreds of thousands of sea birds killed each year trapped in driftnets, but it is thought to be the number one killer of northern fur seal in the North Pacific. Furthermore, of the fish caught for harvest in these nets, 30 to 50 percent of the catch is estimated to be lost when fish enmeshed in the net drop out and die. The nets then fall to the sea indiscriminately killing anything in its path. These nets, weighing more than a shell game in these phantom reductions negotiations. They are based on unreal levels of fishing reductions due to the tremendous increase of driftnet fleets in the past year. In 1987 the Japanese had 20 driftnet vessels in the South Pacific. Today that number has increased to 60. A two-thirds reduction merely brings it back to its still destructive 1987 level.

Mr. President, I do want to commend the Government of New Zealand and other South Pacific nations for their hard line against driftnetting. New Zealand has banned entry of any drift-netted fish into its port. I believe the United States Government should work cooperatively with our friends in the South Pacific to achieve an international moratorium on driftnet fishing.

Lastly, on the domestic front, I want to note that the Commerce Committee is currently rewriting the Magnuson Act and I plan to add a provision which will ban the use of any drift nets longer than the 1.5 miles in U.S. waters.

I want to commend the Senator from Washington for offering this excellent amendment, and I urge its immediate adoption.

The President pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. Adams].

The amendment (No. 893) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, what is the pending business?

The President pro tempore. The question now recurs—

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

The President pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The President pro tempore. Without objection, it is so ordered.

Amendment No. 893 to Amendment No. 894

Mr. METZENBAUM. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. RUDMAN. I will be pleased to yield.

Mr. METZENBAUM. Ask the Senator the question

None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, or produce obscene materials, including but not limited to sado-masochism, the depiction of children, or individuals engaged in sexual intercourse.

Is the Senator from Ohio correct in his understanding of the reading of that sentence that the word "obscene," which is used immediately prior to the word "depiction"—is meant to be an adjective which also refers to the depiction of obscene sadomasochism, the depiction of obscene homo-eroticism, the obscene depiction of the sexual exploitation of children, and the obscene depiction of individuals engaged in sexual intercourse; that the obscenity reference is to be applicable to each of the practices?

Mr. RUDMAN. Mr. President, the Senator from Ohio I think describes it correctly. The author, Senator Fowler, is on the floor, if he wishes to respond. I would simply say it is a well-structured grammatical sentence, and the words "obscene depiction of" obviously apply to each and every activity following those three words.

Mr. METZENBAUM. I am not questioning the draftingmanship of the author. Rather I want to be certain that there could be no misinterpretation as to what is intended. It is my understanding that the author's intent is to have the obscene depiction reference applicable to each of the groups described in the amendment.

Is the Senator from Ohio correct in his interpretation?

Mr. FOWLER. The Senator is correct.

Mr. METZENBAUM. I thank the Senator.

Mr. HELMS. Will the Senator yield?

Mr. METZENBAUM. I yield the floor.

The President pro tempore. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. METZENBAUM. I yield the floor.

The President pro tempore. The Senator from Ohio yields the floor.

Mr. HELMS. Mr. President, I was going to say to my friend, the Senator from Ohio, that it occurred to me, and the thought may have occurred to him, as it did to me, that the word "obscene" may be somewhat redundant. How can you engage in sadomasochism, homo-eroticism, the sexual exploitation of children, or individuals engaged in you-know-what without its being obscene? It is a given.

But I thank the Senator for getting the clarification for the Record.
Mr. METZENBAUM addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I would like to advise my colleague from North Carolina, and certainly I am sure he would agree, that all depiction of individuals engaged in intercourse for art-giving back 2,000, maybe 5,000 years, is not all obscene. The only limitation about course—a subject of art going back from North Carolina, and certainly I would like to advise my colleague which we are speaking is the obscene depiction of individuals about engaged in sexual intercourse because, to the best of my knowledge, the mere portrayal of individuals engaged in intercourse has been a subject of some of the greatest artists of the world, and certainly not all of it would be considered obscene.

Mr. HELMS. I will tell you what is obscene about it—is to require the taxpayers to subsidize it. That is what is obscene about it. That is the whole issue of what we are talking about today.

I thank the Senator.

Mr. METZENBAUM. I have to say to my colleague from North Carolina that the Senator from North Carolina would not be standing on the floor saying that something that Michelangelo did, something that was done 3,000 years ago, and is portrayed in some of the finest art museums of this country is obscene just because it portrays sexual relations between two human beings.

Mr. HELMS addressed the Chair.

The Senator from North Carolina (Mr. HELMS).

Mr. HELMS. Mr. President, I think we ought to move to a vote. But what is obscene is the whole point that I have made from the very beginning; that is, the taxpayers ought not to be required to furnish the money. That has been my point from the beginning.

I do not know if Michelangelo received any Federal funds for what he did. (Laughter in the gallery.)

The PRESIDENT pro tempore. The galleries will please be in order.

Mr. DOLE. Mr. President, like many other Senators, I have had the misfortune of examining some of the so-called works of art produced by the self-proclaimed artists, Andres Serrano and Robert Mapplethorpe. And like many other Senators, I certainly found these works repulsive, vulgar, and nothing more than gutter trash.

The first amendment straw-man

During the course of the debate, I have heard several Senators echo this observation. Certain Senators, like the Senator from Ohio, would place any restrictions whatsoever on the ability of the National Endowment for the Arts to dispense tax dollars to those who produce obscene material. If my understanding is correct, these Senators fear that the Senate would be acting as a censor—and that we would somehow be doing violence to the first amendment.

Well, I call to the first amendment, and nowhere in the text of the first amendment does it mention Federal financing. The first amendment does not entitle artists—or anyone for that matter—to use Federal funds to finance the exercise of their free speech rights. The Supreme Court made this point abundantly clear in its 1983 unanimous decision, Regan versus Taxation With Representation.

So the first amendment argument that has been raised by some Senators is—in my view, at least—a straw-man. It misses the point completely. So-called artists can produce as much obscene material as Congress should. No one will stop them. And no one is trying to infringe their rights to express themselves as artists.

The real issue: Taxpayer financing

But the real question here is whether the hardworking taxpayers of this country should be forced to finance works of art that they consider not only distasteful but deeply, deeply offensive. Should the taxpayers, for example, be forced to finance a picture that portrays Jesus Christ submerged in a bottle of the artist's urine? Should the taxpayers be forced to finance child pornography?

In my view, the answers to these questions are very simple, and they have more to do with common sense than with the first amendment or with artistic freedom.

The question of standards

Now, I have also heard some Senators argue that—if we are to accept the standards, that we should not try to determine what art is acceptable and what art is unacceptable for purposes of receiving Federal funding. I respect this point of view. And I can certainly understand the difficulties involved when making judgments of this nature.

But should Congress have no role in this area? Should Congress simply give artists absolute freedom to use tax dollars as they wish—without regard to how offensive their works may be to millions and millions of Americans? And more importantly, does Congress have no obligation to monitor how federally appropriated funds are spent?

Of course, the answer to these questions is a resounding "No." Congress has the right, if not the obligation, to ensure that Federal funds are spent properly and for their designated purpose. It has a right—in other words—to set some standards with respect to the use of our tax dollars.

The standards outlined in the Helms amendment are not sweeping. The funding restrictions are not overbroad. They simply prohibit the use of Federal funds to finance the production and distribution of indecent and obscene materials. I repeat: Indecent and obscene materials—nothing more and nothing less.

Conclusion

So I commend Senator Helms for his efforts in this area and for offering his amendment. I suspect that the overwhelming majority of Americans will thank him for protecting their tax dollars from those pornographers who like to pass themselves off as legitimate members of the artistic community.

Mr. SIMPSON. Mr. President, last night I voted—with 61 of my colleagues—to table Senator Helms' amendment. The material which he sought to ban by his amendment has been most carefully and accurately described by my fine and conscientious friend Senator Helms—and he is absolutely correct.

To display a picture of a crucifix immersed in urine entitled "Piss Christ" and a series of homoerotic photos, one of which disclosed a whip sticking out of a leering man's anus, is grossly repugnant, patently offensive, and thoroughly obscene.

If my friend would have placed the modified amendment which is offered today before the Senate last night, I would have spoken in favor of it and would have voted in favor of it with great energy and sincerity.

Senator Helms has responded sensitively to the debate of last night and has now placed before the Senate an amendment which has excluded the overly broad language which was so tough-minded to ban this amendment has been most carefully and accurately described by my fine and conscientious friend Senator Helms—and he is absolutely correct.

I have long promoted Government support of the arts—having sponsored creation of the Wyoming Council of the Arts when I was a member of the Wyoming Legislature. And, I come from the "Athens of the West"—Cody, WY!

I have served as a board member of the renowned Buffalo Bill Historical Center and the famous Grand Teton Music Festival. My dear wife, Ann has also done so much in support of the arts at the University of Wyoming and here in this city.

However, I will not support the use of taxpayers' money to display the Mapplethorpe exhibit or the Serrano exhibit. These folks can display that stuff anywhere they want to—in any forum they wish—as long as their patrons and fans want to pay for it. I know of no reason whatever why taxpayers should have to pay for such exhibits.

And so Mr. President, I rise in support of Senator Helms' amendment as modified which would prohibit the use of funds appropriated to the National Endowment for the Arts—to promote, disseminate, or produce obscene materials, including but not limited to depictions of sadomasochism, homo-
eroticism, the exploitation of children, or individuals engaged in sex acts." That language now covers the issue quite acceptably.

I thank the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I believe the distinguished Senator has yielded. The body is prepared to vote. I would appreciate the Chair putting the question.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the second degree offered by the Senator from Georgia [Mr. FONTERO].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON] and the Senator from Hawaii [Mr. MATSUNAGA] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Vermont [Mr. JORDORS] are necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 31, as follows:

[Roll Call Vote No. 218 Leg.]

YEAS—65

Adams ....Dodd  .......Lugar
Baucus .......Durenberger ....Metzenbaum
Byrd .......Ford .......Mikulski
Biden .......Fowler .......Mitchell
Bingaman .......Glenn .......Nunn
Boren .......Gore .......Pakwood
Boschwitz .......Gorton .......Pell
Bradley .......Graham .......Pyror
Brown .......Harkin .......Reid
Bryan .......Hatfield .......Riegel
Bumpers .......Helms .......Robb
Burdick .......Hollings .......Rockefeller
Byrd .......Inouye .......Rudman
Chafee .......Johnston .......Sanford
Cohen .......Kennedy .......Sarbanes
Conrad .......Kerrey .......Sasser
Cranston .......Kinyo .......Simon
D'Amato .......Kohl .......Simpson
Dashforth .......Lautenberg .......Specter
Daschle .......Leahy .......Warner
DeConcini .......Levin .......Wirth
Dixon .......Lieberman 

NAYS—31

Armstrong .......Helms .......Nickles
Bond .......Humphrey .......Presler
Burns .......Kassebaum .......Roth
Coats .......Kasten .......Shelby
Cochran .......Lott .......Stevens
Dole .......Mack .......Symms
Domenici .......McKinney .......Thurmond
Garn .......McClure .......Walkup
Grasso .......McConnell .......Wilson
Hatch .......Menechino 

So the amendment (No. 895) to amendment No. 894 was agreed to.

AMENDMENT NO. 894

The PRESIDENT pro tempore. The question now occurs on the underlying amendment, as amended, and the yeas and nays have been ordered.

The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Chair. There is no point putting the Senate through a second vote on the same question, so I ask unanimous consent that the yeas and nays be vilated.

The PRESIDENT pro tempore. Is there objection to the request, that the yeas and nays be vilated?

Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Carolina, as amended.

The amendment (No. 894), as amended, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. RUDMAN. 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 18, LINE 4

The PRESIDENT pro tempore. The question occurs on the committee amendment on page 18, line 4.

The Senator from Florida is recognized.

AMENDMENT NO. 896

(Purpose: To continue the provision permitting immigration of certain adopted children)

AMENDMENT NO. 897

(Purpose: To provide appropriations for the immigration emergency fund authorized by section 404(b) of the Immigration and Nationality Act)

Mr. GRAHAM. Mr. President, I send to the desk the two amendments.

Mr. RUDMAN. Mr. President, if the Senator will yield for a moment, we have to move to set aside the committee amendment in order to consider the next amendment.

Mr. GRAHAM. Mr. President, I ask unanimous consent that we set aside the committee amendment for purposes of considering the two amendments which I have sent to the desk.

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

Mr. RUDMAN. Mr. President, if the Senator from Florida will yield for 30 seconds, while we have a number of Senators here, I know people are anxious to leave today, and Senator HOLLINGS and I have things lined up here.

So if those Senators who have amendments that they know could be accepted could be on the floor, we could do them very rapidly. And we could have maybe no more than two other rollcall votes and have people out of here in good time to make their connections if we could get that cooperation.

I thank the Senator from Florida for yielding.

Mr. GRAHAM. Mr. President, that is exactly the pattern which I hope will be followed with the two amendments which I have offered en bloc, both of which, I understand, have been accepted.

The PRESIDENT pro tempore. Is there objection to the consideration of the amendments en bloc? The Chair hears none, and the clerk will report the amendments.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes amendments numbered 896 and 897.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 896

At the appropriate place in the bill, insert the following:

AMENDMENT NO. 897

At the appropriate place in the bill, insert the following:

AMENDMENT NO. 897

IMMIGRATION EMERGENCY FUND

For necessary expenses of the immigration emergency fund as authorized by section 404(b) of the Immigration and Nationality Act, $35,000,000.

Mr. GRAHAM. Mr. President, these are two amendments which I have offered to be considered en bloc. The first relates to the definition of "orphan" for the purposes of the Immigration Act. This language is the same language which has been included in the legal immigration bill which passed the Senate. This language will facilitate the adoption by U.S. couples of orphans in foreign countries.

The second amendment provides funding for a contingency program which the Senate and the House passed several years ago and which is to be available in the event of an emergency relative to refugees. It is legislation that has already been passed by the Congress and is in the law. This will provide funding. We have a CBO statement to the effect that there would be no expenditure from this fund during fiscal year 1990.
Mr. GRAHAM. Mr. President, the problem this amendment addresses was created by a 1987 memorandum by the General Counsel of INS interpreting the Immigration Reform and Control Act of 1986 (IRCA). The effect of the memo was to apply provisions in IRCA clarifying the definition of an illegitimate child. The problem's failure to reimburse Florida for costs incurred by this crisis is outrageous.

The states take no part in establishing the policy that controls or causes illegal immigration. The Federal Government, therefore, has the responsibility to reimburse the States 100 percent for the consequences of failed Federal immigration policy.

Appropriating section 113 of IRCA should be the first step toward acknowledging this Federal responsibility. It will then be in the hands of the Attorney General to use his discretion to finally reimburse Florida for the millions of dollars it has spent for this failed Federal policy.

Mr. GRAHAM. Mr. President, State governments do not have a Coast Guard. Local governments do not have a border patrol. Nor do they have a role in determining who should or should not enter this country.

The fact is that States and local governments do not have a formal role in forming Federal immigration policy. Yet, they are forced to deal with the very human consequences of the failure of these policies.

Mr. President, immigration control is a Federal responsibility. Consequently, it is my belief that any costs associated with a failure to control U.S. borders should be borne by the Federal Government.

However, a handful of State and local governments in this country have historically been forced to shoulder these responsibilities with minimal assistance from the Federal Government.

This amendment addresses one aspect of the Federal Government's responsibility in this area—its ability to assist States and local governments in an immigration emergency.

It would appropriate $35 million to the Immigration Emergency Fund authorized at that level in section 113 of the Immigration Reform and Control Act of 1986 (IRCA).

I ask unanimous consent that the text of section 113 be printed in the Record at this point.

SEC. 113. IMMIGRATION EMERGENCY FUND.

Section 404 (42 U.S.C. 1101 note) is amended by inserting "(a)" after "Sec. 404," and by adding at the end the following new subsection:

"(b) There are authorized to be appropriated to an immigration emergency fund, to be established in the Treasury, $35,000,000, to be used to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no funds may be withdrawn from such fund with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate."

The Congressional Budget Office (CBO) estimates that there will be no outlays for this program in fiscal year 1990 and, therefore, no budgetary impact.

I ask unanimous consent that a CBO estimate of the estimated cost for such fund be printed in the Record at this point.

There being no objection, the memo was ordered to be printed in the Record, as follows:


MEMORANDUM


From: Michael Sieverts, MIS, Congressional Budget Office.

Subject: Immigration Emergency Fund Amendment.

The table below shows the estimated budget effect of the proposed amendment for funding the Immigration Emergency Fund.

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimated outlays</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>14</td>
</tr>
<tr>
<td>1991</td>
<td>14</td>
</tr>
<tr>
<td>1992</td>
<td>14</td>
</tr>
<tr>
<td>1993</td>
<td>14</td>
</tr>
</tbody>
</table>

This estimate is based on information provided by the Department of Justice and is consistent with CBO estimates of spending from the State Department's refugee and immigration emergency fund.

Since the Commerce, State, Justice Appropriations Subcommittee estimates that it is some $400 million under its 302(b) ceiling for budget authority, it is my understanding that it is not necessary to offset this amendment. This fund was designed to give the Government the financial capability to respond to a domestic immigration crisis.

It is essentially a contingency fund to be used in the event of an immigration emergency such as a mass influx of undocumented aliens. It gives the Federal Government the ability to respond immediately and to reimburse States and communities for their expenditures in responding to the emergency.

Mr. President, I view this situation as analogous to the Federal Emergency Management Agency (FEMA). This Federal agency receives regular appropriations and is ready to respond in the event of a hurricane, tornado, or other similar disaster.

In the case of the recent onslaught of Hurricane Hugo in the distinguished manager's State, FEMA responded immediately with assistance.

If we are fortunate enough to have no such emergencies for a significant amount of time, I doubt Congress would refuse to continue appropriations for FEMA. Why?
Because we know that these disasters will unfortunately happen again, and because the Federal Government has an obligation to be ready to respond with assistance. Some would say that a hurricane and an immigration emergency are like apples and oranges. "How do you compare fox and tortoise?" may happen, but an immigration emergency is highly unlikely," they might say. I respectfully disagree and suggest that we should be prepared for such an emergency, regardless of the odds of it occurring. A glance at recent history offers convincing evidence which supports the need for an emergency fund.

During a 5-month period in 1980, 135,000 Cubans and Haitians arrived by boat on the shores of Florida. Since June 1988, thousands of Central Americans have crossed the border in Texas on their way to cities such as Los Angeles, Chicago, New York, Newark, and Washington, DC. Jackson Memorial Hospital in Miami provided services to 7,000 Nicaraguans in 1988 at a cost to Dade County of $5 million. Miami has 200,000 housing Nicaraguans in the municipal stadium. The county estimates that it will spend more than $1 million on social services and law enforcement for this population in 1988. In Dade County public schools, over 6,000 Nicaraguan-born students registered for classes between July 1988 and May 1989.

Mr. President, the Immigration and Naturalization Service estimated in January that as many as 100,000 undocumented Nicaraguans will enter the U.S. this year. Recent decisions regarding the demobilization of the Nicaraguan resistance could make this prediction a reality. In fact, some leaders of the Contra forces have already applied for political asylum in the United States.

Mr. President, I am not an alarmist. I am a realist.

My State and others such as Arizona, Texas, and California have historically borne the brunt of failed Federal immigration policy and understand the economic and social consequences of these failures. Millions of State and local tax dollars in these and other States have been spent on emergency care, shelter, law enforcement, education, health care, and a variety of other services. This issue is not a regional concern. While only a few States would experience the initial impact of a sudden influx of undocumented aliens, many other States are vulnerable to secondary impacts due to migration.

This amendment will give the Federal Government the capability to provide immediate assistance in an emergency and to prevent impacts beyond the affected region.

I urge my colleagues to adopt the amendment.

Mr. HOLLINGS. Mr. President, these amendments have been cleared on our side. We are delighted to accept the amendments.

Mr. RUDMAN. Mr. President, they are acceptable on this side. I would ask that they be considered en bloc and accepted.

The PRESIDENT pro tempore. Without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments numbered 898 and 897. The amendments (Nos. 898 and 897) were agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote by which the amendments were agreed to. Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, ask unanimous consent that the pending amendment be temporarily laid aside in order to consider an amendment which will be accepted.

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

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. BREAUX, and Mr. DODD, proposes an amendment numbered 898.

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

At the appropriate place, insert the following:

A. The Federal Building/Courthouse located in Baton Rouge, Louisiana, is hereby redesignated as the Russell B. Long Building.

B. Any and all references in Federal law and documents to the old name shall be conformed and referred to as the Russell B. Long Building.

Mr. JOHNSTON. Mr. President, Senator Breaux and I submit this amendment to name the Federal courthouse building in Baton Rouge, LA, after Russell B. Long.

I will not go into a long speech, because I know it is Friday. But suffice it to say that Russell Long's 38 years in office will be shown to this institution and this country that is very appropriate.

Mr. President, I am pleased and enthusiastic to endorse this amendment.

The work of Russell Long will be why people remember him. The Tax Code and so many things he contributed to this institution and this country will be the works the people of this country will remember him by. So that is very appropriate.

How appropriate it is that this Federal building in his home town is also going to be named in his honor, and I enthusiastically endorse it.

Mr. DODD. I wish to be added as cosponsor and join with my colleagues from Louisiana and South Carolina.

Mr. President, I am pleased and honored to cosponsor this amendment naming the new Federal Courthouse in Baton Rouge after our distinguished former colleague, Senator Russell B. Long.

This is a fine tribute to a remarkable man. I will come as no surprise when I share with my colleagues the personal note that Russell Long is about as...
Mr. HOLLINGS. I move to recon sider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 41, LINES 4 THROUGH 10
The PRESIDENT pro tempore. The question now is on agreeing to the excepted committee amendment on page 41, lines 7 through 10.

The Senator from North Carolina [Mr. HELMS].

EXCEPTED COMMITTEE AMENDMENT ON PAGE 41, LINES 4 THROUGH 10
Mr. HELMS. Mr. President, I ask unanimous consent the first excepted committee amendment be set aside in order that we may proceed to the excepted committee amendment on page 41, lines 7 through 10.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The first committee amendment that was excepted is laid aside temporarily and the President will proceed to the second committee amendment, which was excepted.

Mr. HELMS. Mr. President, on a personal basis, I am reluctant to do what I am about to do because of my great affection for DANIEL DODD and SPARK MATSUNAGA. But thinking of the American people, and this business of creating one new entitlement after another, compels me to raise a point of order against the pending amendment. I am not sure how many Americans understand what happened in April of last year when the Senate passed the authorization to pay $20,000 to each Japanese American who was relocated or interned during World War II, including many who were interned before President Roosevelt signed Executive Order No. 9066.

Before the Senate passed the bill, an amendment was added in committee specifically to make payments under the bill subject to the availability of appropriations, that is, to make them discretionary funds rather than to create a new entitlement.

As a matter of fact, I recall Senator GLENN made the point on the floor, he said:

Titles II and III of the bill do not create new entitlement funds. Rather, the bill directs that the authority to enter into contracts and make payments under the bill subject to the availability of appropriations, that is, to make them discretionary funds rather than to create a new entitlement.

As great an affection as we all have for our two distinguished Senators from Hawaii, I do not believe many of us entered and that the Senate approved the payment of $20,000 to Japanese Americans as an entitlement when the committee and the committee created a permanent appropriation for fiscal 1991 and subsequent years.

It is painful for me to say all of this, and I reiterate that I was reluctant to get into it because of my friendship for. If I can be informal, Mr. President, Mr. Rudman.

The fact is, we recently voted to cut all discretionary appropriations across the board to fund what every Senator agreed was the most important issue facing this country today: the war on drugs. We did not make that an entitlement. We have voted to cut wasteful programs, not enough but some, to help babies who are born addicted to drugs. We did not create an entitlement for them.

So, if we are going to add $500 million to the deficit in 1991 and for several years thereafter, I think we better
know what we are doing. That is the reason I am on my feet today.

The creation of an entitlement for fiscal year 1991 is a direct violation of section 303(a) of the Budget Act, and I intend to try to exercise my point of order at the appropriate time. But I am going to withhold because I have been advised that the distinguished Senator from New Mexico [Mr. DOMENICI] will speak on this matter.

I wonder if staff would inquire if he is on his way to the floor so we will not hold up the distinguished managers of the bill.

In the meantime, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. President, the matter of redress for Japanese-Americans who were interned in the Federal Government internment camps during World War II has been before us and debated for over a decade. And my participation in these debates, as many have been aware, has been rather minimal. So it is most difficult for me to admit that I have been inhibited and reluctant to say much about this because of my ethnic background. I reached the conclusion that as a result of this reluctance to participate, I may have performed a great disservice to many of my fellow Americans with whom I served in the Army during World War II.

So, Mr. President, I believe the time has come for me to tell my colleagues what has been in my heart for all these many years.

Mr. President, I was a very young 18-year-old high school graduate when I volunteered and put on the uniform of my country. At that moment, because of wartime censorship in Hawaii and other restrictions, I was not made aware of the strange plight of my fellow Americans of Japanese ancestry who were then residing on the mainland United States. However, I was made aware of their unbelievable problems soon after I joined them in a training camp in Mississippi. I learned that over 120,000 Americans were given 48 hours to settle their accounts, businesses and they were required by law to leave their homes and be sent to barracks and makeshift camps in distant parts of the United States. History now shows that their only crime was that they were born of parents of Japanese ancestry. History also shows that there was no evidence of any fifth column sabotage activities carried out by any of these Americans of Japanese ancestry.

So when our special infantry regiment was being formed, I was aware that half of this regiment was made up of men from Hawaii and the other half from the mainland United States. Mr. President, all of our volunteers were of Japanese ancestry. These men were vilified and branded from behind barbed wire in these camps. They did not volunteer, as other Americans did, in free American communities. So to this day, I look back on this regiment and the men who had been denied their civil rights, deprived of their worldly goods and humiliated with unjust incarceration would, nonetheless, stand up and take the oath to defend the country that was mistreating them without due process of law.

So, Mr. President, I have oftentimes asked myself the question: Would I have volunteered under these circumstances? In all honesty, I cannot give you a forthright answer. The men who volunteered from these camps were very reluctant to share their unfortunate experiences and they would just shrug their shoulders and mutter, "I suppose that is the way life is." But in a rare moment, one of them would open up and tell us about some episode in his camp. For example, I remember a story I heard on a cold night on the field. One of my mainland buddies told us about his experiences in the Manzanar camp where soldiers shot and killed 3 internees and wounded about 10 others because they were demonstrating for the release of a fellow internee who had been arrested for allegedly assaulting another internee. Just because they were demonstrating, they were shot. According to the provisions of this bill, these three men who were killed would not receive any redress payments. And then while we were training in Mississippi to prepare us for combat in Europe, word came to several of my buddies from California that their State had just begun to implement a strange law which authorized the seizure and resale of idle farm machinery. Obviously, idle farm machinery that was found in the State of California during that time was almost always those that the internees were forced to abandon. Needless to say, these California internees were not around to bid for them.

Further, we were at times told about the great losses that these young volunteers and their families suffered. For example, it was commonplace for residences, farms and personal items to be sold for a fraction of their market value. In fact, one of these men in my squad sold his almost brand new 1941 Ford for $100. He had no choice. Although it was in good condition, that was all he could get from his neighbors. And now we are told that these losses have exceeded $6 billion.

Most of the Members of the Senate have been in this body for at least 10 years, and during that time we have given our vote and our support for other reparations programs.

Mr. President, redress and reparations are not unique in our history. For example, in 1980—that is less than a decade ago—we in the Senate appropriated funds to provide $10,000 to each of the 1,318 anti-Vietnam war demonstrators who were convicted that they had been wrongly jailed for 1 week. They spent 2 days and 1 night and we paid $10,000; no fuss.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
Mr. President, I rise to put a slightly different slant on the issue that the majority leader made and to state myself with the president of the Senate as to my views about this issue and has essentially remained silent.

Mr. President, as a footnote, I would point out that during the 1 year of almost continuous and intensive combat in Europe, over 200 of those mainland volunteers from internment camps went through the ranks of my company; that is, Company E 2d Battalion 442d. Of that number, all with the exception of about 20 were either seriously wounded or killed in action. That is a very high percentage of Purple Hearts, much higher than one would find in any other unit.

Incidentally, Mr. President, the regiment with which I was privileged and honored to serve was the most decorated unit in World War II.

That is about all I have to say, Mr. President. I hope my colleagues will support the action that will be made by the chairman of this committee to make this proper, and as my dear friend from New Hampshire said during the markup, it is the right thing to do.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Mr. President, there are times that we deal with fiscal reality, and there are certainly times during this month that we will deal with extraordinary fiscal reality. But there are also times when Mr. President, that one must set fiscal reality aside, as in the event of the disaster in the Carolinas that we had to meet, and look at what is the right thing to do. This week, I think, we find appropriated funds to fund this program, and we could not. It was suggested to us there was certainly a legal basis to say that any claim against the United States which had a color of correctness would be paid as an entitlement if judgment were rendered. That is unquestionably the law.

Thus, we decided to in some modest way recompense those loyal Japanese-Americans who were subjected to a treatment that most of our country either still does not know about or, if they know about it, they do not understand it.

Does anybody really understand what it might be like living up in Manchester, NH, tonight to be told you have 48 hours to leave your home—loyal citizens, part of the community—your business, your land—the Senator from Hawaii did not talk about the land that was stolen from those people. That is not too strong a word—and be bused off to a concentration camp for 3 years. It is probably the darkest day in terms of the treatment of citizens of this country since the days of slavery.

Mr. President, there is a time when one whose name is part of the Deficit Control Act of 1985 believes the Budget Act ought to be waived, and this is one of those times.

The Senator from Hawaii in his usual, very modest way talked about his Army unit. The Senator from Hawaii has never spoken publicly to any extent that I can remember about this issue and has essentially remained silent.

The Senator from Hawaii paid his dues many times over. The Senator from Hawaii did not mention to those Americans who might be watching or listening that he received the second highest award for valor this country can give. The Distinguished Service Cross for events in Italy which led to the loss of his arm. And thousands of other valiant young Japanese-Americans, whose parents and grandparents were in American concentration camps, fought in Germany and in Italy for the freedom of this country.

Mr. President, there comes a time when something is the right thing to do, and this is one of those times. I hope we would have overwhelming support to waive the Budget Act to re­dress finally for the now elderly Americans, the justice that money will never recompense.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. Specter] is recognized.

Mr. SPECTER. Mr. President, I associate myself with the remarks of the distinguished Senator from Hawaii [Mr. Inouye] and the distinguished Senator from New Hampshire [Mr. Rudman].

We in this body allocate many funds for many purposes and we are generous with the bookkeeping as we take care of many matters which come before the Congress, the most recent of which was the savings and loan bailout. We have responded as we should to the tragedy in the Carolinas. We go on at great length about our expenditures.

For me, Mr. President, this is not a close question at all. There is no bigger black mark in American history, at least in this century, than that which was perpetrated on American citizens of Japanese extraction and Japanese descent. I think my colleague from New Hampshire is exactly right when he says the people in this country do not know about the atrocious treatment that was received by our fellow citizens at that time. They were victimized, they were treated like criminals, they were herded off, they were deprived of their property, and they were deprived of their liberty without due process of law. They were treated like criminals except they were not given trials or due process or an opportunity to be heard or an opportunity to defend themselves; all in the name of some wartime hysteria.

Finally, the Congress has responded very fairly and generously, very modestly with the allocation of funds along this particular line.

Mr. President, I consider it a privilege to serve in this body with Senator Inouye whose heroism in World War II is legendary, and really whose heroism in this Congress is also legendary.

I noted in USA Today a few months ago that Senator Inouye had served 30 years in the Congress, was the first Member of the House of Represent­atives from Hawaii when Hawaii received statehood was admitted to the union, and sent its first Representa­tive to Washington, DC.

His activities are characteristic of the contribution of his people. A great injustice was done in World War II. It is my hope that we will not be forced to a vote on this issue. The Appropriations Committee has acted properly in presenting the matter to the floor today for the kinds of payments which are required. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized? The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank my dear colleagues from New Hampshire and Pennsylvania. I have been advised the Senator from New Mexico wishes to be heard. He is not here. May I suggest the absence of a quorum?

Mr. BUMPERS. Will the Senator withhold?

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be very brief. And when the Senator from New Mexico arrives, I will yield the floor.

We all know the eloquence of our distinguished colleague from Hawaii [Mr. Inouye] who surprisingly said this is the first time he had spoken publicly on the issue.

When I make speeches in my home State, people often ask me who are the best-liked Senators. That is easy. The Senators from Hawaii are easily two of the most revered Senators in the U.S. Senate, and both are decorated many times for valor in World War II.

I rise to put a slightly different slant on this because my State was the location of two Japanese internment camps. I have heard from people who lived in the area—the camps are not there anymore—since I have been in the Senate. We built a monument in
The PRESIDING OFFICER. The Senator from Delaware [Mr. Biden] is recognized.

Mr. BIDEN. Mr. President, I did not intend to speak on this issue but I feel I should say just a few things.

Mr. President, the road of history of most nations is paved with sometimes incredible, startling, and unbelievable paving stones. In this case we are coming to an end of a road I hope, a road that went from fear to justice today.

Today, justice: at the outset, fear. Irrational fear, explicable, but irrational fear on the part of a nation under siege, which it is explainable how this irrational fear could have erupted.

I was not born until November 1942. I know nothing of this, other than from a historical perspective. But that road from fear and prejudice to justice is a road that we heard this morning, and it has been paved with the blood and tears of American citizens, ethnic Americans, ethnic Americans who had to prove not only their loyalty by demonstrating a commitment and a bravery beyond what was expected of other Americans, but to do it at a time when there must have been a feeling of a seething anger and frustration, and I am embarrassed to say, if it were me, probably a little bit of hate, while all that was being asked of every American was being asked of them and then a lot more.

Every once in a while when serving in this body, one likes to think that we will be able to be rational and just, that we will be able to put aside, at least on occasion, our petty—sometimes not so pretty—prejudices: that we will be able to lay aside the hate that exists in some quarters in this country, just long enough to see the facts, as they say in the law, “and do justice.”

Those of us who know Senator Inouye and Senator Matsunaga, know that they, unlike many of us that are here, never had a feeling of a seething anger and frustration, and I am embarrassed to say, if it were me, probably a little bit of hate, while all that was being asked of every American was being asked of them and then a lot more.

I write back and I say I am not voting for those people, but I am voting for redress in a very small way, for American citizens. Nobody here would even suggest that a small pecuniary payment to those people could ever come close to redressing the indignities which I have just described, to say nothing of the humiliation of being an American citizen and being interned.

I believe one of the reasons why Dan Inouye is the man that he is today in the Senate is not merely because he saw death; he came within a whisker’s hair of it himself. He obviously suffered greatly physically, as a consequence of his efforts. Not only because of that, but because he was asked or felt he was obliged to do something at a time and for a reason—I guess to be more precise, for a reason no one should have been asked, and the reason being, having to demonstrate something that was put in question that never should have been put in question.

I suspect that the reason why he is held in such high regard, the reason why he is able to act with such equanimity around this place in cases that few of us can, is that what he undergoes here, as we all do, is not anything compared to what he was weaned on as a young man in World War II.

I just hope, before change, we can still find the courage of the Senator for which this body exists, and that is to educate our constituency, as well as respond to them, to the fact that it is time that we do justice, even if there were only one Japanese American alive, even if there were only one Japanese American alive, even if there were only one Japanese American alive, even if there were only one Japanese American alive, even if there were only one Japanese American alive, even if there were only one Japanese American alive.
September 29, 1989

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arise which justify waiving the Budget Act. I think this is one such occasion. The President here has been active in my life. My ancestry is Italian American. We, too, to some extent, in the Second World War, had our share of problems in this country because of our loyalty.

As a matter of fact, when I was 8 years old a lawyer made a mistake and told my father that when he married my mother, she would be an American citizen. He read the wrong law, I say to my friend from Delaware. Even though renowned, this lawyer did not look at the most current immigration laws. They change all the time.

He said, "When you marry, your wife is a citizen." She was Italian.

Twenty-two years later, with five children in the backyard, the Immigration Service arrived and arrested my mother as a dangerous illegal alien, and took her off while we stood there in tears. My father was an immigrant who did not learn to write English, although he was intelligent. He insisted that they arrest him also. That worked out quite well, because he insisted that they arrest him also. They were befuddled, and they arrested him also. As a consequence, my mother did not spend a lot of time in jail.

But that only goes to the point that we make mistakes. In the case of my family it was a little mistake, nonetheless there were lot of tears when they took my mother off to jail. We were kind of worried about it because three big black limousines with lots of people converged upon our house. It was a bad mistake.

We could all come back to the floor today and say we made a mistake when we passed the authorizing bill. We need not address again today the issue of internment of Japanese-Americans during World War II by saying we are going to try in a small way to recompense for a very bad mistake. We have done that already. We said this is what we are going to do. The reason I think we should waive the Budget Act is because it has become clear that we will not in a timely way fund this act of civility. So the committee of jurisdiction in their wisdom looked at the facts and said we only have two ways to go. We either offer false promise, and false hope, or we will change this method of funding to an entitlement. We have all cosponsored a measure that will be totally ineffective to accomplish the goals of small recompense to a group that was not treated justly by a country which strives to be just. We have a great record of justice and civil rights in the United States. Stuck in America is the envy of the world. So we are not here arguing whether it is meritorious to make these reparation payments, although it has been explained by the distinguished Senator from Hawaii, who is more personally involved in this situation.

So I say to my fellow Senators, the reason that there is a waiver provision in the Budget Act is so that we do things up front and acknowledge a changed or unanticipated circumstance. So that everybody understands clearly when we change something that affects fiscal matters in a significant way, and Congress acknowledges that fact by waiving the Budget Act. It is appropriate to raise a point of order in this instance. The Congress made the original bill authorizing these payments subject to appropriations. In so doing, the Governmental Affairs Committee was not charged with creating new spending authority in the form of an entitlement, and a point of order under the Budget Act did not apply. Today, the Senate will affirm that it wants these payments to be made to those Japanese-Americans wrongfully imprisoned. It will affirm that we have made another act of inequity, passing a law, saying we are going to do something, and then not doing so. If the Senate wants to make these payments, and do what we said we were going to do when we enacted the original bill, the Senate can vote to waive the Budget Act.

Having said that, let me suggest that there are other occasions when we should have been more forthright and waived the Budget Act rather than doing nothing. I believe we probably should have done so on Hugo disaster relief yesterday. We should recognize that our action means something fiscally, confront it forthrightly, and vote when there is an occasion appropriate to waive. I believe this is such an occasion. It will take 50 votes to waive, and I hope there are as many votes for the waiver that created the right and not be for the waiver today borders close to hypocrisy. From the standpoint of the United States Government, it would compound the injustice to say we are going to make reparations, and then to say you may all die before we recompense you under the law that we all support. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I sincerely regret that the Senator from North Carolina has chosen to raise this issue at this time.

Mr. President, I do not begrudge him the right to do that. Under the rules of the Senate he clearly has that right. But I hope that we will not continue to reopen old wounds, to fan the flames of those aspects of our culture which I think many of us would like to think we are beyond, and I would implore him to use some restraint when it comes to issues as sensitive as this in a society and diverse and pluralistic as ours.

Mr. President, one of my good friends spent the first several years of his life in one of the internment camps. After that, he lived a normal American life. A football player, an A student and active in his church. He went away to college, not speaking a word of Japanese, but learned Japanese in college.

He went to Japan on an intern program between his junior and senior year to learn Japanese. He did not learn it in his home. His father was a Methodist minister who wanted his son to be raised to speak English, which he did eloquently.

He eventually wrote a book appropriately entitled "American in Disguise." And as many people do when they write a book, he decided to talk about it around the country.

I remember one night when he came to the midwest. He was on a television show, a talk show, that took questions and answers. He talked about what it was like to grow up in that internment camp. And then the questions came. "Why don't you go back to Japan? You bombed Pearl Harbor." This was the essence of the questions.

As I heard these questions I had to come to terms with that. What is going on here? Obviously, the people who made the telephone calls did not want to hear the bad news, did not want to hear that this had ever happened in American history, did not want to hear about mistakes that we might have made in our past.

I would like to believe the best of the Senate. I believe in its patriotism. But patriotism has also given rise to mistakes. And I believe that when we have made mistakes, that patriotism is in particular admission, and especially those that infringe upon individual liberty. If we do stand for anything in this country, we ought to stand for that.

Mr. President, this provision in question is a small attempt to tell 80,000 people of the 120,000 who were interned that we know it was a mistake and that we do not want to do the normal political thing—to make a big speech and then do nothing—but that we want to back up our statements with a little bit, to compensate for the pain, suffering, indignity, and infringement on individual liberty that they endured.

So, Mr. President, I would hope we would waive the Budget Act, get on with business, and move this entitlement.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in strong support of the motion by the
senior Senator from Hawaii. There is an old saying that we all accept, justice delayed is justice denied. We all know the truth of that and for a great many of these people that is literally true. Many of them are in their eighties. At least one person I know is in his nineties. We have to move on this thing.

We did the right thing when we passed the legislation. Now let us fund it.

And let me just add, I speak from a little bit of personal history in this. I grew up in the State of Oregon, something I do not stress in the State of Illinois. While I grew up in the State of Oregon, some- thing I do not stress in the State of Illinois. While I grew up in the State of Oregon, my parents were active in what we then called race relations. I was 19 years old when I remember my father the most—my father was a Lutheran minister—make a talk on a local radio station, KORE, in which he said what is happening to Japanese-Americans is wrong. I remember the phone calls we got and I remember my father's determination to do something about it.

I would love to tell this body that I stood up for my father. He had explained to my brother and me why we had done it. I regret to say I was embarrassed; I wished my father had not done it. But now when I look back it is one of the things I am proudest of my father for.

The ACLU did not stand up and defend the right of Japanese-Americans, in the State of Oregon, at that point. I do not recall—of course, in fairness, I was only 13—but I do not recall very many voices at all standing up for justice. And so we impose this massive injustice on people.

For the same reason I think it is important to remember the Holocaust, to know what humanity can do, I think it is important that we do the right thing here; not just for Japanese-Americans, but to signal the future generations that this can never happen again. I hope we support resoundingly the motion of the senior Senator from Hawaii.

Mr. ADAMS. Mr. President, I also rise in strong support of the underlying proposition of an entitlement for eligible individuals of the Civil Liberties Act of 1988. Like my good friend from Illinois, I was on the west coast in 1940, 1941, 1942, 1943, and 1944, attending my high school in Seattle, WA. When I was a sophomore, one third of the students were moved out of that high school in one day because they were of Japanese-American descent. The names still ring in my memory, Mr. President—ShigMurakami and Johnny Okamoto, men that I spent a lot of time with. We lost our entire basketball team, we lost half our football team, we lost nearly half of our top scholars. These were students that had been with us for many years, that we had grown up with on the playgrounds of Seattle and in elementary school and high school.

This country promoted a great wrong by establishing Executive Order 9066. It is a wrong that cannot be fully measured in terms of absolute dollars that were lost. There is a matter of emotion in the conviction of very loyal Americans. There is a matter of stigmatizing a people for years to come. It is therefore important Mr. President, that we mend these wounds. By passing this entitlement we say: 'We care for you, you are part of us. You are not only part of us, but you proudly represent a great diverse group of citizens living in America.'

I have always said that if what we did in 1942 was not correctly rectified by this country, it could be another group that will be in trouble in the future. We need to remove what happened early, as early as possible. We need to be certain that this stain on our honor is cleansed. This entitlement language does that.

I cannot tell you how many of my classmates did not come back. Mr. President, many were killed in Italy fighting for the United States. This is a sacrifice we cannot ignore.

My good friends, I hope that on this day we will stand for what is good in this country, a pluralistic society encompassing many different races, creeds, ethnic backgrounds. This is the great experiment and the great historical hope of the 20th and the 21st century. We should today reaffirm it.

So I hope that we listen to what my good friend, the Senator from Hawaii is saying. I am very much in support of assured reparations payments beginning in 1991, and I am hopeful that we will move promptly on it. I compliment the committee for having arrived at a fair solution to a difficult problem.

I yield the floor.

Mr. CRANSTON. Mr. President, I want to extend my support for the provision in the committee-reported bill which would establish a mechanism by which the redress payments that Congress approved in enacting the Civil Liberties Act of 1988 would actually be made to the intended beneficiaries.

Mr. President, it would be a cruel irony for the United States, having finally taken action to redress one of our Nation's greatest acts of injustice, to fail to carry out the commitment it made to provide partial compensation for their pain and loss of liberty. Mr. President, each day we delay means that fewer and fewer internees are alive to accept what we all recognize is merely a symbolic gesture at best.

Japanese-Americans and Aleutian islanders should not have to agonize at the end of each fiscal year as to whether the General Government will fulfill its commitment. These citizens need to know that we will meet our commitment, year after year, until the obligation has been satisfied. The committee provisions are designed to ensure that we do meet that commitment.

This episode in American history should never have happened. It is our responsibility to set the record straight and the way to do that is by supporting the committee's efforts. The tarnish on our Constitution can never be completely removed but our actions today can go a long way toward showing that our words are consistent with our deeds.

Mr. MATSUMAGA. Mr. President, I rise in support of the committee amendment relating to Americans of Japanese ancestry who were interned by the United States Government during World War II, and the motion to waive provisions of the Budget Act.

I was the principal sponsor of the authorizing legislation, S. 1008, which passed the Senate in April 1988 by a vote of 86 to 27. That bill, which was cosponsored by 74 other Senators, was intended to repair one of the most notorious violations of civil liberties in our Nation's history—the incarceration for periods of up to 4 years, without trial, of some 120,000 native-born American citizens and permanent alien residents of Japanese ancestry. Summarily removed from their homes on the west coast in 1942, they lost everything—their livelihoods, real and personal property, educational and career opportunities.

Today, the Federal Government's wartime action is viewed as a blot on our Nation's generally good record with respect to civil liberties and human rights.

S. 1009 and its House companion, H.R. 442, assumed that funds for modest compensatory payments to the surviving former internees would be made available in fiscal year 1990. As finally passed, the bill provided for appropriations of up to $50 million per year, with payments to be made to the oldest surviving internees first.

Earlier this summer, the House agreed to a fiscal year 1990 appropriation of $50 million—10 percent of the authorized amount—enough to pay only those former internees who are over the age of 85. The Senate Appropriations Committee declined to provide even a token amount of funding in fiscal year 1990. I am hopeful that the Appropriations Committee will reconsider its position and make these compensatory payments an entitlement, beginning in fiscal year 1991.

Mr. President, while I was deeply disappointed that the Senate failed to provide even a token amount of funding in fiscal year 1990, I am hopeful that the Appropriations Committee will reconsider its position and make these compensatory payments an entitlement, beginning in fiscal year 1991.
Prompt funding of the Civil Liberties Act is crucial because 200 former internees are dying every month—2,400 a year. If Congress fails to keep the promise it made in 1988, many internees now aged 70 to 106, will never see the official national apology and token compensation provided under our law.

It is significant to note that Canada, following our lead, enacted similar legislation to benefit Canadians of Japanese ancestry over 1 month after the internment. To date, about one-half of the approximately 14,000 surviving Canadian internees have received benefits under the legislation, while not one United States beneficiary has been paid.

Last year, we proved that the United States is such a great Nation that it can acknowledge its errors and seek to make right a grave injustice. This year we must fulfill our commitment. Therefore, I urge that this point of order be defeated, and that the motion to finish this debate be adopted.

Mr. REID. Mr. President, I rise today in support of waiving the budget to provide needed funds in fiscal year 1991, under the provisions of the appropriations bill before us to fulfill our promise to provide reparations to those Americans of Japanese descent who were interned during World War II.

That internment is a wound that Japanese-Americans have had to endure for many, many years. And indeed, it has been a wound on the body of all Americans, because it exemplifies what can happen to our freedoms if we are not vigilant.

As you know, the relocation and internment during World War II violated constitutional rights including the denial of due process of law, arrest without probable cause and detention without trial. It included unlawful searches, and the loss of property and jobs, as well as freedom. Equal protection under the law was denied based solely on racist grounds. And the Supreme Court failed in its duty to protect the rights of Japanese-Americans. This failure is a wound we all bear.

But the internment did not defeat the spirit of the Japanese-American community. Many men volunteered for the military, including my colleagues Senators Daniel Inouye and Spark Matsunaga. They fought with the famous 442d Regiment, the entirely Japanese-American military unit which has been called the most highly decorated unit in the history of American fighting forces. Included among the awards earned by the unit is a Medal of Honor, 52 Distinguished Service Crosses, 560 Silver Stars, 5,200 Bronze Stars, and over 9,400 Purple Hearts. Those who served were Japanese-Americans fighting for others in yet another military intelligence service. Their service stands as testimony of their patriotism.

These brave men fought to preserve the ideals of American constitutional government, in spite of the injustice of the internment and relocation. And since the war they have fought in the finest tradition of America to secure the rights of all individuals.

They have also fought to overcome the injustice and indignity of the internment. To heal the wound. With the passage of last year's bill, justice was won, the wound is healing. With the passage of the State, Justice, Commerce appropriations bill before us our pledge will have been fulfilled.

But I must add that although the wound is healing, a scar remains—and it should remain. It must serve as a reminder to us that our Constitution is only a yellowed piece of parchment unless we are committed to the precepts it outlines. It is only words unless we act to prevent the violation of rights of unpopular groups at a particu­lar moment. Together we must work to ensure that such racism, such injustice, shall not happen again.

Mr. President, I urge my colleagues to approve the pending budget waiver.

The internment was a piece of Colorado's past. It is significant to note that Canada, is such a great Nation that it not only re­stored to its people the rights of all individuals, but it re­stored to us the ideals of American constitutional government.

Mr. WIRTH. Mr. President, the issue of reparations for Japanese-Americans who were unjustly interned during World War II is not a matter of indifference in Colorado. In fact, this issue has deep significance in my State.

Colorado was selected as a host State for the internment of loyal Japanese-Americans, and as a result, hundreds of Japanese-American families were interned at the Amachi Camp located in eastern Colorado, near present-day Lamar. And Colorado's courageous Governor, Ralph Carr, risked public condemnation by opposing the internment as a gross violation by the Federal Government of constitutional rights. Although Governor Carr's political career ended with his principled stand, his memory as a champion of civil rights is revered in Colorado today.

Another Coloradan, Minoru Yasui, rose to challenge the constitutionality of the internment program at an early age, and his flight continued until his death in 1986. Min was another great champion of civil rights in Colorado, and I think today's debate would not be complete without some reference to his long fight in the Federal courts. I would like to present the copy of correspondence I have recently sent to Attorney General Thornburgh on Min's case.

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

To: Attorney General Thornburgh

Subject: Minoru Yasui

It is with great pleasure that I present to you the侬 accompanying copy of correspondence I have recently sent to Attorney General Thornburgh. Please find attached a copy of the letter sent to me by the Amachi Camp Committee in response to my request for information on the Amachi internment.

The Amachi Camp, located in eastern Colorado, near present-day Lamar, was selected as a host State for the internment of loyal Japanese-Americans during World War II. The camp was established as a result of the recommendations of the State of Colorado and the U.S. Department of Justice. The internment was based on the idea that Japanese-Americans were a threat to national security. However, it is clear from the correspondence that the internment was not justified by any evidence of disloyalty or suspicion of disloyalty.

The correspondence includes a letter from the Amachi Camp Committee dated November 15, 1942, to the Office of the Attorney General. In this letter, the Committee states that they are enclosing a copy of a letter sent to them by the Federal Government on October 30, 1942, which explained the reason for the internment. The Committee also requests information on the status of the Amachi internment in order to assist them in their efforts to win the release of the internees.

I believe that it is important for us to understand the history of the Amachi internment and the role that Colorado played in it. The correspondence I have sent to you provides a glimpse of the challenges faced by the internees and the efforts made by the Amachi Camp Committee to secure their release.

I look forward to your review of this correspondence and to any questions or comments you may have. Thank you for your attention to this matter.

Sincerely yours,

[Signature]
September 29, 1989

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Many of Min's close friends—and people throughout Colorado consider themselves to be just that—have approached me about the possibility of reopening Min's case or at least securing an official statement from the Department of Justice on the constitutional issues raised therein.

The thought that many Coloradans would appreciate your looking into the history of this unusual case, and would be interested in knowing whether there is anything you can do as the nation's chief law enforcement official to address the issues Min sought to have re-adjudicated by the U.S. Supreme Court.

Min's memory, and his many years of good work for the people of his community, are deeply revered by Coloradans. Your expression of interest would, therefore, be most welcomed.

With best wishes,

Sincerely yours,

TIMOTHY E. WIRTH

Mr. WILSON. Mr. President, it is very difficult to add to the eloquence of the statements made by my dear friend from Hawaii, Senator INOUYE, and others here in the Chamber.

The pain suffered by the American Japanese community is clear, and this Nation must honor its commitment and waive the Budget Act to right the terrible injustice that was visited upon loyal Americans of Japanese ancestry.

It is difficult, Mr. President, if not impossible to compensate for the pain, the suffering, for the incalculable anguish, because the compensation we passed into law last year can never make whole the extreme pains of this troubled period in our history.

The first call upon a nation, Mr. President, is that it honor its just obligations. This is a just obligation, an effort on behalf of the United States, some 45 years late, to make an apology to loyal Americans and to make right an injustice. In that respect, this must be a high priority, one that we were late in recognizing, so that this debt can be paid.

There are certain lessons in human history that future generations should be reminded of and for that reason, Mr. President, we cannot close this sad chapter in our history, because we should not forget. I yield the floor.

Mr. HELMS. Mr. President, if we have a referendum at any time on DANNY INOUYE and SPARK MATSUNAGA than I do. But that is not the point.

Neither is it the point for people to get up and remonstrate against the actions taken by their Government, most of them before they were born. I was born then, Mr. President, and I remember those days. To be critical of Franklin Roosevelt for doing what the intelligence community told him that he absolutely must do is a little bit far-fetched.

Also farfetched, Mr. President, is the suggestion made here this morning that this Congress has some sort of a self-assigned nobility for having voted for this reparation. Not so.

Mr. President, the U.S. Government has not ignored the suffering that occurred as a result of the relocation and internment of Japanese Americans. The Government has officially recognized that much unjustified personal hardship was caused. Previous Congresses, Presidents, and Attorneys General have taken steps to acknowledge and compensate Japanese-Americans for the injuries they suffered.

In 1948, Congress enacted the American-Japanese Claims Act, which authorized compensation for any claim for damages to or loss of real or personal property as a "reasonable natural consequence of the evacuation or exclusion" of persons of Japanese ancestry as a result of governmental action during World War II. The act was subsequently amended to liberalize its compensation provisions.

Under the amended act, the Justice Department ultimately settled 26,586 claims, of which involved claims presented by family groups rather than individual claimants. It is safe to conclude that of the 120,000 evacuees, most submitted claims under the American-Japanese Claims Act and received compensation. A total of over $37 million was paid in compensation pursuant to this act. And that was back when a dollar was worth closer to a dollar.

The American-Japanese Claims Act did not include every item of damages that was or could have been suggested. It did, however, address the hardships visited upon persons of Japanese ancestry in a comprehensive, considered manner, taking into account individual needs and losses. This effort to correct injustice to individuals was in keeping with our Nation's best tradition of individual rather than collective response, and it was more contemporaneous with the injuries to the claimants than would be any payments at this late date.

Mr. President, in 1956, Congress considered legislation that challenged the adequacy of the claims settlements provided pursuant to the 1948 act. The bill would have liberalized the relief provisions of the act by granting expanded compensation for certain long-standing, specific injuries. The Senate, by a vote of 51 to 1, rejected the proposal because it "would substantially reopen the entire project." (H.R. Rept. 1905, 84th Cong., 2d sess., 9 (1956).)

Mr. President, nothing has changed since that time to justify this supplementary payment to those who were relocated. The results of the settlement process under the act, long since completed, deserve to be accepted as a fair resolution of the claims involved. If it was inadequate, those inadequacies can and should be determined and resolved by the courts—not the Congress.

In 1972, Congress amended the Social Security Act so that Japanese-Americans over the age of 18 would be deemed to have earned and contributed to the Social Security system during their detention. The civil service retirement provisions were amended in 1978 to allow Japanese-Americans credit for the time spent in detention after the age of 18.

Mr. President, what we hear today are very eloquent declarations about mistakes that were made. Mistakes are made, I guess, in every war.

But, BILL FRENDZEL over at the House of Representatives, a couple of years ago summed up this issue perfectly when he said:

"The committee is asking us to purge ourselves of somebody else's guilt with another generation's money."

That is about the size of it. I will say again I was reluctant to stand here today and make the point of order I am about to make because of my affection for DANNY and for SPARK, but I think the clean way to do it, is for the Senate to demonstrate that it knows what it is doing and why it is doing it.

Mr. President, there are a lot of people who could get up and make emotional comments about for whom we have not created an entitlement. How about the veterans, who are waiting for hospital beds? They wait for the availability of discretionary funds. We have not created an entitlement for research to help babies born with AIDS. They wait for the availability of discretionary funds. These payments we are funding today are exactly what BILL FRENDZEL said. They were, an attempt to "purge ourselves of somebody else's guilt with another generation's money."

Mr. President, I make the point of order that the committee amendment on page 41, lines 4 to 10, creates a new entitlement for a fiscal year for which there is no budget resolution and thereby violates section 303(a) of the Budget Act.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, on behalf of my distinguished colleague, the Senator from Hawaii and myself I move under section 904 of the Budget Act to waive section 303(a) of the Budget Act. I am most grateful to the Senator from North Carolina, not requiring a rollcall on this motion to waive, is that correct about for whom?

Mr. HELMS. I thought it was automatic.

Mr. HOLLINGS. Well, I do not interpret the rules but——

The PRESIDING OFFICER. It is not automatic.

Mr. HOLLINGS. Does the Senator want a rollcall?

Mr. HELMS. I think we should, Sen­
Mr. HOLLINGS. Final passage? Or on this my colleague wants a rollcall?

Mr. HELMS. I already notified Mr. Greene I would not require a rollcall on final passage.

Mr. HOLLINGS. I appreciate that very much. If anybody else wants to have a rollcall on final passage please let us know because we do not know of any request on this side.

The PRESIDING OFFICER. If there is no further debate the question occurs on the motion to waive section 303(a) of the Budget Act.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. A simple majority is required to waive the yeas and nays.

Mr. HELMS. I wish to be heard. I suggest the absence of a quorum. The section requires a sufficient second.

The PRESIDING OFFICER. There is a sufficient second.

The legislative clerk called the roll.

The Legislative clerk proceeded to call the roll.

The legislative clerk called the roll.

The exception committee amendment was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order.

Mr. HOLLINGS. Mr. President, we can clarify quite a few amendments but we have two that will require votes. As I understand the Senator from Pennsylvania, he will agree to a 20-minute time limit.

Excepted Committee Amendment on page 18, lines 4 through 10

The PRESIDING OFFICER. The question now is on agreeing to the amendment on page 41, lines 4 through 10. Is there any further debate?

The excepted committee amendment was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order.

Mr. HOLLINGS. Mr. President, we can clarify quite a few amendments but we have two that will require votes. As I understand the Senator from Pennsylvania, he will agree to a 20-minute time limit.

Excepted Committee Amendment on page 18, lines 4 through 16

The PRESIDING OFFICER. If the Senator from Pennsylvania, Mr. Jeffords, and the Senator from Texas, Mr. Gramm, are necessarily absent.

The legislative clerk called the roll.

Mr. RUDMAN. I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order.

Mr. HOLLINGS. Mr. President, we can clarify quite a few amendments but we have two that will require votes. As I understand the Senator from Pennsylvania, he will agree to a 20-minute time limit.

The excepted committee amendment was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the excepted committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, we have worked our best for as little inconvenience to Senators as possible. The Senator from Pennsylvania has agreed to a 20-minute time agreement on his amendment. The Senator from Alabama (Mr. SHELBY) is now concurring with the Senator from New Mexico to see if we can have a time limit on that amendment. Other than those two, there is still a question about a final passage vote. I thought we might have cleared that.

Mr. RUDMAN. If the Senator will yield, I thought we had cleared no vote on final passage but there has been a question raised. In the next 15 or 20 minutes I hope to have an answer.

Mr. HOLLINGS. By the time we vote then on the amendment of the distinguished Senator from Pennsylvania, we will know.

AMENDMENT NO. 899

Mr. SPECTER. 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 Pennsylvania (Mr. SPECTER) proposes an amendment numbered 899.

Mr. SPECTER. 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 21, line 5, strike $137,034,000 and insert $162,034,000.

On page 21, line 5, strike $5,000,000 and insert $30,000,000 for construction; and

On page 28, line 18, strike $401,332,000 and insert $263,832,000.

Mr. SPECTER. Mr. President, this amendment has no budget impact. I have 10 minutes and I would like my 10 minutes to start from the time there is order.

Mr. HOLLINGS. Will the distinguished Senator yield and let us get an agreement. I ask unanimous consent that time on this particular amendment be limited to 20 minutes, with 10 minutes on a side, with no second-degree amendments.

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

Mr. SPECTER. Mr. President, this amendment seeks to transfer funds for holding Federal prisoners after conviction, for holding Federal prisoners before trial. There is no budget impact. This does not violate or deal with the drug agreement because it applies to all Federal prisoners. Technically, Mr. President, it is necessary to transfer $136 million from prison construction in order to get $25 million for the U.S. Marshals Service, although both are for construction because one is calculated at 55 percent in outlays and one is calculated at 10 percent in outlays. When both are for prison construction, Mr. President, that obviously makes no sense. And the marshals' program doubtless has a bigger outlay ratio because it deals with renovation.
So I think dollar for dollar this will work out so there are really no differences. But on the mathematics it has to be scored as I have just represented.

Mr. President, there are many Federal prisoners held pretrial in State facilities. It is not just the people who ought to be detained. In Philadelphia, for example, there are Federal prisoners detained. In Pittsburgh, for example, there are spaces for Federal prisoners that we cannot hold in those facilities which causes massive overcrowding. In Philadelphia for example, there are Federal prisoners detained. In Pittsburgh, for example, there are spaces for Federal prisoners. That means we cannot hold in those facilities the people who ought to be detained for State crimes. State convictions. This is very important because if you deal with just 150 spaces, and you deal with career criminals who are known to commit as many as 700 crimes a year, when you deal with 150 prisoners you are dealing with 100,000 crimes.

I regret the necessity for advancing this amendment on a Friday afternoon at 1:20. But this issue of prison construction is something that this Senator has worked on for the last 9 years. I have tried to get this worked out with the managers and cannot, although we have been discussing it for many days, and therefore I am taking this issue to a roll call vote.

It is simply unfair when you have Federal prisoners taking up space in State facilities, which adds to State crime. We are supposed to be putting up $14.6 billion on prisons and part of it is going to be put to that purpose to be able to get our Federal prisoners out of the system. That means we cannot hold in those local facilities, and we need them in your county facilities.

I reserve the remainder of my time. Mr. HOLLINGS addressed the Chair.
When the distinguished Senator from South Carolina talks about another prison facility in Pennsylvania, I have to disagree with him. My face and my nose are not an issue, thank you.

What is really involved here is a Federal responsibility to hold Federal prisoners before trial. Right now in Maryland, and in the Senator's State, we have many Federal prisoners awaiting trial in State facilities in Pennsylvania, and for every 100 of these detainees, it amounts to more than 100,000 crimes a year.

We have a lot of money in this bill. We have a lot of money up for prison construction—a total, if you go through all of it, of $1.4 billion. There is absolutely no reason why we cannot work out the mathematics to provide 25 million dollars out of $1.4 billion to move ahead with this U.S. marshals program which will not be just for Pennsylvania. It will be for the whole country to take care of this Federal responsibility.

I reserve the remainder of my time.

Mr. HOLLINGS. Mr. President, to the point, it is not just a little mathematical problem. The Congressional Budget Office is not any mysticism. Try to build the prison. The first thing you try to do is get the site selection studies. Thereupon, you get your environmental impact studies. Then you get your notification for the contracts. A year has passed. But if you put $1 billion in like we have, and get caught up on prisons by the second year—if you allow it, fine. You are really moving into high gear and you have done it all.

That money is really spent out on the building of Federal prisons. That is why you have the large budget authority.

We do not put construction money in this cooperative agreement for State and local governments to expand bedspace for State and local offenders. CAP assists State and local governments in renovation, upgrading, expansion, and/or construction of detention facilities. In return, the State or local government guarantees bedspace to the U.S. Marshals Service for a predetermined period of time.

Now all of a sudden, he wants to get construction for his own little prison for 720 beds and cancel in his own backyard 1,850 beds, which would take care of his overcrowding problem and that of many of the States around him. And it is beyond the drug agreement. I retain the remainder of my time.

Mr. SPECTER. How much time do I have?

The PRESIDING OFFICER. Four minutes, twenty-seventy seconds.

Mr. SPECTER. The distinguished Senator from South Carolina is wrong.

When we are talking about a prison facility for 720 beds, he is talking about Greene County, PA, a county adjacent to West Virginia and to Ohio. The local officials are not pressed out of Federal money, except to the extent that there are beds reserved for Federal prisoners. The Greene County officials are going to pay for the vast majority of the costs. And what they will be a Federal responsibility for is the limited number of Federal prisoners who will have beds there.

Now, my concern about this issue was triggered by Greene County. When I took a look at what was happening with one county in my State, which is near Pittsburgh, where there are many Federal detainees who have had spaces in the State prison, I saw that the problem existed nationwide. This is not a parochial interest. The amendments and bills that this Senator has offered over the course of the past 9 years are for the nationwide prison problems which will affect South Carolina as well.

Where you have a spend-out rate of 10 percent, which is not being used, or if the spend-out rate is 55 percent, let us move the resources and take these violent criminals off the streets. It is simply unfair for the Federal Government to put this burden on the States.

Really, Mr. President, we ought to be doing it very differently. The whole problem of interstate crime and career criminals is a Federal responsibility as it has evolved in modern times, and there ought to be a greater Federal sharing and a greater Federal contribution to help States; but that is not involved here. I am just saying that the States ought not be subsidizing the Federal Government. That is the impact of this amendment, and it makes good sense in terms of law enforcement. It may not make good mathematics for CBO, but CBO does not commit crimes, except as they may mislead us on the real facts here—perhaps a little fraud. That is not the issue. The issue is violent criminals.

I come back to a basic point that when you have 150 Federal spaces taken up in my State, that means 100,000 crimes a year. I think it has to be pressed. I just wish my colleagues were here in greater number or comprehended the import of this issue. I think I would win decisively. I am not unaware of the impact of the chairman and the ranking member on a motion to table. This is ongoing, so far a 9-year fight, and I intend to make the battle today, tomorrow, and next year. We try to get some sense into our program of prison construction which, unfortunately, we do not have today. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina has 3½ minutes.

Mr. HOLLINGS. Mr. President, the distinguished Senator is on the Judiciary Committee. There is no authorization for this. If he wants to authorize a program solely for Federal financing of State and local prison construction, he is in the best position in the world to do it, and he knows that. He knows that prison construction is not authorized. Funding for State and local prisons is.

This is under the cooperative agreement between the States on a financing basis, taking care of these prisoners. We put up the money to do it. We put it in that bill to relieve the pressure on the States to build more and to build more than they want to build. And we all have the States. What he is going to do is cancel out $137 million for his $25 million new construction in unauthorized programs. That is exactly what he is doing, and, I repeat, it goes beyond the detention facilities. I will reserve the remainder of my time.

Mr. SPECTER. I will say it one more time, Mr. President. This amendment is not for State and local prison construction. It is for Federal financing of the Federal prisoners. There is one point that I agree with the Senator from South Carolina about. I agree there is no authorization for my proposal, but then I have to tell him there is no authorization for his.

The Judiciary Committee has not authorized any prison construction. The crime bill has not moved out of the Judiciary Committee. While there is no authorization for my program, I would advise Senator Hollings that there is no authorization for his. We are now talking about the way to deal with crime on the street.

Mr. President, I say the way to deal with crime on the street is to get these detention facilities and have the Federal Government assume its responsibility to take these violent criminals off the street in their housing, so the States can use their housing for their own crime problems. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina has 12 seconds left.

Mr. HOLLINGS. Mr. President, when you get in a debate with a Philadelphia lawyer—the authorization for prison construction, yes, in that Judiciary Committee bill.

There has never been any authorization for what he is talking about. He is just pulling technicality and weaving confusion and hoping to swap $25 million for $137 million and cut out a new Federal complex in Pennsylvania that is going to take three times the number of prison beds away from Pennsylvania. And, it is beyond the drug agreement.

We can stand on both sides and support it. But, let us uphold the drug agreement, and not only give the President all he wants but all we can
afford to add under this particular provision.

Mr. RUDMAN. Mr. President, how much time do we have?

The PRESIDING OFFICER. One minute 37 seconds.

Mr. RUDMAN. Mr. President, let me make one other point, so nobody gets the idea that the big bad Federal Government is doing terrible things to the States. This program is used to pay for Federal prisoners. If you think it is a big program, it is not. I believe it is about $15 million this year, and we may not use it at all.

So let us not get the impression that there are thousands of prisoners out there being held in detention centers for long periods of time and that the Federal Government is doing, in my view, to help the States. This program is used to pay for Federal prisoners. That is not to say that the Senator from Pennsylvania does not have a point. I think he does.

But we have to set priorities here, and make no mistake, when Federal prisoners are in local detention centers, we pay for it.

Mr. President, the Senator from Delaware wishes 15 seconds.

Mr. BIDEN. Mr. President, I think my friend from Pennsylvania is correct. There is no authorization for any of this out of the Judiciary Committee. Let us get that straight. He is also correct that the Federal Government should be doing a lot more than it is doing, in my view, to help the States. Has the Senator from Pennsylvania, 11 seconds.

One of the most important things that I have agreed to is the idea that the big bad Federal Government is paying for them. That is not to say that the Senator from Pennsylvania does not have a point. I think he does.

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from Utah advise us whether or not we can rely on that representation, made in good faith by the majority leader, or whether or not we may have another vote.

Mr. MITCHELL. I thank the Senator very much. We will proceed without a further vote on that.

Mr. President, I further modify my unanimous-consent request regarding the Shelby amendment to make sure that no points of order are waived by the agreement.

Mr. BOSCHWITZ. Reserving my right to object, may I ask the majority leader whether or not there will be others of the Ambassadors considered on Monday, other than Mr. Zappala?

Mr. MITCHELL. No.

Mr. BOSCHWITZ. There are others on the agenda that we would like to move along.

Mr. MITCHELL. I understand that. I will just say to the Senator, there are many that have been the subject of holds on both sides. There are seven Ambassadors who I have been trying to get approval of for over a week but who have been delayed at the request of a Republican Senator. I hope very much I will be permitted to push the President's nominees through on Monday.

Mr. MURkowski. I wonder if I might ask the leader for a further clarification?

The Senator from Alaska is aware Zappala will be taken up Tuesday for a vote. But I would point out that Della Newman and Sembler also came out of committee at the same time as Zappala's, if I might say a package, if I might use the word—literally.

I assume there is no action to include the other two?

Mr. MITCHELL. That is correct. The fact that they are reported out of committee on the same day, they can be a package for reporting, but it does not make them a package for action on the floor.

Mr. MURkowski. I have another question, but the logistics, by the Senator from Alaska.

Since the Columbus Day recess is beginning at the end of next week, the Senator from Alaska has to make some travel plans. If it is the disposition of the leader to probably at least attempt to go out next Friday? Initiate the recess?

Mr. MITCHELL. No, it is not my intention. I think it is very likely we will still be in session next weekend. I am going to discuss with the distinguished Republican leader the question about the recess. Many Senators have spoken to me. We have to evaluate that in the light of possible sequencing and the need to act on reconciliation. I hope to have an announcement in that regard by next Tuesday or Wednesday.

Mr. MURkowski. Might I ask the leader, is the recess itself in doubt?

Mr. MITCHELL. Yes. Mr. MURkowski. I had been under the impression that there was been clarified, but evidently that is not the case.

Mr. MITCHELL. All I said is that it is in doubt.

Mr. MURkowski. I understand that means, Mr. Leader.

Mr. RUDMAN. I have now been told that Senator Hatch is not going to require a rollcall vote on the floor. I wondered whether we can direct the question to him directly?

If I might have the attention of the Senator from Utah? Are the managers correct, the Senator from Utah will not require a rollcall vote on any amendment to be offered to this bill?

Mr. HATCH. With the indulgence of my colleagues, I am not happy with the administration's recently announced position on emigration from the Soviet Union.

I understand that prior to September 1988, Jews and other religious minorities seeking refugee status were presumed to be persecuted or have a "well-founded fear of persecution." Many of these persons traveled on Israeli visas to Vienna, to Rome, where they were determined to be refugees and opted to come to the United States. Moreover, the United States accepted virtually every Jew and other religious minority from the Soviet Union seeking entry to our country. As the Washington Post noted yesterday "For years when Soviet emigration policy was considered repressive, American efforts were almost solely directed at pressing Moscow to relax the restrictions and then processing as many visas as possible."

Since September 1988, however, the United States ceased presuming that all Jews and other religious minorities in the Soviet Union are persecuted or have a "well-founded fear of persecution." As a consequence, a significant number of Soviet Jews and others have been denied refugee status, I am hopeful that a review of these cases will result in their readjudication as refugees. Moreover, the administration plans to admit 50,000 refugees from the Soviet Union during fiscal year 1990, although, according to administration representatives, it is possible that between 125,000 and 200,000 persons in the Soviet Union may seek such status. Finally, I understand that the United States government is to resolve this on and after October 1, 1989, that all Soviet citizens seeking entry to the United States as refugees make their applications in Moscow rather than Rome.

I hope new refugee policies are not made in good faith by the majority leader, or whether or not we may have another vote.

Religious or ethnic persecution does not mean only physical harassment, the midnight knock on the door, and-Julings. When a believer is unable to go to church or synagogue because of government policy, or forbids the construction or use of such religious houses of worship, that is persecution. The inability of a group of believers to train religious leaders and teachers such as priests and rabbis, because of government policy, is persecution. The inability to obtain religious articles and items needed for prayer, such as bibles, prayer shawls, yarmulkeins, because of government policy is persecution. Finally, I understand that in the light of possible sequels, and perestroika and the assumption is rebutted. Asking questions to elicit this type of rebuttal information is not precluded under this type of presumption. But in my opinion, we need not ask Soviet Jews, individual by individual, to demonstrate they are persecuted persons or have a well-founded fear of persecution, given what we know about conditions in the Soviet Union. I believe this approach is fully consistent with the Refugee Act of 1980.

Further, I am deeply distressed by the prospect that, suddenly, the United States appears willing to turn away some of those who qualify as refugees and seek entry to the United States from the Soviet Union. As I mentioned earlier, administration representatives anticipate that as many
as 125,000 to 200,000 persons will seek refugee status in fiscal year 1990. Moreover, embassy officials have estimated the number of future applicants could exceed 300,000. While not all will qualify for refugee status, it is likely that at least 50,000 will so qualify, with or without an appropriate presumption. Since there are various priorities among refugees, including priorities based on family connections, quite clearly some Soviet Jews, Pentecostals, and other religious minorities are going to be prevented from entering the United States in favor of those with a higher priority. Parole status, which does not carry with it financial assistance, may accommodate another portion of the applicants, but tens of thousands of religious believers may be left behind in the Soviet Union.

I recognize that, today, Soviet Jews have a haven in Israel, and I am thankful for that. This haven was not available to my friend, the majority leader, and my friend, the minority leader, and my colleagues who are as concerned about Soviet emigration as I am. I have decided not to do so. I would like to have a vote on my loan guarantee proposal, to help bring these people out of the Soviet Union during this open window. This is one of the few times there is an open window where people can leave the Soviet Union. This is important because I think that window will close within the near future.

If this window closes, we will have deprived a lot of people of the opportunity to seek freedom. I would like the majority leader to work with me and see if we can find some way of coming up with a freestanding bill that pleases everybody around here and solves this problem.

So, having made this statement, I do not intend to slow this process down by any amendments today. I will withdraw my right to bring up amendments on this bill. I also want to make it clear for the record that neither I nor my staff have talked with anybody who is an interested party in this matter prior to coming up with this proposal. We are trying to solve a problem that I feel strongly about. I cannot do it today. I would like my friend, the majority leader, and my friend, the minority leader, to help me on this. If we could bring up something that would resolve this problem and resolve, I think, the concerns of many of us with regard to the State Department's approach here, I will be happy to do that, hopefully, with unanimous support.

With that, I am sorry to take that much time, but I want to expand my position.

Mr. RUDMAN. I thank my friend from Utah very much. We do appreciate his willingness to allow us to go for it. I perfectly understand the concern, and I know many of us share that concern.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, what was the unanimous-consent request?
The PRESIDING OFFICER. We are still 40 minutes on the Shelby amendment.

Mr. LEAHY. I am sorry.

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

Mr. GRASSLEY, Mr. President, I would like to start this hour related to the State Department portion of this bill and to support a point made by Senator HATCH.

As the world advocate for human rights, we have a duty to assure ourselves that any changes in our refugee policies must only come after intense scrutiny and careful deliberation. We must not compromise our traditional role of setting high standards of human rights.

Tragically, scrutiny and deliberation are lacking in the administration's refugee policy for fiscal year 1990.

Notice of the October 1 implementation date was served to the Senate on the very late date of September 15, a mere 15 days prior to the implementation date. This same notice was served on the people of the Soviet Union just this Tuesday, a mere 5 days before the effective date. It takes 6 days just to obtain a visa. And who can attest to the effectiveness of this notice. There are too many unanswered questions; there are too many unknowns in our administration's programs.

First, how will the operation of the refugee processing on Soviet soil affect the ability of applicants to freely apply? This policy forces emigres to not only prove their life long wish to address a matter related to the United States policies must only come after intense scrutiny and careful deliberation. We must not compromise our traditional role of setting high standards of human rights.

Second, how will the U.S. Embassy operate to accommodate the influx of applicants? We have 20 officials in the Rome office, there only are 6 in Moscow with no commitment from the Soviets to increase that number.

Third, will INS officials be trained to understand and detect the persecution that many applicants have endured in their lives but are not capable of expressing?

Fourth, will the voluntary agencies that operate in Rome and Vienna, which are crucial to the emigration process, be allowed to operate in Moscow? Probably because the Soviets do not like the idea of calling their people refugees and therefore do not want these agencies operating in their country.

Fifth, why is the refugee status denial rate in Moscow so high, as much as three times that of Rome and Vienna?

Sixth, how much are the real costs of processing Soviet refugees and can we afford to raise the ceiling if the costs are substantially lower than first reported?

In adequate notice has left Congress between a rock and a hard place. Prankily, I resent the fact that we are faced with choosing between accepting the administration's proposal as is by October 1, or racking up millions of dollars over time until which there are no allocations. At minimum, adequate notice of the administration's plans would have provided concerned Members of this Congress the opportunity to work with the administration and address the areas of concern we are now faced with.

Why didn't the administration notify us about these proposals sooner? Why haven't these very pivotal issues been addressed months ago?

On September 14, an official from the U.S. General Accounting Office testified that the voluntary agencies that help Soviets prepare their refugee applications, including a written statement of their reasons to emigrate, are not being allowed to operate in the Soviet Union. The GAO recognizes the crucial role these agencies play, yet on October 1, none of these agencies will be operating in Moscow and we have no indications that they ever will be able to operate there.

To ignore the manner in which the administration plans to implement these dramatic proposals is to jeopardize the destinies of thousands of people for whom this country has fought too hard and for too long.

I am well aware that an agreement has been reached between the administration and the advocacy groups. But, there are thousands of others—now in the Soviet Union—who are not parties to this agreement. Who speaks for them?

With these proposals, "let my people go" is a moot concept. How can I demand on behalf of constituents, that the Soviets release a family member trapped in the Soviet Union? What could I say? "Let them go, but do not send them here? My fear is that for the first time, we've put a price tag on people fleeing persecution.

We should be extending the October 1 deadline and use this additional time to address the very vital human rights concerns these proposals raise. The United States must be accountable for its actions. The destinies of thousands of people and the victories born of the United States foreign policy must not compromise our traditional role of setting high standards of human rights.

As the world advocate for human rights, we have a duty to assure ourselves that any changes in our refugee policies must only come after intense scrutiny and careful deliberation. We must not compromise our traditional role of setting high standards of human rights.

Mr. President, I do not know whether our Government took into account the various nature of Soviet society when implementing these policy changes. My perception from the annual refugee consultation hearing before the Committee on the Judiciary is that they did not.

We are being very shortsighted in allowing these policies to be implemented. The reforms in the Soviet Union have not been tested; how do we know how genuine Gorbachev's position is as Soviet leader; we have no evidence that these reforms will last. Though we must continue to encourage these reforms, we must not be hasty in changes that deeply affect U.S. human rights policy. The doors of Soviet emigration may be open, but they could close overnight.

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

The PRESIDING OFFICER. The clerk will report.

Mr. President, I send an amendment to the desk on behalf of myself, Senator HELMS, Senator HEINZE, Senator HATCH, Senator GRASSLEY, Senator LOTT, Senator HATCH, and Senator CRUNCHER, and ask for its immediate consideration.

The PRESIDING OFFICER. The assistant legislative clerk reads as follows:

The Senator from Alabama [Mr. Shelby], for himself, Mr. HELMS, Mr. HEINZE, Mr. DOLE, Mr. HEINZE, Mr. GRASSLEY, Mr. LOTT, Mr. HATCH, and Mr. CRUNCHER, proposes an amendment numbered 900.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Sec. 1. None of the funds appropriated or made available by this Act to the Bureau of the Census shall be used to count aliens in the United States in violation of the immigration laws for purposes of purposes of subsection (b) of section 141 of title 19, United States Code.

The PRESIDING OFFICER. The amendment is ordered.
Mr. SHELBY. Mr. President, the issue that is the subject of this amendment has been debated on the floor already this year. All Senators are aware of the prevailing arguments. The Senate by a vote of 56 to 43 right here in this Chamber, September 29, 1989, Senate by a vote of 58 to 41 voted in favor of an amendment that I offered to Senate bill 358, the legal immigration bill. The prior Senate-passed amendment would direct the Secretary of Commerce to make such adjustments in total population figures as may be necessary and feasible using such methods and procedures as the Secretary determines appropriate in order that aliens in the United States in violation of the immigration laws not be counted in tabulating population for purposes of reapportionment of the U.S. House of Representatives.

Mr. President, the Senate has already gone on record that illegal aliens shall not be part of the tabulation of total population figures for purposes of reapportionment of the U.S. House of Representatives. This position is consistent with the position held by this body that it was unconstitutional by a vote of 56 to 43 right here in this Chamber. A majority of the Senate, therefore, has affirmed that it is constitutionally proper for the census figures for purposes of reapportionment or apportionment of the undocumented aliens there.

For over 10 years, the Congress has attempted to get a vote on this issue. Earlier this year, this was the only vote we were able to get, and the Senate voted overwhelmingly in favor of that. We all know the results of the vote, as I just stated.

Basically, Mr. President, this is a question of fairness; it goes to the heart of our form of government. The question is, should legal residents continuously be denied proper and undiluted representation at the Federal level by the influx of millions of illegal aliens in the tabulation of total population figures for purposes of the House of Representatives apportionment? That is the question, Mr. President, that is the issue and that is the concern today before the U.S. Senate.

A vote against my amendment can reasonably be interpreted as a vote against the proper representation of individuals at the Federal level. I believe that the message is clear. I must reiterate that the amendment that I offered on behalf of myself and a number of other Senators is not designed to be an anti-immigration proposal. It is not designed, explicitly or implicitly, to hinder the legal immigration process. However, Mr. President, it is designed to ensure proper apportionment so that all citizens will receive the opportunity to be heard. The opportunity for active participation in governing through an undiluted ballot box is part and parcel of government in America. Consequently, Mr. President, to realize this opportunity, the undocumented alien must not be counted for apportionment purposes for the U.S. House of Representatives.

My proposal does not impede upon the constitutional protections that have been legislatively sanctioned and judicially recognized to apply to undocumented aliens as well as to citizens and resident aliens. The mere inclusion of illegal aliens in census figures for the House of Representatives apportionment purposes violates the notion of self-government and, Mr. President, erodes the community's process of political self-definition.

This occurs when affected States' voting strength is weakened and qualified voters are placed in an impracticable position vis-a-vis qualified voters of States with a large undocumented alien population. Thus, improper apportionment of the U.S. House of Representatives deprives citizens of their right to self-determination through the ballot box.

Mr. President, my proposal is simple in structure, yet profound in impact. As our Nation prepares for the 1990 census, it is important that fairness and equity not fall by the wayside in our assessment of demographics and our then consequent reapportionments of the House of Representatives.

I yield 4 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am pleased to be an original cosponsor of the amendment by the Senator from Alabama.

The Shelby-Helms amendment instructs the Census Bureau not to include illegal aliens in the census count. For some absurd reason, the Census Bureau has decided to count illegal aliens in the 1990 census.

Mr. President, we passed a similar amendment in July of this year by 56 to 41. However, the underlying bill, the Immigration Reform Act of 1989, did not become law. So we have one last chance to avoid a grave injustice. For the Census Bureau policy jeopardizes the constitutional right of North Carolina citizens to fair and equal representation.

If the Census Bureau counts illegal aliens, the citizens of North Carolina risk losing a congressional seat. We lose a congressional Representative without making a single adjustment for illegal aliens. The Census Bureau intends to continue this policy through 1990.

With all due respect to the Census Bureau—and there are many fine people who work at the Bureau—this policy simply does not make any sense. It violates the constitutional principle of "one man, one vote." And it's just plain unfair to those Americans who live in this country—and live here legally.

A SIMPLE SOLUTION

Now, last July, Senators SHELBY and HELMS offered an amendment to the immigration bill that provided a simple and straightforward solution to this problem. This amendment—which was passed by the Senate—requires the Secretary of Commerce to use tabulating procedures that are both feasible and appropriate to ensure that illegal aliens are not counted in the
census for purposes of reapportion- ment. This is a sound solution that will restore some fairness to the census and reapportionment process.

Unfortunately, the House has not yet acted on the immigration bill—and time is running out. As the distin- guished Senator from Alabama pointed out, if we do not act now—Congress will not have the opportunity to cor- rect the census problem until the year 2000. We cannot afford to wait that long.

CONCLUSION

So I commend Senators SHELBY and HELMS for offering this amendment. And I urge my colleagues to support it with your vote.

The amendment will simply reaffirm the views expressed by the Senate last July.

Mr. SHELBY. Mr. President, how much time do I have left?

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has 12 minutes, 17 seconds.

Mr. SHELBY. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me yield myself 4 minutes and then the Senator from Massachusetts is prepared to speak as well, and the Senator from New York and the Sena- tor from Illinois, in opposition to this amendment.

Mr. President, the proposed amend- ment has numerous problems with it, but the first and foremost threshold problem is that it violates our Consti- tution.

The proposed amendment would re- quire the Census Bureau to exclude il- legal immigrants from the official census count for purposes of apportion- ment. On the surface, this amend- ment may seem very reasonable, and its implications benign. But, from both a constitutional and a practical stand- point, that simply is not the case. The amendment would do great harm to the purposes and goals of the census and cause much fear and concern for many individuals. Further, the amend- ment would create real hardships for many communities.

Article I, section 2, clause 3 of the U.S. Constitution, as amended by sec- tion 2 of the 14th amendment, re- quires that the apportionment of the House of Representatives be based on the "whole number of persons". The term "persons" is used, I point out, and not the word "citizen" which is used in other parts of the Constitu- tion. Clearly, it was the intent of the framers that every inhabitant be counted. While it is my understanding that a case to exclude illegal aliens from the census has not come before the Supreme Court, the Federal ap- peals courts have held that all persons should be included in the apportion- ment base. In Fair v. Klutznick, 486. F. Supp. 564 (D.D.C. 1980), the court stated that:

The language of the Constitution is not ambiguous. It requires the counting of the "whole number of persons" for apportion- ment purposes, and while illegal aliens were not a component of the population at the time the Constitution was adopted, they are clearly "persons."

The Court further noted:

We see little on which to base a conclusion that illegal aliens should now be excluded (from the apportionment base), simply be- cause persons with their legal status were not an element of our population at the time our Constitution was written.

Therefore, it is my firm belief, that this amendment would be unconsti- tutional and that changing the method to a means other than counting the actual number of inhabitants would require a constitutional amendment.

On top of the constitutional issue, there are other problems with the amendment that must be addressed. Simply, the answer to the fear of such an exclusion. The Census Bureau does not have the ability to effectively determine the legal status of its re- spondents, nor I would suggest, should it. In fact, it would be virtually impos- sible for census enumerators to deter- mine if a person is legal or illegal and misrepresenting himself. The Census Bureau could not determine if all legal residents had been counted, because they would not know if each housing unit contained legal or illegal resi- dents. Further, there are no figures about the number of illegal aliens in specific areas to accurately adjust the census count for the illegal aliens. These feasibility problems alone, can have serious and far-reaching effects on the accuracy of the census data. Without the means to determine legal status, but having a legal obligation to try, the Census Bureau would be forced to reduce its information collec- tion efforts to a "best guess" endeavor. The resulting inaccuracy of the census figures would prove extremely deters- mental to the federal agencies, and others who use the information col- lected for purposes other than appor- tionment. In other words, this amend- ment would base the apportionment of the House of Representatives and the distribution of billions of Federal aid dollars on a numerical fantasy.

A second problem that would be cre- ated by enactment of the amendment concerns its effects on minority out- reach programs. Changing policy re- lating to citizenship questions would undermine the outreach programs that are vital to ensure an accurate count of the nation's minorities throughout the United States. In addition, it would undermine the public's percep- tion about the purpose and confiden- tiality of the census.

These programs are designed to encourage minority groups to re- spond to the census and that would be jeopardized if the questionnaire in- cluded a citizenship question. It is widely acknowledged that these mi- nority groups and causing illegals to avoid re- corresponding at all. This could further reduce the number of people in minor- ity groups counted, in effect, contrib- uting to the growing problems experi- enced in these historically undervalue- ed populations. Additionally, a positive public perception of the uses of the census information is vital to a com- plete, accurate count of all groups. Knowing of the confusion that would result from a citizenship question, raises more questions about the validi- ty of the information that would be collected should the amendment become law.

There is yet another problem that would result from the amendment, that deserves mention. The Census Bureau has, in preparation for the 1990 census, printed, labeled and as- sembled 106 million questionnaire packets. Those would no longer be usable. New questionnaires would have to be printed, and new packets assem- bled. To do this would be a huge addi- tional expense for the census which is already estimated to eventually cost the taxpayers of this country between $2.6 and $3 billion.

I would like to point out that the ad- ministration opposes changes in the procedures of the census count. I have received letters from the Department of Justice, and the Department of Commerce which state the administra- tion's position on this issue. Commerce Secretary Robert Mosbacher, in his letter states:

The Department of Commerce strongly believes that excluding undocumented aliens would be entirely infeasible and would considerably undermine the eff- orts being undertaken by the Bureau to assure an effective and complete count in 1990.

I am prepared to recommend to President Bush that he veto measures such as S. 848 or S. 358 that contain language that would exclude undocumented residents from the 1990 census count.

Assistant Attorney General Carol T. Crawford, in her letter, reaffirms the Justice Department's position that ex- cluding undocumented residents would be unconstitutional. I will ask that these letters be inserted in their entire- ly in the Record at the end of my remarks.

In conclusion, I believe the amend- ment to be extremely detrimental to States, municipalities, and other orga- nizations and in individuals that rely on accurate census information. Fur-
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A census of only legal residents cannot be done as accurately as a census of all residents. People who are undocumented immigrants may either avoid the census altogether or deliberately misreport themselves as illegal residents in the census. * * * Legal residents may be confused about why the government is asking whether a person is here illegally. Legal residents, therefore, may misunderstand or mistrust the census and fail or refuse to report.

And the Census Bureau is clearly not the proper agency to decide whether an alien is "in the United States in violation of the Immigration laws." Census takers are not experts on our immigration laws. Do we want part-time, one-time government employees to be the definitive immigration status? That's what the Shelby amendment would require.

Finally, the Shelby amendment is entirely inappropriate to add to this important appropriations bill. Secretary of Commerce Robert Mosbacher has recently indicated that he recommend to President Bush that he veto legislation comprising the Shelby amendment. This bill contains vital funds to fight the drug war. It should not be tied up by the inclusion of a flatly unconstitutional provision.

I urge my colleagues to vote to table the Shelby amendment.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record the two letters from the Administration opposing this amendment, including one recommending a veto of this legislation should this measure be included.

There being no objection, the letters were ordered to be printed in the Record, as follows:


Hon. JEFF BINGAMAN, Chairman, Senate Committee on Government Information and Regulation, U.S. Senate, Washington, DC.

Dear Senator Bingaman: You have requested the views of the Department of Justice concerning the constitutionality of proposed legislation excluding illegal or deportable aliens from the decennial census count. In the past, the Department of Justice has taken the position that section two of the Fourteenth Amendment which provides for "counting the whole number of persons in each State" and the original Apportionment and Census Clauses of Article I, section two of the Constitution require that inhabitants of States who are illegal aliens be included in the census count. In our review of this issue to date, we have found no basis for reversing this position.

The Office of Management and Budget has advised this Department that it has no objection to the submission of this report to Congress.

Sincerely,

CAROL T. CRAWFORD, Assistant Attorney General.
The determination of legal status among types of aliens, in many cases, requires the Census Bureau to exclude undocumented persons from the total population figures used for purposes of reapportioning the U.S. House of Representatives. I oppose this amendment because it is plainly unconstitutional, and I urge my colleagues to oppose it also.

The relevant provision of the 14th Amendment to the Constitution provides that:

Representatives shall be apportioned among the several States according to their representative numbers, counting the whole number of persons in each state.

This language is unambiguous. Previous language in the Constitution, as well as decisions rendered by the courts, have consistently interpreted this provision to require that redistricting and reapportionment are to be based on actual numbers of people or inhabitants, and not on any particular subgroup of that population such as taxpayers, citizens, or legal residents. If we indeed want to change the system by which the census is conducted with regard to the calculation of the number of persons in each State for reapportionment purposes, it is clear that we would have to amend the Constitution. The amendment being offered by the Senator from Alabama to this appropriations measure is therefore not only inappropriate because it is legislation on an apportionational measure, it is also unconstitutional.

Moreover, Mr. President, this amendment has not been considered by any Senate committee. Such a significant departure from the traditional process by which the House of Representatives is apportioned should not be taken without committee action.

While this amendment is objectionable because it flies in the face of traditional interpretations of the Constitution, there are other, more practical reasons why it should be rejected.

Dr. John G. Kean, Director of the Bureau of Census at the Commerce Department, recently testified before the House Subcommittee on Census and Population that the Bureau has not found an acceptable method of excluding undocumented immigrants from the apportionment counts. He explained that:

Proposed methods—such as including direct enumeration and estimation—would cause problems in carrying out the census and would likely introduce significant errors into the census that could affect the allocation of one or more Congressional seats.

Because of these practical problems, and because the amendment is unconstitutional, both the Department of Commerce and the Department of Justice oppose this amendment.

I would like to point out, Mr. President, that a non-citizen’s immigration status can be ascertained only through exceedingly detailed and intrusive questions which call for legal conclusions, and which cannot be verified without violating the confidentiality provisions of the Census Act. The results of a 1980 attempt by the Census Bureau to estimate the undocumented alien population are questionable because of the indirect statistical techniques which were used. Moreover, one critical piece of information used to derive the 1980 estimates—INS alien registration data—is no longer collected or is collected on a voluntary basis.

Finally, Mr. President, this amendment would be contrary to the needs of our society to determine the number of people for purposes of distributing governmental services, it is important that this data be as accurate and complete as possible.

The last decennial census recorded an overall undercount of approximately 1 percent for all persons residing in the United States. Hispanics, however, were undercounted at a rate between 5-6 percent nationwide. A 1985 mid-decennial census in Los Angeles County indicated a Hispanic undercount of 9.8 percent for that area.

While the Census Bureau is considering methods to lessen the undercount, it would be unwise for us today to adopt this amendment which will only discourage Hispanics and other minority communities from participating in the census process. Also, we should assure that those who applied for legalization under the Immigration
Reform and Control Act are encouraged to participate in the census.

In sum, Mr. President, this amendment should be rejected because it is unconstitutional, impractical, and bad policy. We should make every effort to assure that the 1990 census provides us with the most accurate and complete count as possible.

For these reasons I urge my colleagues to oppose this amendment.

Mr. BENTSEN. Mr. President, there are several strong, compelling reasons to reject this amendment.

The amendment is unconstitutional, plain and simple.

The Constitution requires that a census be taken every 10 years of all persons in the United States. Unlike other provisions of the Constitution, the requirement to count inhabitants of the United States doesn't specify sex, race, religion, or legal status. It says simply "persons." Nowadays we might not like that. It may be inconvenient. It may be politically unpopular. It may even offend some of our constituents, but none of this satisfies the test of constitutionality.

This amendment is not just of dubious constitutionality, it is patently unconstitutonal and the Senate should not be in the business of passing that kind of legislation. It does us no credit. It is not what the Senator does not like this section of the Constitution, then he ought to offer a constitutional amendment to do it, not pose an amendment to a critical appropriations bill.

The amendment would undermine an accurate census count.

Preparation for the 1990 census is well underway. The Census Bureau has long been planning it. Census forms will be mailed to us in just a few months. Census workers will take to the streets shortly thereafter.

Thousands of hours have gone into trying to iron out the wrinkles in conducting a census. Now, here we go, the U.S. Senate, undermining all of that work by adding an amendment that would—

The amendment does not say just how the Census Bureau is supposed to exclude illegal aliens. It is silent on that question.

Long after we have made our political statement here, others will have to find a way to implement what we have mandated. I do not think the Senate should further complicate that task.

The amendment is not as simple as it seems.

How is the Census Bureau to determine who is an illegal alien and who is not? Often the Justice Department has made an administrative review to determine that legal status of aliens.

Second, what do we do about people who lie about their status? Do we hold the census count until we verify legal status? Is it not far simpler to count everybody and eliminate all these questions?

There is no reason to encumber an already complicated task. Taking an accurate census is hard work, this amendment makes that harder.

The amendment forces a needless confrontation with the President.

The Census Bureau opposes this amendment. The Justice Department thinks it is unconstitutional. The Department of Commerce opposes this amendment. Secretary Mosbacher says that he is prepared to recommend to the President that he veto legislation that would exclude undocumented persons from the 1990 census count. There is no need for us to test the President on this. This is a critical appropriations bill. This amendment is legislation on an appropriations bill. It should be ruled out of order. But whether or not that happens, the Senate should not pick a fight with the administration on an issue where the Constitution is so clearly on its side.

The amendment has never found its way into law, even though attempts were made in at least four different Congresses, and courts have rejected it previously. Each time this amendment or some variation of it has come up, Congress has rejected it. It came up in the 71st, 78th, 90th, and 100th Congresses. With good reason, it never made it into law. We ought to accept that collective wisdom and reject this amendment again. Courts also have held that undocumented residents were required to be counted. The amendment makes that harder.

The amendment is unconstitutional, impractical, and bad policy.

Mr. SHELBY. Mr. President, I yield 5 minutes to the distinguished Senator from Utah (Mr. HATCH).

Mr. HATCH. I thank my friend from Alabama. I appreciate his yielding to me.

I have to say, having listened to my distinguished colleague from Massachusetts, it is wonderful to see him so concerned about the original meaning of the Constitution.

In fact, I think he may become an interpretist yet instead of the interpretation that he has been up to now. I think it is a good sign when we have someone who is so high up on the Judiciary Committee interpreting on what the Constitution must have originally meant. I think if he had that philosophy earlier, then Robert Bork would be sitting on the Supreme Court.

The issue here is what is the meaning of "whole number of free persons" within article 1, section 2. There is no evidence to support the proposition that the Constitutional language means, or was intended to mean, that the mere presence of a person within a State on the day of the census should necessarily result in such persons being counted as among "the persons in" that State for purposes of determining the State's "number" for apportionment.

Otherwise, a resident of Virginia temporarily visiting New York on the day of the census would have to be counted in the population of New York for that apportionment purpose.

That is, under this argument, the Census Bureau would be constitutionally prohibited from creating an exception for "temporary visitors" just as it is prohibited from creating an exception for illegal aliens.

No census has ever been conducted on the basis that every person physically present in the State on the day of the census is to be counted. There is strong evidence as to how the language has always been understood.

Under the opponents' argument, foreign diplomats living on embassy grounds and foreign tourists would have to be counted. And the Constitution is silent on its logical extent, to an occupying army would qualify. The Census Bureau has made an exception for foreign diplomats without any additional constitutional authority. There is no reason that the Congress cannot order the Census Bureau to exempt illegal aliens as well. And there is every reason to do so. It is right to do so. It is constitutional to do so. It is appropriate to do so.

And the distinguished Senator from Alabama is acting very appropriately in bringing this amendment to the floor. It is well established that illegal aliens can be treated differently from other aliens. According to the case of Federation of American Immigration Reform v. Klutznick, 486 F. Supp. 584, 576 (D.D.C. 1980), illegal aliens were not a component of the population at the time that the Constitution was adopted. They simply were not provided for. Congress can now make any rational basis provision for them that the Congress decides to do.

This amendment by the distinguished Senator from Alabama is not only appropriate, but it is something that should be done and we ought to clarify that now. We have the power to do it as a Congress, and the Constitution grants and provides that power.

So those who are concerned about original meaning ought to read the Constitution. We all ought to be concerned about original meaning. But after all, if we go by the original meaning of the Constitution, what we are doing is writing our own constitution rather than living in accordance with the basic law of the land. We should abide by the law and not by our esoteric view of what we think the law ought to be when it has no relationship to the underlying language there.

I yield the floor.
Mr. SHELBY. Mr. President, I ask unanimous consent that Senator Nickels, of Oklahoma, be added as a co-sponsor of my amendment.

The PRESIDENT OFFICER. Without objection.

Mr. BINGAMAN. Mr. President, I yield 4 minutes to the distinguished Senator from New York.

Mr. MOYNIHAN. I thank the distinguished chairman.

Mr. President, I rise today, as I did on July 13 to make two points, the first of which has been made very forcefully, eloquently, and accurately, that this amendment is unconstitutional. I would prefer, frankly, that we move a constitutional point of order to have the Senate so determine.

The Constitution is elemental. It begins with Article I, section 2. Section 2 states: "Representatives and direct taxes shall be apportioned among the several states * * * according to their respective numbers." If anyone would like to know the original purpose of the authorizing act of March 1, 1790, it is called "An Act providing for the enumeration of the Inhabitants of the United States." Section 1 states: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts to be taken.

I ask unanimous consent the text of the statute be printed in the Record at this point:

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

[By Authority of Congress]

THE PUBLIC STATUTES AT LARGE IN THE UNITED STATES OF AMERICA, FROM THE ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1835

STATUTE II. MARCH 1, 1790.

Chap. II.—An Act providing for the enumeration of the Inhabitants of the United States.

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts to be taken.

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

[By Authority of Congress]
shall be an inhabitant of any district, but shall be on the said first Monday in August, which is allotted for the heads of families, without a settled place of residence, shall be, and hereby is, obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiture twenty dollars, to be used and recovered by such assistant, the one half for his own use, and the other half for the use of the United States.

Sec. 3. And be it further enacted. That each assistant shall, previous to making his return to the marshal, cause a correct copy, signed by himself, of the schedule, containing the number of persons within the division, to be sent up at two of the most public places within the same, there to remain for the inspection of all concerned; for which purpose the said assistant shall be entitled to receive two dollars, provided proof of a copy of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal, he shall forfeit the compensation by this act allowed him.

Approved, March 1, 1790.

EXCEPTIONS

(a) Historical fact. The historical fact of enactment, amendment, or repeal should be cited to the session laws. A parenthetical reference to the current version (see rules 12.6.2 and 12.7) may be added:


(b) Materially different language. If the language in the current code (including its supersession) differs materially from the language in the session laws, and the relevant title has not been enacted into positive law, cite the session laws. A parenthetical reference to the code version, introduced by the phrase "codified with some differences in language at" may be given. If differences in the language merely reflect subsequent amendments, however, cite to the current code.

A current list of federal code titles that differs materially from the reference to the current version (see rules 12.6.2 and 12.7) may be added:

12.6.2 and 12.7) may be added:


And be it further enacted, That Mr. MOYNIHAN, Mr. President, I make a second point. It did not arise to constitutional consequence, but it has consequences for this Nation. It happened to me which has the oldest set of national statistics on Earth. Because we have enumerated the house by means of the census, we have known about ourselves in the most extraordinary detail for two centuries. The census has always been confidential. It has always been absolutely nonpolitical. And it has always been trusted everywhere. Begin to tamper with it for purposes of districting between States and things like that, begin to invite people to tell things that are not so, begin to raise the question of whether this is a census of a kind you might have gotten in the night in totalitarian nations or nations with something to hide, and you squander a legacy of two centuries. You invite the disdain of the economic professions, the social professions, the business community, everybody.

I was once Assistant Secretary of Labor for Policy Planning and Research in the administrations of President Kennedy and President Johnson. And I heard a lot about this problem last summer from the census to tell us what the unemployment rates were, and to tell us the data on the basic movements of this society. If anybody ever thought we were fiddling with those numbers, a measure of confidence would drain out of this society which you do not get back. I am surprised that the Senate might do it. And I hope it will not.

Mr. President, I thank the chairman of the committee for his valued position.

Mr. SHELBY Mr. President, I yield 5 minutes to the distinguished Republican leader, the Senator from Kansas [Mr. DOLE].

Mr. DOLE Mr. President, I rise today to express my support for the amendment offered by my distinguished colleague from Alabama, Senator SHELBY, and my colleague, the distinguished colleague from North Carolina, Senator HELMS.

I think we are all familiar with the problem of illegal immigration. We heard a lot about this problem last July when we passed the immigration bill under the able leadership of Senators KENNEDY and SIMPSON. But we do not have to compound the problem. We do not have to compound this problem by mindless lumping of millions of illegal aliens in the 1990 census. We do not have to compound this problem by ripping off the States, some of whom will lose congressional seats because of the inclusion of illegal aliens in the census.

Unfortunately, the established policy of the Census Bureau is to count every person in this country without making a single adjustment for illegal aliens. The Census Bureau intends to continue this policy through 1990.

With all due respect to the Census Bureau and their many fine people working there, I believe that this policy simply does not make any sense. It violates the constitutional principle of one man-one vote, and is just plain unfair to most Americans who live here in this country and live here legally. That is what it is all about.

Last July Senator SHELBY and HELMS offered an amendment to the immigration bill that provided a simple and straightforward solution to this problem. The amendment which, if passed by the Senate, requires the Secretary of Commerce to use tabulating procedures that are both feasible and appropriate to ensure that illegal aliens are not counted in the census for purposes of reapportionment. There is a sound solution that would restore some fairness to the census and reapportionment process.

But what happened? The House has not acted on the immigration bill, and time is running out. As the distinguished Senator from Alabama aptly pointed out, if we do not act now, Congress will not have the opportunity to correct the census problem until the year 2000. We cannot afford to wait that long.

So again I want to reaffirm the views I expressed in the Senate last July and commend the Senator from Alabama for his leadership. I hope we can prevail again today. We should. It is the same vote, it is the same issue, it is the same problem. I believe the Senator from Alabama is eminently correct in this situation. I yield.

Mr. BINGAMAN, Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. SIMON. Mr. President, my colleagues, I am in the unusual position of speaking in behalf of the administration while my friend, Senator DOLE, is speaking on the other side. That does not happen very often.

The Constitution is clear. The argument of my good friend from Alabama is not with Paul Simon or the Bureau of the Census. His argument is with James Madison. His argument is with the Constitution. The original Constitution called for the census of the whole number of free persons, and then article 14 came along, and in the second sentence it talks about citizens and the rights of citizens. Then in the third sentence, in amendment number 14, it talks about counting the whole number of persons in each State. Clearly, the 14th amendment makes a distinction.

Then I heard my friend from North Carolina, Senator HELMS, say we would not let illegal aliens vote. As a matter of fact, in our States originally—I am not sure about the newer States like New Mexico—but in Ten-
nessee and Illinois we permitted illegal aliens to vote. We, in Illinois, permitted local governments to declare any man or woman, male, you could vote. If you were black, Indian, or a female, you could not vote. Now, that is part of our history. It may not be a part of our history that we like, but it is part of our history.

Very clearly, those who wrote the Constitution wanted all people who lived here, all inhabitants, to be represented. The question is whether we are going to live up to the spirit of the Constitution, and I hope we will.

Mr. SIMON. Mr. President, I oppose this amendment because it is unconstitutional, unworkable, and unwise.

This amendment directs the Census Bureau to act in an unconstitutional manner by excluding undocumented aliens from the count. The Constitution explicitly directs that apportionment be based on the number of persons, not the number of citizens or legal residents. Where the framers intended to make an exception, they said so explicitly. Thus, Indians were included. The question is whether we are going to be considered citizens or legal residents. Where the framers were specific, they were explicit. The Indians were included. The question is whether we are going to be considered citizens or legal residents. Where the framers were specific, they were explicit. Thus, Indians were included. The question is whether we are going to be considered citizens or legal residents. Where the framers were specific, they were explicit. Thus, Indians were included.

We cannot turn persons into nonpersons by senatorial legerdemain. The Constitution directs the Census to count the number of people. The only way to change that is to amend the Constitution. That is the opinion of a wide variety of scholars who have researched the topic, including the Congressional Research Service, the Census Bureau, the Department of Justice, the Illinois House of Representatives, and the city of Chicago, the ACLU, the American Immigration Lawyers Association, the Organization of Chinese Americans, the Asian Pacific American Legal Center, the Mexican American Legal Defense and Educational Fund, the Southwest Voter Education and Registration Project, and the Mexican American Legal Defense and Educational Fund.

Aside from being unconstitutional, this amendment would prove unworkable. The Director of the Census Bureau stated last year that, "We have not found an acceptable method to do this. If you were a man, a woman, or a female, you could vote. If you were black, Indian, or a female, you could not vote.

The Director also said last year that there was not enough time to implement this change for the 1990 census. Now, a year later, that task would be even more difficult. A task that is already difficult to accomplish accurately is made even more difficult by time pressure.

This proposal is also unwise. It would undermine the accuracy of the count of Hispanics and other minority immigrant communities. Census Bureau employees would be unable to determine if all eligible persons had responded to the questionnaire, since they would be forced to determine whether the persons were undocumented or not. Hispanics are already undercounted at a rate five to six times that of the overall population. Since the census data is also used to redistrict State and local governments and to plan for local social and governmental services, it is important for it to be as complete and accurate as possible.

Some legislators have argued in favor of this amendment by pointing to the present method of measuring population that would result from it. This issue, however, is too important and too politically sensitive to be resolved by our own parochial self-interests as legislators. We must heed the Constitution, rather than the cries of those who would seek political advantage.

Because I believe this amendment is unconstitutional, unworkable, and unwise, I will be voting against it. I urge my colleagues to do the same.

I yield back the remainder of my time from the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from California (Senator Wilson).

The PRESIDING OFFICER (Mr. GORE). The Senator from California.

Mr. WILSON. Thank you, Mr. President. Mr. President, not only is the Shelby amendment unconstitutional, it is unfair. Those States that have suffered an enormous impact of illegal immigration, massive illegal immigration. Those States, presumably, were taken care of by the Immigration Reform and Control Act which foresaw the need to reimburse local governments for the massive new costs that they were experiencing, as they sought to accommodate these new citizens who were to be legalized under that act.

Mr. President, what happened, in fact, is that the so-called SLIAG Program has become a target. For good purposes to be sure, whether to finance the war on drugs or to help the AIDS victims or otherwise, the SLIAG Program has been seen as a pot of money up for grabs, a real grab bag. It was envisioned very clearly as a 7-year program, a program that would not be a reserve fund that would actually be drawn down until the latter years of that 7-year period as, in fact, the legalization occurred.

One of the problems is that the costs to those States that are experiencing this surge in population, be it legal or illegal, has been enormous. In my State, healthcare alone has been impacted dramatically. The cost of uncompensated care has skyrocketed, closed clinics, forced closing of some hospitals.

Mr. President, Congress has not delivered upon its promise to those States experiencing this impact. So it is essential that we maintain the status quo in terms of the fairness of the present method of measuring population, because it impacts a great deal more than reapportionment, and that may be the major desire of my friend from Alabama, but it is not the effect.

Mr. President, the Shelby amendment, however well-intended, is not only unconstitutional, but unfair, and it should be defeated.

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

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute 45 seconds remaining.

Mr. BINGAMAN. Mr. President, I yield 1 minute 30 seconds of that time to the Senator from Florida (Mr. GRAHAM).

Mr. GRAHAM. Thank you, Mr. President. I wish to associate myself with the remarks that have been made by Senator BINGAMAN and the others in opposition to this amendment, and to add this: We are talking about a provision of the Constitution that relates to the counting of persons at the time of the census.

There is another provision of the Constitution which I would like to bring to the attention of the Senate, and that is the provision which is contained in article 1, section 8; that portion of the Constitution, which assigns to the Federal Government those responsibilities which had previously been the power of the Thirteen Original Colonies that will now become the exclusive jurisdiction of the new Federal Government under the Constitution.

One of those provisions is that the Federal Government shall have the exclusive power to establish a uniform rule of naturalization. By that delegation of power, the States essentially have said that the Federal Government will have the sole responsibility for the protection of our borders, for the determination of who shall enter,
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and for the enforcement of those standards.

What has happened, colleagues, is that that enforcement process has, in many areas, collapsed. In my community alone, where we have had periods where tens of thousands of illegal aliens entered in a period of weeks.

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

Mr. GRAHAM. To ask in conclusion, Mr. President, that these States which have already suffered so much by the dereliction of the Federal Government enforcing its immigration policy should now pay again, by not having these individuals counted is unfairness upon unfairness. Thank you.

The PRESIDING OFFICER. The Senator from New Mexico has 15 minutes remaining.

Mr. SHELBY. I yield 1 minute to the distinguished senior Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I think the Senator is yielding. Mr. President, when the majority was on this side of the aisle a few years ago, I had the responsibility of chairing the subcommittee that had jurisdiction over the census. We had a hearing on this subject. I introduced a bill similar to the bill introduced by my friend from Alabama. What came out at that hearing was that if illegal aliens had not been counted in determining representation in Congress after the 1880 census, the State of Georgia would have had an additional member of Congress. The State of Indiana would have had an additional member of Congress. Those members would have been taken from New York and California.

This whole debate, really, is rather amusing, with all the talk about the technical reasons why this ought to be ruled out. I am not sure what the bottom line is? Illegal aliens ought to be deported. Illegal aliens ought not to be entitled to representation in Congress just because it adds dollars to the programs in States with a lot of illegal aliens. I sympathize with your problem, but that is not an excuse to reject the Shelby initiative.

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

Mr. SIMPSON. Mr. President, I do wish to offer my comments on Senator Shelby's amendment to the Commerce, Justice, State appropriations bill which would bar the Census Bureau from counting illegal aliens when apportioning seats in the House of Representatives.

This amendment was accepted on the illegal immigration bill earlier this summer. S. 358, after it survived a tabling motion and a constitutional point of order. I did also support the amendment at that time.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARRINGTON], the Senator from Missouri [Mr. BOND], the Senator from Missouri [Mr. DANFORTH], the Senator from Missouri [Mr. GORMAN] and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

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

Mr. SHELBY. At this time, I wish to ask the Senator from New Mexico, if I have a few minutes and he has a few seconds left, I am willing to yield back my time, and we can move on. The Senator says he is going to move to table my amendment. I ask the Senator from Alabama [Mr. BINGHAM] to yield back my time.

Mr. BINGHAM. I am pleased to yield back my time, and I move to table the amendment at this time.

Mr. SHELBY. I yield my time back. The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the motion to table the amendment numbered 900.

Mr. BINGHAM. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

The result was announced-yeas 41, nays 50, as follows:

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The Constitution does say that we should count "persons," not just citizens or legal residents when conducting the census. However, I do not believe that the framers of the Constitution ever conceived of illegal immigration in 1790, nor do the framers of the 14th amendment familiar with such a phenomenon—just did not have illegal immigration in those days, except of course, in the wretched case of slavery itself...

Should we be counting people whom we do not wish to enter? These people cannot vote, yet should we then include them when we apportion seats in the House? I think it really strains all logic to do so.

In addition, no court has conclusively ruled on this point. Most lawsuits have been thrown out for lack of standing or other technical reasons, without the merits of the constitutional issue ever being reached. I think that we should give the courts an opportunity to address this issue conclusively. Until then, however, it seems to me simply an effort in good public policy to limit the number of persons who are counted for apportionment purposes to only citizens or persons otherwise legally admitted to the United States.

Mr. President, I think we should resolve this issue, and that it should be done either on this bill or S. 358, to which the amendment is also attached. Let us go forward with this issue as swiftly as possible.

Mr. SHELBY. At this time, I wish to ask the Senator from New Mexico, if I have a few minutes and he has a few seconds left, I am willing to yield back my time, and we can move on. The Senator says he is going to move to table my amendment. I ask the Senator from Alabama [Mr. BINGHAM] to yield back my time.

Mr. BINGHAM. I am pleased to yield back my time, and I move to table the amendment at this time.

Mr. SHELBY. I yield my time back. The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the motion to table the amendment numbered 900.

Mr. BINGHAM. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays have been ordered on the motion to table the amendment of the Senator from Alabama.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BURR], the Senator from Connecticut [Mr. DODD], and the Senator from Hawaii [Mr. MATSUAMA] are necessarily absent.
Judiciary Appropriations Subcommittee and particularly to Chairman Hollings, for recognizing the severe dislocation that threatens this small, North Carolina county.

Haywood County will lose 1,000 jobs due to a landmark decision by the Environmental Protection Agency. The Courtyard Motel Corp., mill in Canton, NC will be making massive layoffs in order to comply with water quality standards downstream on the Pigeon River, on which the plant is located. This situation is unique, in that the standards in question—which are for water color, not toxics—are not specific to North Carolina or to EPA, but are standards set by the State of Tennessee. To my knowledge, this is the first time that a community has suffered severe economic disruption in order to meet environmental standards in a neighboring State.

To compound matters, Haywood County will lose 343 additional jobs due to layoffs at Dayco Products, the county’s second largest employer. All together, the county stands to lose some 30 percent of its manufacturing jobs and 16 percent of its total employment. The tax base of the county will be impacted severely, and the ripple effect throughout western North Carolina and even eastern Tennessee is expected to cost the region’s economy $150 million a year.

The county workers who will lose their jobs will not easily find work in western North Carolina, particularly skilled jobs paying the type of wages to which they are accustomed. The County has worked to start and attract new businesses, but has found certain essential infrastructure, primarily water and sewer, to be lacking. The good people of North Carolina, however, have not given up hope. They have banded together as never before to plan for the future. Haywood County leaders have formed a group of business, governmental, and community leaders to develop an economic adjustment strategy effort (EASE), with expert assistance provided by the State and by the local Economic Development Commission. The group’s seven technical committees have worked diligently over the past year to develop recommendations in a broad range of areas and identified the county’s most pressing need as infrastructure development.

Along with other members of the North Carolina and Tennessee delegations, I have worked for 2 years to try to find a reasonable compromise on this matter, so that the Pigeon River could be cleaned up without a massive job loss. I think we were all disappointed that such an agreement was not possible, but I find a great deal of hope in this appropriations bill.

Judiciary appropriations bill which recognizes the unique and devastating situation facing Haywood County and urges the Economic Development Administration to address the severe economic dislocation. I am also pleased that the committee substantially increased funding for EDA’s title IX program which includes funding for economic adjustment strategy efforts. It is my hope that through these actions Haywood County will receive the priority attention that it deserves from EDA.

Mr. President, I would like to engage the manager of the bill, the distinguished Senator from South Carolina, in a brief colloquy. As I have just described, Haywood County is faced with severe job loss due to the environmental regulations of a neighboring State. It is my understanding that the Economic Development Administration’s title IX program for Special Economic Development and Adjustment Assistance is designed to “meet special needs arising from actual or threatened severe unemployment arising from economic dislocation, including unemployment arising from actions of the Federal Government and from compliance with environmental requirements which remove economic activities from a locality * * * and to encourage cooperative intergovernmental action to prevent severe economic adjustment problems.” Is this the proper interpretation of the statute?

Mr. Hollings. The Senator from North Carolina is correct.

Mr. Sanford. The economic situation facing Haywood County fits the criteria of the title IX program perfectly. The county will suffer severe unemployment from economic dislocation arising from compliance with environmental requirements. Moreover, Haywood County has worked to form a public-private, intergovernmental strategy effort to combat the economic problems it faces, and EDA can provide substantial assistance in this effort. Do you agree that EDA, and particularly the title IX program, is well-suited to address the problems in Haywood County?

Mr. Hollings. I agree with the Senator from North Carolina.

Mr. Sanford. Haywood County will suffer this severe dislocation to meet the environmental standards of another State. Because of the interstate aspects of this situation, the need for a Federal role in helping the community to adjust would appear to me to be especially compelling. Would the Senator agree that this is a factor that should be considered?

Mr. Hollings. The Senator from North Carolina is correct.

Mr. Sanford. To my knowledge, this is the first time that a community has suffered severe economic disruption in order to meet environmental standards in a neighboring State. I am particularly concerned at the severe job loss due to this action by the Environmental Protection Agency.

The Rosenstiel School of Marine and Atmospheric Sciences at the University of Miami is correct that this subcommittee does not have sufficient resources to provide third-party review at this time. I will, however, review this issue during the conference. I understand the House supports continued funding. In any case, the subcommittee’s recommendation is not intended to prejudice our decision about fiscal year 1991 funding for the project.

Mr. Graham. I am very appreciative of your consideration and assistance on this matter and so many others. I look forward to working with you to ensure the continuation of this valuable project.

1990 Census

Mr. Bingaman. I would like to engage the distinguished chairman of the subcommittee in a brief colloquy, if I may. As the chairman knows, during the coming fiscal year the...
Mr. BINGAMAN. I thank the chairman for his kind words and for his clarification.

NATIONAL JUDICIAL COLLEGE

Mr. BRYAN. Mr. President, if I may engage my distinguished chairman in a colloquy regarding an important institution in the National Judicial College in Reno.

Mr. President, as my colleague from South Carolina knows, the National Judicial College was founded in 1963 by the American Bar Association and Supreme Court Justice William O. Douglas as a training center for resident education and training courses for judges of all types from all States, as well as judges from 112 foreign countries.

Approximately 60 resident courses of 1 to 4 weeks duration are offered throughout the year and extension programs for the States in association with State supreme courts, judicial organizations, and law schools. Tuition paid by the participants provides 40 percent of the National Judicial College's budget. An annual fund drive, with contributions from corporations and individuals, along with indirect costs recovered from Federal training program grants, produces another 30 percent.

The remaining 30 percent needed for operations has come from a number of large foundation grants over the years. Currently, the needs are met by grants from the MacArthur Foundation, the Ford Foundation, the Carnegie Corporation, and the John D. and Catherine T. MacArthur Foundation. Unfortunately, both these funds are diminishing and are scheduled to terminate in 1991. Without a new source of revenue for operations, the National Judicial College will face severe budgetary difficulties in the near future. With donations and an appropriation from the Nevada State Legislature, the National Judicial College will have some funds under the 1990 budget and the National Judicial College, which has served over 18,000 judges nationwide, will still be short $1 million for operations next year.

It has come to my attention, my good friend from South Carolina, that the House Commerce, Justice, State, and Judiciary appropriations bill includes report language that the committee expects the State Justice Institute to give full consideration to an application for grant operations to the National Judicial College.

Mr. President, since this institution performs such a vital national function, especially in the Nation's efforts to curb the spread of illegal drugs in our society, I would like to request that my distinguished chairman agree to work with me during the conference to appropriate $1 million for the National Judicial College from the State Justice Institute for an operations grant to the National Judicial College. One that would not jeopardize the important training grants already received from the State Justice Institute.

Mr. HOLLINGS. Mr. President, I respond to my good friend from Nevada, that I am aware of the good work performed by the National Judicial College. Many State court judges from South Carolina have received instruction from the college. I will work closely with him when we go to conference and will do all I can to allocate $1 million for the operations grant to the National Judicial College.

IMMIGRATION-RELATED DISCRIMINATION FUNDING

Mr. KENNEDY. Mr. President, if I may address the managers of the bill.

As the managers know, the Senator from Wyoming and I intended to offer an amendment to earmark $3 million for a much-needed public education campaign to prevent immigration-related discrimination.

Unfortunately, due to the fact that we ran out of money before levels already under this bill, this amendment is not possible at this time.

It is still my hope that the Attorney General can come up with the needed funding. But Senator Cranston and I wrote to the Attorney General about this in May, and to date that funding has not been made available.

I know the managers of the bill appreciate our goal. And I would like to ask the managers if they will make their best efforts to locate funding in conference of at least $1 million for this purpose, preferably for use by the Justice Department's Office of Special Counsel for Immigration-related discrimination.

Mr. SIMPSON. If the Senator will yield, I too wish to join in the request to the managers.

I believe that preventive medicine is the best medicine, and we have before us the opportunity to ensure that U.S. employers are aware of the rules regarding employer sanctions and antidiscrimination.

I would respectfully request that the Senate managers of the bill use their best efforts in conference to locate $1 million for the Office of the Special Counsel for Immigration-Related Unfair Employment Practices.

Mr. HOLLINGS. Our committee report urges the Attorney General to come up with the funding and I assure the chairman and ranking members of the Subcommittee on Immigration and Refugee Affairs of my commitment to try to obtain the necessary funding in conference.

Mr. RUDMAN. I also wish to assure the Senator from Massachusetts and the Senator from Wyoming of my best efforts in conference to pursue the needed funds.

Mr. KENNEDY. Mr. President, by way of background on this subject, let me say that when Congress passed the
Immigration Reform and Control Act of 1986, under the leadership of its chief sponsor Senator Simpson, it made it unlawful in this country to discriminate against any the 1986 act. We were presented with the real prospect that certain employers, not wanting to risk the new fines, would turn away "foreign-looking" or "foreign-sounding" job applicants—even though such applicants may in fact be American citizens or legal residents.

We made such actions illegal and we established a special counsel within the Justice Department to handle these particular discrimination complaints.

Mr. President, the Office of the Special Counsel is now up and running and has succeeded in settling or litigating a large number of the complaints it has received.

But a crucial mission which of the law has sought to perform has never been funded. And that mission is to broadly inform employers of their new obligations under the law and workers of their right to pursue these new discrimination claims.

For the past 2 years, the Justice Department has requested funding for public education in this area, but we have never seen fit to provide it. So the Office of Special Counsel and the Immigration and Naturalization have commendably placed together a patchwork program of public education out of the few resources they could muster.

This neglect to provide the needed funding is beginning to show. The General Accounting Office presented Congress last November with the results of its study of employer compliance with the new law. GAO found widespread ignorance or misunderstanding. For example, one of every six employers in GAO's survey indicated that since passage of the 1986 act they had begun either requiring only foreign-looking persons for authorizing documents, or (2) asking only "foreign-looking" persons for work authorization documents, or (3) requiring only U.S. citizens or other eligible workers. In its second annual report the GAO found that:

Of the estimated 4.2 million employers in the key population, we were not aware of IRCA's sanctions provisions. For those aware of the law, as many as 20% did not clearly understand its major provisions; and of the 3.3 million who had heard of IRCA, one of six, or as many as 528,000 had begun or increased the practice of (1) asking only "foreign-looking" persons for work authorization documents, or (2) hiring only U.S. citizens; 248,000 (or 15%) of those surveyed were unclear about the penalties for employers who discriminate;

Of 81 state and local agencies that enforce antidiscrimination laws, 19 are generally unfamiliar with IRCA's antidiscrimination provisions and 44 had not received information about the Office of Special Counsel's forms used in filing a charge;

As of September 19, 1988, the Office of Special Counsel had received 456 more complaints of discrimination than it had initially anticipated.

According to the Office of Special Counsel, its FY 1989 operating budget is 12% lower than that of the previous year, and does not provide adequate staffing for the current workload.

The evidence found by the GAO confirms previously reported incidents of discrimination by the Chicago Commission on Human Relations, the State of Illinois, the New York State Assembly Task Force, the New York Governor's Task Force, and other public and private agencies.

Despite the above evidence, the GAO report asserts that there is no pattern of discrimination caused by employer sanctions. We choose to dispute that conclusion for several substantive reasons. The most significant of these is the finding that one in six employers surveyed has acknowledged discriminatory hiring practices. The GAO's claim that there is no pattern of discrimination is based largely on the fact that Congress failed to provide the GAO with a definition of what constitutes discrimination for purposes of their three annual reports.

The survey shows that employers are engaging in discriminatory practices on a substantial scale. Furthermore, the GAO found that levels of unfair hiring practices were related directly to employers' knowledge of IRCA's enforcement powers. In other words, the businesses that did not fully understand IRCA were the same ones most likely to discriminate.
CONGRESSIONAL RECORD—SENATE

September 29, 1989

As you will recall, the INS devoted several months of its first year of implementation to a public education campaign on the use of the I-9 employment verification form. Since there is substantial evidence that employers are not yet adequately informed of their responsibilities, not to discriminate, and education phase is obviously needed.

The effective implementation of such a public education campaign calls for a moratorium on the enforcement of civil and criminal penalties under employer sanctions, as well as the record-keeping requirements of the sanctions provisions. Failure to implement such a moratorium would only guarantee the perpetuation of immigration-related employment discrimination in a manner prohibited by Section 274B of the Immigration and Nationality Act and other federal laws, including Title VII of the 1964 Civil Rights Act.

CONCLUSIONS

There is no little doubt that employer sanctions are causing alarmingly high levels of employment discrimination. It is also clear that such discrimination will not be eliminated or reduced simply through the continuation of current policies and practices. We believe strongly that all persons should be protected from unlawful discrimination and that the Department of Labor to help distribute "Your Job and Your Rights." The INS plans to distribute this brochure to every alien who is eligible for protection for discrimination issues. We appreciate the work of such groups, and we seek participation in their efforts.

The mass media has been used to convey our message. The INS and the OSC produced radio and television public interest spots featuring Jimmy Smits, who plays the lawyer "Puentes" on the "L.A. Law" television series. Mr. Smits, by the way, donated his time and labor. These spots, which ran on radio and television stations throughout the country, urged viewers who believe that they might be victims of discrimination to call the OSC's toll-free number. They were broadcast in English. The OSC was flooded with calls after they ran. Because of the success of this effort, a second public service announcement with another entertainment star is planned.

The INS and OSC have recently introduced an educational handout for employers, which will be distributed by the INS to the Department of Labor during educational visits and I-9 inspections. The OSC's toll-free number has been included in such educational materials concerning I-9 requirements, such as posters and handbooks. The INS has instituted a service-wide program to educate its staff on IRCA's anti-discrimination requirements. This program includes videotape presentations and related educational materials.

The OSC has conducted a series of mass mailings to state and local human rights agencies, qualified designated entities, unions, legal aid offices, and public interest groups, providing a brochure entitled "IRCA's anti-discrimination prohibitions and forms for filing charges with the Office."

20% of all employers surveyed did not understand the major provisions of IRCA, it is reasonable to infer that the actual level of discrimination is likely to be even greater than the already alarming levels indicated in the GAO report.

Moreover, in spite of Congress' attempt to enact a meaningful antidiscrimination provision, it appears that many of the loopholes remain. For example, IRA's citizenship status protections apply only to those aliens who qualify as alien workers. This is a narrowly defined category under IRA that only extends to legal permanent residents, political refugees, asylees, and certain persons who obtained legal status under the amnesty program. Many persons are left unprotected, including those who obtained legal status under the Special Agricultural Worker program.

Congress clearly intended these people to become members of U.S. society. It is therefore unacceptable that they not be covered by IRA's protections against discrimination. Because this group and others are not protected by the citizenship status antidiscrimination provisions, the methodology employed to establish underreporting of claims made by victims of discrimination. To maximize scarce resources, OSC should establish a comprehensiveness campaign within EEOC.

The development of a comprehensive public education campaign on the antidiscrimination provisions of IRCA is underway. The GAO report suggests that the Special Counsel be directed to develop, in conjunction with other federal agencies including EEOC, INS, and DOL, a coordinated strategy to educate the public about IRCA's antidiscrimination provisions, as well as an implementation plan and budget proposal for the federal government.

In addition, the report indicates that a more coordinated federal effort would make employers less likely to engage in unfair employment practices. The report suggests a return to the education and education phase of employer sanctions/antidiscrimination implementation.
The OSC has worked to make the charge filing process as simple as possible. When it found there was confusion over whether to file charges with the EEOC or the OSC, an agreement was reached between those two offices, under which each serves as the other's agent for receiving charges. This agreement eliminates the danger of loss of rights by delaying charging parties who file with the wrong office and miss the filing deadlines.

We believe there was confusion over whether to file the Declaration of Intending Citizen form with the INS or with the OSC. Again, we acted to simplify the process. Under an agency agreement between the INS and OSC, it is now permissible to file the Declaration with either.

We believe it is important to point out that most of these educational efforts were carried out after the GAO had distributed its survey questionnaire, in November 1987. It is certainly reasonable to expect that the results would be different if the survey were conducted today.

With regard to employer sanctions, it would not be appropriate to return to the citation phase in light of the current legislation; however, you may be assured by the conclusion of this session that sanctions by which education will continue to be an integral part. Note that INS offices do exercise discretion and still often issue a warning before issuing a fine, particularly if a prior educational visit had not taken place.

Nevertheless, we all agree that even more needs to be done. This will be an opportune time for you to give your suggestions on how to better educate employers and the general public on the anti-discrimination message and on the incidents of discrimination reach the proper forum.

Both of us look forward to the meeting scheduled with you and your colleagues on June 7, 1988 to discuss how to improve our education efforts and to discuss other IRCA related matters of mutual interest. We appreciate your interest in this matter and trust this response demonstrates that our commitment to eliminating employment discrimination goes beyond a formal statement.

Sincerely,

ALAN C. NELSON
Commissioner, Immigration and Naturalization Service

WASHINGTON, DC, February 6, 1989

HON. RICHARD L. THORNBURGH
U.S. Attorney General, Department of Justice

WASHINGTON, DC

Dear Mr. Attorney General: Thank you for your assistance in arranging a meeting with representatives of the Department of Justice and other federal agencies to discuss enforcement of the antidiscrimination provisions of the Immigration Reform and Control Act of 1986 (IRCA).

On March 6, 1988, representatives of our respective organizations met with Alan C. Nelson, Commissioner, Immigration and Naturalization Service; Lawrence J. Siskind, Special Counsel, Office of Special Counsel, Department of Justice; John R. Schroeder, Assistant Commissioner of the INS, Employer and Labor Relations; and representatives from the Employment Opportunity Commission, the Department of Labor, and the General Accounting Office. The meeting was a very useful beginning and we are encouraged by the cooperative effort to address problems of employment discrimination under IRCA.

As you know, the meeting was the outgrowth of an exchange of correspondence between us concerning the findings of the Second Annual Report (November 1988) from the General Accounting Office of the enforcement of employer sanctions and the related problem of employment discrimination. You will recall that the GAO had found, among other things, that of the 3.5 million employers in this country who had heard of IRCA, one in six, or as many as 528,000 had begun or increased the practice of (1) asking for personal and financial information for work authorization documents, or (2) hiring only U.S. citizens; 248,000 (or 15%) of those surveyed were unclear about the penalties for employers who discriminate.

We are pleased that you share our concerns about employment discrimination and the enforcement of the antidiscrimination provisions of IRCA. As Commissioner Nelson and Special Counsel Siskind indicated in their letter to us dated January 19, 1989, we agree that there is no need to dispute that threshold of discrimination constitutes a "widespread pattern of discrimination," and that even a single case of discrimination reveals the reality of the situation. We have asked for a report which careful analysis of the GAO report clearly indicate to us that discrimination is occurring on a massive scale. We continue to feel strongly that immediate responsive steps must be taken to alleviate this very serious problem.

The Nelson-Siskind letter was particularly helpful in indicating that the education efforts already undertaken by the INS as part of its public education activities in the area of employer sanctions enforcement. As we understand it, Assistant Commissioner Schroeder and his staff have also designed an additional public education campaign focusing on the antidiscrimination provisions of IRCA. As we understand it, the final phase of the outreach campaign implemented by the INS and community agencies for the closing months of the legal assistance program.

Legal Services Corporation Representation for Newly Legalized Persons.-We urge the Department of Justice to support the provision of Legal Services Corporation representation to newly legalized persons. As you know, the Legal Services Corporation has proposed restricting such services for a period of 5 years. We believe that this proposal is unconscionable; it would deny persons particularly vulnerable to discrimination access to a means of legal redress.

We appreciate your concern and attention to this critical matter, and we respectfully request your consideration of these recommendations. Our organizations have already prepared a plan to assist in resolving problems associated with IRCA-related employment discrimination. Thank you for your consideration of these views.

Sincerely,

COUNCIL FOR IMMIGRATION RELATED UNFAIR EMPLOYMENT PRACTICES

WASHINGTON, DC, April 4, 1989

CHARLES KAMASAKI
National Council of La Raza

U.S. DEPARTMENT OF JUSTICE, SPECIAL COUNSEL FOR IMMIGRATION RELATION UNFAIR EMPLOYMENT PRACTICES

WASHINGTON, DC

Dear Mr. Kamasaki: This responds to your February 6, 1989 letter to the Attorney General. He referred it to this Office for response.

Your letter offers a number of recommendations designed to complement the outreach activities currently underway by EEOC, INS, and DOL. The goal of such a task force would be to develop a coordinated strategy to educate the public about IRCA's anti-discrimination provisions and to carry out the strategy, including a budget. OSC should submit this information to the Appropriations Committee for consideration during the federal budget process because no specific appropriation exists for education and more than one federal agency is involved. This is in accordance with a principal recommendation made by the General Accounting Office in its Second Annual Report.
You urge that the Attorney General issue a statement deploring employment discrimination. The Attorney General has gone on record expressing this view on many occasions in various parts of the country, and I do not think the idea will fly. Instead, the Department has sought practical alternatives which allow us to take advantage of existing government facilities and programs. In fact, we have already entered into an agreement between OSC and EEOC, it is possible to file IRCA discrimination charges with any EEOC field office. We are also exploring the possibility of entering into similar arrangements with State and local fair employment practices agencies. These arrangements also call for information sharing. In addition, INS has instituted procedures to ensure that any discrimination charges received by it are forwarded to OSC. Finally, the Department of Labor has established procedures for informing OSC of potential discrimination discovered during its audits. The net effect of these measures is to enhance the ability of OSC to enforce the 1986 Immigration Reform and Control Act, we urged Congress to adopt provisions for informing OSC of potential discrimination discovered during its audits. The net effect of these measures is to enhance the ability of OSC to enforce the 1986 Immigration Reform and Control Act. The Department of Labor has established procedures for informing OSC of potential discrimination discovered during its audits. The net effect of these measures is to enhance the ability of OSC to enforce the 1986 Immigration Reform and Control Act.

Against this background, we are deeply concerned by the recent GAO study showing that numbers of employers do not understand what the sanctions provisions require and what the law provisions bar, and that, consequently, some employers are not conforming with the law. We likewise find it unacceptable that, as the State of New York Inter-Agency Task Force reports, there are employers in the New York City area who refuse to accept job applicants' valid evidence of authority to work. These data, and others that have been reported, impose an obligation to increase the efforts to bring about genuine understanding of, and compliance with, IRCA.

It is out of that sense of obligation that the AFL-CIO offers the suggestions set out in this letter. And it is in the same spirit that we urge the new Administration to seek funds committed to the program we discuss above. The labor movement, you have my assurance, would actively support such a request and would work in Congress for the necessary appropriation.

Sincerely,

LAWRENCE J. SISKIND, Special Counsel. AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS.
social security administration and others. the critical ingredient is the presence of OSC personnel who can speak and educate within the community, and provide a feasible and welcoming place for the receipt of discrimination charges and the provision of advice and assistance.

3. That the Attorney General support the provision of Legal Services Corporation representation to persons newly-legalized under IRCAC. The Legal Services Corporation (LSC) have proposed regulations that would include legal services as one of the federal financial assistance programs from which the newly-legalized residents are barred for a period of five years. Many LCCR member organizations have maintained in comments on the proposed regulations that legal services do not constitute a form of "financial assistance" that Congress intended to restrict. It is our additional concern that denying these residents access to LSC services would mean denying a means of legal redress to the group most vulnerable to the threat of discrimination under IRCAC. Many of those subject to this sort of discrimination would be eligible for and in need of the kinds of services provided by legal organizations. An Executive Branch effort to curtail the discrimination that is occurring under IRCAC may indeed support and encourage for institutions that assist the individual and as a result of unfair hiring practices in filling charges.

4. That the Special Counsel take the initiative in setting up an Executive Branch task force of all relevant federal agencies (EEOC, INS, DOL) to develop and launch immediately a strategy for the public education that is needed in this area. The Department of Justice should seek the funds necessary to implement fully this public education campaign.

The elements of a public education campaign of the kind we think the evidence shows is required include: education of the public generally as to the national origin and citizenship status discrimination that is made illegal by IRCAC; education of the population that is at risk as to what it cannot legally be subjected to and what, where, and how redress is available; and education of employers on just what it is that IRCAC requires and, equally important, what it forbids them to do. The first element is directed to the populace generally, the second to those employers or other organizations with characteristics of appearance or speech that may be taken as making them "foreign", and the third to that part of the employer community that is least likely to be aware of persons in the second category and most likely to discriminate against some among them. The second element is particularly qualified to address this last element.

We thank you for your attention to this important issue and for your consideration of our suggestions. We stand ready, of course, to do anything that we can to assist the Government's efforts to combat and prevent discrimination related to the 1986 Immigration Reform and Control Act.

Very truly yours,

BENJAMIN L. HOORS, Chairman.
RALPH G. NEAS, Executive Director.

LAUREL, MD. ELECTRONIC EMISSIONS TEST LABORATORY

Mr. HATFIELD. I would like to inquire of the distinguished chairman whether my understanding is correct that, in appropriating in this bill the full amount requested by the administration for the operation and facilities of the Federal Communications Commission, that request includes no funds designated for upgrading of the Commission's Laurel, MD, Electronic Emissions Test Laboratory. Mr. HATFIELD. The Senator is correct.

Mr. HATFIELD. Mr. President, I am concerned about lack of adequate resources for this facility, because its services are vital to the continued progress and marketing competitiveness of the U.S. electronics industry. Especially at this critical juncture when industry is about to move into major new technologies and products, such as high definition visual systems and advanced communications based on fiber optics, we can ill-afford Government testing facilities that are slow and antiquated.

Before any new electronic products can be marketed in the United States, they must be tested and approved by the FCC at the Laurel Lab to assure that those products do not cause radio signals which could interfere with airborne communications. Without the FCC stamp of approval for such emissions, no computer or other electronic device can enter the stream of U.S. commerce.

Important as that test process is, however, and as rapidly as the electronics sector is increasing in technological sophistication, the FCC laboratory which must test this flood of products has not been reequipped for decades. Much of the equipment in the lab dates from the early 1970's, and some from the 1940's. Far from being "state-of-the-art" to match the equipment it must analyze, the lab's equipment is limited and antiquated.

As a result, tests that would take a modern private testing laboratory a few hours to perform can take weeks at Laurel.

Mr. President, FCC officials have contingency plans for replacing their antiquated equipment, and estimate that it would cost between $1.5 and $5 million, depending upon the level of capability to be achieved. The reason that amount of money is required now is that very little has been reinvested in the equipment over the past decade or more. Even when the FCC budget, as approved by OMB and the administration, has included some funds for equipment, those funds have often been diverted to other priorities and purposes. As I have noted, although we are appropriating the full amount for the FCC requested by the administration for 1990, there are no funds for this purpose included in the administration request.

Mr. President, I believe the Committee on Appropriations, and the relevant authorizing committees of the Congress ought to take a closer look at the situation at the Laurel Laboratory, and its trade and regulatory implications for the electronics industry, perhaps culminating in a hearing, with an eye toward earmarking funds in fiscal year 1991. In the meantime, during the coming fiscal year 1990, it would be entirely appropriate to expect that the FCC would allocate some of its discretionary funds within the total budget provided in this bill to begin to remedy the laboratory's equipment and other problems, which, as I've indicated, are otherwise likely to be worse as the burden of new electronic products to be tested continues to expand. I'm told that certain basic equipment could be replaced and automated for as little as $150,000, which would provide an excellent return on immediate investment and would greatly increase the lab's ability to perform its other functions and services. I would urge the Commission to do just that, and I would ask the chairman if he concurs and could join with me in looking further at this matter as the committee reviews FCC funding requirements for fiscal year 1991.

Mr. HATFIELD. I thank the Senator for his comments. I share his concern and his interest in seeing to it that the regulatory functions of the FCC do not unreasonably impede the ability of manufacturers to enter the marketplace with new products in a timely manner. I would be more than happy to join with the gentleman in this, if necessary, consider taking further action in fiscal year 1991.

Mr. RUDMAN. I thank the Senator from Oregon for his comments and associate myself with his remarks. I would ask the Senator, however, whether in describing the shortcomings of the Laurel Laboratory it is his intent in any way to find fault with the engineering staff of the laboratory. I must say that I am advised by industry representatives that the test engineers employed by the FCC at the Laurel facility, while underequipped and to some extent understaffed, do yeoman's work with what they have and are generally highly professional and competent. Does the Senator agree that we appear to have here more a problem of outmoded equipment than any lack of professional expertise?

Mr. HATFIELD. The Senator makes an excellent point, and I think he is quite correct. Indeed, considering the type of equipment they must contend with, and the heavy burden of applications, the employees of the laboratory deserve special recognition and credit for their work, rather than any criticism. That is certainly my view, and it is my intent in raising this issue to reward their efforts with at least a
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[Page of a document]

Mr. HEINZ. Mr. President, I would like to take a few moments to discuss some difficulties that have arisen with regard to funding of the trade adjustment assistance centers (TAA's) in the Department of Commerce trade adjustment assistance centers program.

This program is very small. It is regularly less than $15 million annually, most of which goes to 12 regional trade adjustment assistance centers that provide technical assistance to firms injured by imports. Firms are certified eligible in Washington and then work with their local TAA to develop an adjustment plan, which generally involves assistance on management, better manufacturing techniques, new marketing plans, et cetera. Trade adjustment assistance centers use the money to fund plan development and the actual assistance provided. There are no longer any commitments for any loans or loan guarantees.

It has recently come to my attention that there may be a serious discrepancy in some of the data relating to the TAA Program that the Appropriations Committee considered in its deliberations this year. That discrepancy concerns the amount of unobligated balances being carried over, a sum that relates directly to the fiscal year 1990 appropriation level.

Let me preface that discussion with the comment that there are several matters on which we all seem to be in agreement. First, all parties seem to agree that a current services level of expenditures for the TAA's is between $11 and $12 million. Some of us, of course, would prefer a bigger program, but there seems to be no dispute that maintaining the TAA's as they presently are is not my intention at this time to offer an amendment in the absence of hard data on the actual financial situation. Since the House level is higher than the Senate's, the conferees will have the option of accepting the higher figure as a compromise to allow them to continue their efforts. We will examine the new data and make an adjustment in conference.

Now, however, some of us are hearing directly from the TAA's that the Commerce estimate was wrong, that little if any of those balances are, in fact, unobligated. If that assertion is true, then there is some certainty that the TAA's will run out of money early in calendar 1990. There are a number of reasons given for this difference of opinion, some of them technical and some of them quite critical of the Department of Commerce's motivations in running this program.

It is not my intention at this point to get into that debate, Mr. President. This is a factual question that we ought to be able to answer with some degree of accuracy and finality, regardless of why the discrepancy may have occurred.

Unfortunately, it appears that we may not be able to answer that question until next week. The TAA's will be submitting to the Commerce Department an accounting of their unobligated balances as of the end of fiscal year 1989. Those submissions will give us a much-clearer picture of where this program actually stands and whether there are sufficient unobligated balances to get us through next year with the appropriation that the committee has approved.

However, since we will most likely act on this bill prior to having this information, the matter will have to be resolved in conference. It is not my intention at this time to offer an amendment in the absence of hard data on the actual financial situation. Since the House level is higher than the Senate's, the conferees will have the option of accepting the higher figure as a compromise to allow them to continue their efforts. We will examine the new data and make an adjustment in conference.

Mr. RUDMAN. Mr. President, I also want to express my support for this program and its continuation at current levels. We have had the same discrepancy brought to our attention directly and are committed to resolving it. Should the data demonstrate that there is a likely shortage of available funds in the current services level of the program when added to the unobligated balances.

Ms. MIKULSKI. Mr. President, I would like to ask the distinguished chairman and ranking minority member of the Commerce, State, Justice, and Judiciary Subcommittee of the Appropriations to join in a colloquy regarding the funding provided in this appropriations bill for the six tide measuring stations in the Chesapeake Bay.

Mr. HOLLINGS. Of course I will.

Ms. MIKULSKI. It is my understanding that funds are included in the fiscal year 1990 NOAA appropriations for the operation and maintenance of six tide measuring stations in the Chesapeake Bay. It has come to my attention that the National Oceanic and Atmospheric Administration under the impression that the funds are not included for the continued operation and maintenance for the tide stations located at Tolchester, MD, and Windmill Point, VA. I will ask unanimous consent that a letter from Harold M. Stanford, Chief, Physical Oceanography Division of NOAA to Capt. Michael R. Watson, President, Association of Maryland Pilots be included into the CONGRESSIONAL RECORD. However, I ask the chairman and ranking member if funding is included for these six stations.

Mr. HOLLINGS. Yes, it is my intent that funds be provided within the level of appropriations for NOAA for all six tide gages in the Chesapeake Bay. As the Senator from Maryland is well aware these gages provide important information to the shipping community which provide for safe and reliable travel in the bay as well as important data used to analyze the effects of global warming. I also want to point out that the NOAA letter mentioned by Senator Mikulski erroneously reflects the action of Congress and was premature in speaking to this issue before final congressional action.

Mr. RUDMAN. Let me add that it is clearly my intention that NOAA continue to fund all six tide gages in fiscal year 1990 within the fund appropriated for NOAA in this bill currently before the Senate. These gages not only have the beneficial impact articulated by the chairman but they will enhance the receipts to our U.S. Treasury in the form of increased exports.
Ms. MIKULSKI. I thank the two distinguished Senators. As always I find them to be both informative and helpful. I just want to add one additional point regarding these important tide gages. As the Senators know I chaired the subcommittee in the House which authorized the activities involving merchant marine matters and became familiar with these gages. It is important for NOAA to continue operating all observations so that environmental protection consistent with the Federal and multi-State agreement on the Chesapeake Bay is monitored. It is vital that every effort both large and small be pursued to improve the overall quality in the bay.

CENTER FOR OCEAN ANALYSIS AND PREDICTION

Mr. WILSON. Mr. President, I would like to draw my colleagues' attention to the National Oceanic and Atmospheric Administration's (NOAA) Center for Ocean Analysis and Prediction in Monterey, CA. This new coastal and global ocean analysis center, with its proximity to one of the world's leading oceanographic data, is helping NOAA to carry out its coastal and ocean missions. The center also serves as a critical component of NOAA's Ocean Communications Network, which is designed to distribute high volumes of data and information, forecast guidance outputs and other products necessary to develop reliable predictions on environmental changes of importance for the well-being of the Nation. I would urge the Chairman to consider in conference the adoption of language directing NOAA to provide support for the infrastructure and communications capabilities at this important center.

Mr. CRANSTON. I support this request.

Mr. HOLLINGS. I thank my friends from California for bringing this matter to my attention and I'll take a look at it. The forthcoming conference regarding NOAA's support of this program next year.

**AMENDMENT NO. 901**

(Purpose: To improve drug enforcement efforts in small towns and rural areas of the country)

Mr. INOUE, Mr. President, I send to the desk an amendment on behalf of Senator BENTSEN and others and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUE, for Mr. BENTSEN, for himself, Mr. BYRD, Mr. HOLLINGS, Mr. NUNN, Mr. BAUCUS, Mr. PYOR, Mr. GRAMM, Mr. CONRAD, Mr. WILSON, Mr. GRAHAM, and Mr. RUZMAN, proposed amendment numbered 901).

Mr. INOUE. I ask unanimous consent that reading be dispensed with.

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

The amendment is as follows:

At page 42, between lines 6 and 7, insert the following:

"In carrying out the drug enforcement activities funded by this title, the President, through the Attorney General and the Director of National Drug Control Policy, shall ensure that appropriate emphasis is given, and adequate federal resources are committed, to drug enforcement programs in the rural areas and smaller towns across the country."

Mr. BENTSEN. Mr. President, I offer this amendment on behalf of myself, Senator BYRD, Senator HOLLINGS, Senator NUNN, Senator BAUCUS, Senator PYOR, Senator GRAMM, Senator CONRAD, Senator WILSON, and Senator GRAHAM.

Mr. President, I know I don't have to stand here and tell my colleagues about the drug problem we have in this country. It is a subject with which we are all too familiar. Every day we see and hear and read about the tremendous toll drug dealers and drug users are taking from our country.

Without a doubt, the drug problem in our major cities is at a crisis level. But the drug problem in rural areas, like the drug problem in small towns and rural areas are pursuing to improve the overal quality in the bay.

Mr. BENTSEN. Mr. President, I offer this amendment on behalf of myself, Senator BYRD, Senator HOLLINGS, Senator NUNN, Senator BAUCUS, Senator PYOR, Senator GRAMM, Senator CONRAD, Senator WILSON, and Senator GRAHAM.

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Biden and others on legislation that will give the administration some more direction on how the Senate thinks drug enforcement should be improved in rural areas. At that point, we can target some resources to this important effort.

As we escalate our war against drugs, we must attack drugs in rural areas and in the major cities. This amendment sends us down that road, and I urge its adoption.

RUDMAN. Mr. President, I am pleased to support the amendment by the Senator from Texas. I share his deep concern that, in our desire to commit adequate resources to fight the drug epidemic in the Nation's cities, we run the risk of neglecting rural areas. At that point, we can exacerbate the fight against drugs in rural areas.

Congress has attempted, in the drug bills passed in 1986 and 1988, to direct more Federal resources toward drug interception, law enforcement, and drug treatment and prevention. I have made clear my view that the most appropriate and most effective role for the Federal Government is to support activities that reduce the demand for drugs in the United States. Law enforcement and drug abuse treatment and prevention are key to the demand reduction effort.

Rural law enforcement agencies don't necessarily find themselves confronted with many large drug cases, but they do routinely deal with drug possession and sales cases. Many law enforcement agencies have stressed that they need more support for training their personnel on how to handle drug cases and also note the need for funds to coordinate enforcement activities among local and State law enforcement agencies.

The New York Times recently ran a story about the movement of drug gangs into rural areas. The story quoted Attorney General Richard Thornburgh as stating that significant cocaine operations have been discovered in Wyoming, heroin trafficking in Iowa, and LSD trafficking in rural Georgia. Unfortunately, I am not surprised by the news of this activity in rural areas. I understand that there have been some reports of drug gang activity in my home State. The Times story points out the folly of assuming that drugs respect national, State, or city boundaries. To ignore the drug problem in rural America is to ignore the power and reach of drug organizations.

When Congress has authorized new drug initiatives, we have tried to leverage Federal funds by requiring States and localities to match Federal funds. While I think that is good policy in theory, I must note that many cities in Arkansas have to struggle to meet any sort of matching requirement. When Congress has authorized matching funds for programs in the future we need to be aware of the particularly tight budget constraints that face many small towns and rural counties and provide flexibility in certain cases.

I am pleased that the Senate approved a modification of the formula for distribution of the Alcohol, Drug Abuse, and Mental Health [ADM] block grant as part of the Byrd drug package. When Congress reauthorized the block grant last year, the ADM formula was heavily weighted to urban areas. Proponents of this approach argued that it was necessary to direct resources to urban areas that are suffering the worst effects of the drug war. That argument neglects the fact that the drug problem is also ravaging rural America. Our action this week corrects that unfair urban bias in the formula.

Young people in rural Arkansas are using the same drugs as young people in New York City, Miami, or Chicago, and the problems and costs of providing treatment services for those drug abusers are not necessarily found in Arkansas as in any urban area. Crack and cocaine have hit the countryside in Arkansas, and the citizens of my State are desperate that their children have good drug treatment options.

The fight against drugs is an international fight. I wish rural America could be protected from the tragedy of drug abuse, but it cannot. The fight against drugs demands a united approach on the international, national, State, and local levels.

I commend the Senator from Texas for directing the Senate's attention to the drug crisis in rural America.

Mr. INOUYE. Mr. President, this amendment has been cleared by both sides. We find it meritorious. I ask that it be agreed to.

The PRESIDING OFFICER. Is there further debate?

The amendment (No. 901) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

Mr. RUDMAN. Mr. President, the Senate grant is not in order.

The PRESIDING OFFICER. The Senator from Pennsylvania will please suspend.

The Senate will be in order. Senators are requested to please take conversations to the Cloakroom.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought the floor to make a few brief comments about issues which might have called for amendments and votes, but at this stage will not.
Senator was told that the matter
Philadelphia where a bomb was
States in contempt of Congress for
Subcommittee a few years ago which
failing to respond.

even resulted in efforts to hold the

from Iowa, Senator GRASSLEY, who is
on the floor at the moment, has been
a leader in the procurement issue and
has sought to find out precisely what
has been going on with many procure-
ment cases.

Notwithstanding his very extensive,
diligent, even valiant efforts, he could
cannot get answers to a great many issues.
It was a subject where I worked with
him on the Administrative Practices
Subcommittee a few years ago which
even resulted in efforts to hold the
then-Attorney General of the United
States in contempt of Congress for
failing to respond.

I mention this, Mr. President, be-
cause I think it is important to note it
at a time when the Attorney General
may move away from the strike forces,
to say this Senator intends to pursue
the idea with authorizing legislation in
the Judiciary Committee.

I believe we can draft a narrow
enough exception. Perhaps the closed-
files—and I emphasize closed files so
we do not have any interference with
pending matters—closed files could be
viewed by two staff members only. And
be limited to the staff of the chairman
and the staff of the ranking member, as
those two staff members now have access
to FBI files on judicial nomi-
nations. I believe it should be limited
just to the discretion of the chairman
and ranking member on the applica-
tion of a Senator on the committee.

I do believe it is important that
there be congressional oversight, and
that cannot be accomplished now.
With the elimination of the strike
forces or at least some of the strike
forces that matter is called into sharp-
er focus.

There is one other matter, Mr. Presi-
dent. I would like to discuss briefly,
and that is the issue of the allocation
of agents from the Drug Enforcement
Agency. I had discussed this matter
with the chairman, Senator HOLLINGS,
and with the ranking member, Senator
RUDMAN. It would be my hope that the
Drug Enforcement Agency would take
a close look at three locales in my
State of Pennsylvania. Specifically,
the Erie, Wilkes-Barre, Scranton
area and the area around New
Castle, PA, which is very close to
Youngstown, OH.

We have made available to the Drug
Enforcement Agency a substantial
number of new agents. I believe the
number is 164 agents. That additional
authorization has been provided be-
cause of a congressional determination
that we need more DEA agents, based
on what those of us in the Congress
know.

It is not our decision to make the
final judgment as to where the DEA
agents will be assigned. That is not our
function. I do believe, however, that
when the authorization and appropria-
tion has been made by the Congress,
that the congressional views are enti-
tled to some weight.

I have made recommendations in
these three locales, not because some-
one has asked me to but because I
have visited these areas. I have gone
to Erie, PA and sat down with the U.S.
attorney assigned to the western district
and the assistant U.S. attorney assigned
to Erie and with the local prosecutors in
the area and the local chiefs of police
and have gone through their drug
problems. I have seen that we have a
very acute situation. They are close to
Cleveland. They are close to Buffalo.
They are on the Great Lakes. I believe
they have a compelling case for
keeping a DEA agent on the Federal
work and also to be of assistance to State
and local enforce-
ment agencies.

The same situation prevails in the
Scranton-Wilkes-Barre area, a very
highly populated area which is located
on major highways, a close distance
from New York City and from Phila-
delphia. They, too, have demonstrated
a need for extra Federal help on drug
enforcement.

The same is true with New
Castle, PA, located north of Pittsburgh and
in proximity to Youngstown, OH. It
would be my hope, Mr. President, that
there could be some recognition by the
Drug Enforcement Agency of the well-
foundered requests, like the ones this
Senator has made and is making
today, for these three particular lo-
cales. I would be very interested to
hear of the views of my distinguished
colleague from New Hampshire on this
subject.

In the event Senator RUDMAN did
not hear everything I said, this is the
subject he and I talked about before
on a day when I had a committee response after a Senator, with some background and knowledge in the
field, has made a very close survey and
has made this kind of request.

Mr. RUDMAN I would say to my
friend from Pennsylvania that al-
though I would agree--

The PRESIDING OFFICER. The
Chair recognizes the Senator from
New Hampshire [Mr. RUDMAN].

Mr. RUDMAN. I thank the Senator.
I thought the Senator who asked the
question still kept the floor.

Does the Senator yield the floor?

Mr. SPECTER. I do.

Mr. RUDMAN. I thank the Chair.

I will say to my friend from Pennsyl-
vania I do agree it is not our role to
decide how agents are assigned. But I
do believe in our responsibility in over-
seeing the expenditure of the funds
that we have to be sure that high
impact areas receive their fair share of
the allocation when we put in the kind
of massive infusion of new personnel
as we are doing across the board in the
drug area, particularly in the DEA and
FBI.

We will be pleased to work with the
Senator from Pennsylvania to assure
those considerations are brought to
the attention of the DEA, and that areas
such as the ones the Senator has
taken--are certainly looked at
and to see how we can speed up and
closely to assure that, in fact, if they
meet those criteria they do receive
close attention be paid.

Mr. SPECTER. Mr. President, I
thank my distinguished colleague
from New Hampshire for those com-
ments. I do know from time to time
Federal agencies may feel that there is
some congressional intrusion. In an
area like drugs have where those of us
who have been in law enforcement in
the past and have some substantial
knowledge from those activities and
where we have made a close review of
the situation, as this Senator has
done, for example, in Erie, Wilkes-
Scranton and in the area around Youngstown and western
Pennsylvania, New Castle, PA, that
close attention be paid.

In closing, I want to thank my col-
league, Senator RUDMAN, for coming to
Philadelphia and taking a look at the
Philadelphia strike force there. I
thank the committee for the support of
that special activity on drugs.

Mr. President, I yield the floor.

AMENDMENT NO. 902

(Purpose: To express the sense of the Con-
gress that the international drug summit
should include several items on its agenda,
including consideration of measures to
remove from power the drug trafficker,
Michel Noircer)

Mr. LEVIN. 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 Michigan [Mr. LEVIN] proposes an amendment numbered 902.
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Mr. LEVIN. 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:

Insert at the end of the bill insert the following:

Sec. . . . The Congress finds that—

(1) The illegal use of drugs is a crisis in America, causing inescapable suffering and damaging our individuals, families, and social institutions;

(2) The economic and social dislocation caused by illegal drugs has contributed to political unrest and international illegal drugs trafficking in the hemisphere and the world, and that he should be removed from any position of power in Panama.

(3) In addition to or in the absence of an international drug summit, the United States should intensify unilateral and bilateral efforts as well as efforts in concert with international organizations and other multinational forums to assist the nations of the Hemisphere and the drug traffickers, including measures directed at removing Manuel Noriega from any position of power in Panama.

Mr. LEVIN. Mr. President, the amendment I offer is straightforward.

It is the sense of the Congress that—

(1) The agenda of the international drug summit should include, among others, the sharing of intelligence; the consideration of bi-lateral and multi-lateral cooperation; and the convening at an early date of a United Nations special session.

(2) The President should consult with the appropriate officials of United States agencies represented on the Central American-Andean Commission for Drug Control and the Intergovernmental Technical Coordinating Committee for this purpose.

(3) The President should convene an international drug summit with the leaders of participating countries at the appropriate time, to address the multifaceted problem of illegal drugs.

(4) Manuel Noriega's continued exercise of power in Panama should be directed at removing Manuel Noriega from any position of power in Panama.

(5) The President should consult with the appropriate officials of United States agencies represented on the Central American-Andean Commission for Drug Control and the Intergovernmental Technical Coordinating Committee in order to implement the agreement between the United States Department of Defense and the Japan Ministry of Defense, signed on November 29, 1988, and related documents thereto.

Mr. LEVIN. Mr. President, the amendment expresses our conviction that the resources and power of the greatest nation in the world, and that he should be removed from any position of power in Panama.

Mr. President, this amendment expresses our conviction that the resources and power of the greatest nation in the world, and the intent of Congress, the fervent desire of the American people, and the hope of civilized people everywhere.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 902) was agreed to.

Mr. LEVIN. 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.

AMENDMENT NO. 903

(Purpose: To express the sense of Congress that the Comptroller General should report to Congress on the progress on the implementation of the agreement between the United States and Japan on the development of the FS-X Weapon System.)

Mr. INOUYE. Mr. President, I send this amendment in behalf of Senator Byrd and Senator Dixon 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 Mr. Byrd (for himself and Mr. Dixon) proposes an amendment numbered 903.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

Sec. . . . It is the sense of Congress that—

(1) not later than June 1, 1990, and not later than June 1 each year thereafter, the Comptroller General of the United States, after consultation with appropriate officials of United States agencies represented on the Technical Steering Committee, should submit to the Speaker of the House of Representatives and the chairmen of the Committees on Foreign Relations, Armed Services, Commerce, Science, and Transportation, and Banking, Housing, and Urban Affairs of the Senate a report describing the progress made in implementing the Memorandum of Understanding (MOU) Between the United States Department of Defense and the Japan Department of Defense on Cooperation in the Development of the FS-X Optical Discrimination Weapon System, signed on November 29, 1988, and related documents thereto;

(2) not later than December 1, 1990, and not later than December 1 each year thereafter, the Comptroller General should submit to the President Pro Tempore of the Senate and the Speaker of the House of Representatives an interim memorandum describing the progress that has been made in implementing the memorandum of understanding referred to in paragraph (1);

(3) the reports referred to in paragraph (1) and the interim memorandums referred to in paragraph (2) should assess, in detail, whether the requirements concerning, and the prohibitions on, the transfer of United States technologies to Japan, as provided in the memorandum of understanding referred to in paragraph (1) continues in effect;

(b) For purposes of subsection (a), the term "Technical Steering Committee" means the FS-X Technical Steering Committee established jointly by the Japan Defense Agency and the United States Department of Defense.

Mr. INOUYE. Mr. President, this amendment has been reviewed by both sides and we find it to be in proper form.

Mr. RUDMAN. Mr. President, the amendment has been cleared on this side.

MONITORING THE FS-X PROJECT

Mr. BYRD. Mr. President, on September 13 the Senate voted on a motion to override the President's veto of Senate Joint Resolution 113 on the FS-X project. The original resolution passed the Senate by a vote of 72 to 27, but President Bush managed to change the minds of enough Senators to avoid an override by one vote. I do not intend to revive the FSX dispute. The Senate has closed that chapter. But, now more than ever I intend to make sure Congress stays informed. I am offering an amendment calling for the GAO to monitor the progress of the FSX development program and provide Congress with periodic reports.

Certainly, I could simply make a request, as any Senator or Representative could, directing the GAO, asking them to perform this work. Instead, I have chosen to offer this amendment and make it clear that this is a request from Congress, not from a single Member.

The amount of bipartisan support for my original resolution indicates the breadth of concern over this issue, and by adopting this amendment Con-
gress can let it be known that we are still committed and maintaining a spotlight on the FSX we can give the President's negotiators an additional lever to use in future negotiations with Japan. And I am sure our continuing role will not be lost on the Japanese.

I have here a copy of an article from Investor's Daily, September 15, 1989, titled "Mosbacher Says U.S. Is Getting Raw Deal on the FSX Fighter." The article describes the Secretary's remarks about the project progresses.

Mr. President, it does not help to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 904

(Purpose: Expressing the support of the Senate for additional designations of new international gateways to foster increased export trade opportunities for nondiscriminatory international gateway cities)

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

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

The amendment is as follows:

At the appropriate place insert the following:

This amendment has been cleared by both sides, and we agree. I urge the adoption of the amendment.

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

The amendment (No. 904) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 905

(Purpose: To amend the provision regarding the retirement of Mr. Mosbacher, the Director of the Federal Judicial Center)

Mr. INOUYE, Mr. President, I send to the desk an amendment on behalf of Senator DeConcini and Senator McCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment (No. 905) was agreed to.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

This amendment is agreed to.

AMENDMENT NO. 907

(Purpose: To amend the provision regarding the retirement of Mr. Mosbacher, the Director of the Federal Judicial Center)

Mr. INOUYE, Mr. President, I send to the desk an amendment on behalf of Senator Heflin 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 Mr. Heflin, proposes an amendment numbered 907.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

This amendment is agreed to.
foreign investment, makes travel abroad more convenient for United States citizens and increases foreign tourism;

(4) direct international air transport is especially important to small and medium-sized communities on the cutting edge of our Nation's drive for international competitiveness. The United States community alone of up to a quarter of a billion dollars or more in the first year, with the benefits continuing thereafter.

(b) It is the sense of the Senate that the United States Senate support the designation of markets previously without nonstop international air service as new "gateways," and believes that other airlines, United States or foreign, be able to provide "gateway" service when United States airlines already serving the foreign country in question fail to do so.

Mr. DeCONCINI. Mr. President, I rise to attempt to advance development of international trade opportunities. The U.S.-based airport and gateway communities are key to reviving competitiveness in the international air carrier industry. The DeConcini-McCain amendment urges the immediate expansion of direct air service to nontraditional gateways while protecting the legitimate needs of our national air transportation system. In short, I am convinced the U.S. aviation system is being stifled by market dominance by only a very few U.S. carriers at the expense of the rest of the U.S. industry and the American international aviation services consumer.

Mr. President, no one in this body can deny the simple fact that today's economic marketplace is far more extensive than the confines of our national borders. Given this reality, it makes little sense to continue to deny American communities the essential direct international air services to expand their local economic base and increase foreign trade advantages at the expense of the efficient and orderly development of the national air transportation system.

Mr. President, at the same time, I have been advised that some U.S. carriers have expressed interest in providing direct air service to nontraditional gateway communities. In short, our U.S.-based air carriers are preventing, with the aid of agencies of our Federal Government, the provision of international air services to the American public by very few U.S.-based airlines. Whether other non-U.S. foreign and domestic alike, are seeking to satisfy what they believe to be sufficient consumer demand to warrant provision of direct international air services.

The sense of the Senate amendment before you cannot be construed to prevent the orderly development of our national air transportation system. Instead, it reemphasizes the intent of the Airline Deregulation Act of 1978's specific intent to promote actual and potential competition rather than enhanced market domination by only a few existing air carriers.

This amendment addresses the needs of the domestic air carrier industry, but does not protect them when their interests are wholly detrimental to the ability of non-traditional gateway communities to benefit from the foreign trade advantages enjoyed by so-called traditional gateways which have such direct international air transportation service.

Mr. President, the time has come for the Senate to send a message to the administration, and particularly the Department of Transportation, that the Airline Deregulation Act of 1978 mandates that each give far greater priority to the consumer and community needs than the Department of Transportation and State Department, the lead agencies on this issue, do today. My amendment urges that the administration bridge its emphasis upon market regulation in order to protect the interests of U.S.-based air carriers which currently dominate the direct international air service marketplace. It specifically sends the message that other American communities require greater consideration than previously afforded them during the negotiation of air transportation agreements with foreign nations.

Mr. President, this amendment would again place the Senate on record in support of enhanced competition in international aviation. My friend from South Carolina has advised me that the amendment has been agreed to so I shall not delay further action on this important legislation. I thank the chairman and the ranking member of the subcommittee, Senator RUDMAN, for their patience and support. I also thank my dear friend from Kentucky, Chairman FONN, and the ranking members of full committee and Subcommittee on Aviation of the Senate Committee on Commerce, Science and Transportation, and my able colleague from Arizona, Senator MCCAIN, for their support and assistance.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. The amendment (No. 905) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 906

(Purpose: To commend efforts by the U.S. Departments of Justice, State and Defense to eliminate anti-competitive bidding practices at U.S. military facilities in Japan and for other purposes)

Mr. MURKOWSKI. 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 Senate finds that in 1984, 140 Japanese construction firms engaged in widespread bidrigging activities on contracts funded by the United States government at the United States naval facility in Yokosuka, Japan, from 1984 through 1987. The Senate finds that in December 1988, these 140 Japanese construction companies received warnings from the Japan Pair Trade Commission for serious bidrigging activities at the United States naval facility in Yokosuka, Japan.

The Senate finds that 70 of these construction firms were fined by the Japan Pair Trade Commission for serious bidrigging activities at the United States naval facility in Yokosuka, Japan.

The Senate finds that the United States Department of Defense has proposed for debarment, eight companies, twenty corporate officials and four subsidiary firms involved in bidrigging activities at the United States Naval facility in Yokosuka, Japan.

The Senate finds that bidrigging at the United States naval facility in Yokosuka, Japan from 1984 through 1987, contributed to increase procurement costs at the facility and hindered efforts to ensure the efficient use of funds appropriated for military construction associated with United States commitments in the Pacific.

The Senate finds that the aforementioned bidrigging activities have seriously undermined the procurement process at the United States naval facility in Yokosuka, Japan.

The Senate finds that the aforementioned bidrigging activities have seriously undermined the procurement process at the United States Naval facility in Yokosuka, Japan.

The Senate finds that bidrigging at the United States naval facility in Yokosuka, Japan from 1984 through 1987, contributed to increase procurement costs at the facility and hindered efforts to ensure the efficient use of funds appropriated for military construction associated with United States commitments in the Pacific.

The Senate finds that the United States Department of Justice has formally involved in bidrigging activities at the United States Naval facility in Yokosuka, Japan.
Therefore, it is the sense of the Senate that the Senate commends the United States Department of Defense and the United States Department of Justice for their efforts to eliminate bid-rigging activities at United States facilities in Japan. The Senate urges the United States Department of Defense to seek debarment of all Japanese construction firms involved in bid-rigging activities at United States military facilities in Japan.

The Senate urges the United States Department of Justice to seek debarment of all Japanese construction firms involved in bid-rigging activities at United States facilities in Japan.

The Senate urges the Japanese Fair Trade Commission to work with the Japanese Government to ensure the effectiveness of the Japanese construction firms that were fined by the Japanese Government. The Senate also commends the Department of Justice and the Department of the Navy for their efforts to eliminate bid-rigging activities at the United States naval facility in Yokosuka, Japan.

The amendment specifically commends the Department of Defense and the Department of Justice for their efforts to eliminate bid-rigging and urges the Department of Defense to seek debarment of all Japanese construction firms involved in bid-rigging and asks the Department of Justice and the Department of the Navy to work with the Japanese Government to ensure the U.S. Government receives full compensation for overpayments for construction services and goods at Yokosuka Naval base in Japan that occurred as a result of anti-competitive practices that have been formally documented by the Government of Japan.

Mr. MURKOWSKI. Mr. President, this is a sense-of-the-Senate resolution. It addresses specifically a finding in the press that the Japan Fair Trade Commission has also investigated allegations of bid-rigging by Japanese construction firms at U.S. bases in Japan.

Late in February, I requested information concerning the Japanese press reports that the Japan Fair Trade Commission was investigating allegations of bid-rigging at Yokosuka Naval Base in Japan. I am responding for the Department of Justice and the Department of the Navy for their efforts to eliminate bid-rigging activities at other U.S. bases in Japan. They have continually expressed their view that anti-competitive activities, even at the U.S. bases, severely hindered their efforts to gain access to the Japanese construction market.

Upon learning of the JPTC's actions I immediately contacted the Embassy in Tokyo to request information regarding what action the U.S. government was taking to bar the guilty firms from bidding on future projects, or to investigate allegations of bid-rigging at other U.S. bases. After several inquiries, I was referred to the office of the Assistant Secretary of the Navy for Military Construction and Logistics to whom I wrote on February 27, 1989. I have enclosed a copy of that letter for your reference.

I recently received a response from Assistant Secretary Pyatt. He informed me that the Navy had been informed of the JPTC's ruling in December, to date, the debarment committee of the Navy has taken no formal action against the firms involved. I am concerned that the Navy's failure to act swiftly and decisively against bid-rigging on the bases may serve to undermine the integrity of the procurement process. In addition, laws enforcement of our procurement regulations will continue to hinder the efforts of U.S. construction firms seeking to provide construction services in Japan, including services at the U.S. bases.

On several occasions, U.S. construction firms operating in Japan have expressed their view that the Japanese construction firms are taking place at U.S. bases in Japan. They have commented that the situation may be exacerbated by the close relationship which exists between the construction firms and the Japanese nationals working at base procurement offices.

I am concerned that the Japanese government is taking place at U.S. bases in Japan. I am currently considering introducing legislation that would require that the procurement offices at the bases overseas be staffed by U.S. citizens.

I will continue to seek additional information regarding bidding irregularities at U.S. bases in Japan, and to pursue appropriate sanctions against firms engaging in such activities. I hope you will assist in my efforts to address this serious problem.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.

WASHINGTON, D.C., April 14, 1989.

HON. DICK CHENEY,
Secretary of Defense, the Pentagon, Washington, D.C.


In my discussions with U.S. construction firms attempting to do business in Japan, they continually expressed their concern that anti-competitive activities, even at the U.S. bases, severely hindered their efforts to gain access to the Japanese construction market. To my knowledge, the Japanese case is the first one in which such activities have been documented.

In order to more effectively assess allegations of bid-rigging at U.S. bases and the impact of such anti-competitive practices on U.S. efforts to enter the Japanese construction market, I would appreciate receiving any information you may have regarding the Yokosuka case. In particular, I would like to receive the names of the 70 firms that were fined by the Japanese government.

I am also interested in knowing what, if any, action DOD has taken against the guilty parties and whether DOD is undertaking an independent investigation into allegations of bid-rigging activities at other U.S. bases in Japan.

I appreciate your assistance on this matter and look forward to hearing from you as soon as possible.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.
September 29, 1989

CONGRESSIONAL RECORD—SENATE 22543

Congressional Record

Warning and mischarge payments against seventy-three bidders were ordered in collective bidding in the Star Friendship Association, in violation of the Japanese Antimonopoly Act. The list of seventy-three companies, which Nakashima Construction Co., Ltd., was committed to as an enclosure. This list has now been publicized in Japan.

The Fair Trade Commission, Chief U.S. Pacific Fleet has forwarded proposed debarment actions against nine Japanese contractors from Yokosuka to this office as a result of this NIS investigation which developed adequate evidence of collusive bidding practices on U.S. Navy contracts. Those nine firms, which the Fair Trade Commission has recommended for debarment as a result of this investigation, are included in the list of seventy-three companies found guilty of violating Japan's Antimonopoly Act.

The Navy Debarment Committee is reviewing these cases at the present time and will be making a recommendation concerning their disposition in the near future.

I have been informed by the NIS that investigations of collusive bidding have also been conducted in Okinawa.

If we are to be of further assistance, please let me know.

Sincerely,

EVERETT PYATT,
Assistant Secretary of the Navy (Shipbuilding and Logistics)

FAIR TRADE COMMISSION,

Mr. J.B. GREEN,
Captain, Civil Engineer Corps, U.S. Navy, Officer in Charge of Construction Far East.

DEAR MR. GREEN: Enclosed please find a copy of our press release, to be made public today, with respect to the warning and surcharge payment orders against the bit monopoly Act. The list of seventy-three companies, which I have referred to as the Group, was ordered to pay a surcharge under the Warning and Surcharge Payment Order.

I would like to thank you very much for your cooperation during the course of our investigation.

Sincerely,

MITSURO SUZUKI,
Director, First Investigation Division.

WARNING AND SURCHARGE PAYMENT ORDERS AGAINST THE США RIGGING ON CONSTRUCTION PROJECTS ORDERED BY THE UNITED STATES NAVY'S OFFICE IN CHARGE OF CONSTRUCTION FAR EAST


Fair Trade Commission: Having investigated the case of suspected violation of the Antimonopoly Act with respect to bidding on construction projects ordered by the United States Navy's Office in Charge of Construction Far East (hereinafter referred to as the FTC), the Fair Trade Commission (FTC) has today issued a warning and surcharge payment orders as described below.

1. PARTIES SUBJECT TO THE WARNING AND SURCHARGE PAYMENT ORDERS.


Surcharge payment order: 69 members among the former US Military Construction Safety Technology Research Group and 225 members of Kajima Corporation.

Note: The former United States Military Construction Safety Technology Research Group (hereinafter referred to as OICCFE), headquartered at 2-200-17, Kenakai-cho, Yokosuka City, Kanagawa Prefecture. Its membership consisted of entrepreneurs who submit bids on construction projects that had been placed by the OICCFE. Voluntarily established on March 27, 1984, it was ultimately dissolved on October 8, 1987.

The former United States Military Construction Safety Technology Research Group (hereinafter referred to as the OICCFE) and Kajima Corporation, an industrial group with its purpose to conduct research into safety technology relating to the aforementioned construction projects, was actually attempting to designate order recipients for the construction projects.

(A) Members of the Group received most of the orders for construction projects that were tendered in Japan by the OICCFE (hereinafter referred to as US Navy-ordered projects).

(b) Members of the Group were also responsible for debarment and for those tendered by the United States Navy (hereinafter referred to as OICCFE-ordered projects).

(c) The OICCFE offered the majority of the construction projects and the tendering process.

The OICCFE Directors and Officers of Yokokai decided to set up the Group as a new entity to replace Yokokai. On November 10, 1983, they held a meeting to explain their objectives at Yokosuka Kenko Kaikan, located in Yokosuka City, Kanagawa Prefecture. The approximately 110 entrepreneurs participating in the bidding for the aforementioned projects who were present at the meeting, were requested to join the Group. Subsequently, the directors and officers of Yokokai and others held a general assembly to establish the Group at the Yokosuka Kenko Kaikan on March 27, 1984.

The aforementioned assembly, the following matters relating to US Navy-ordered projects were decided by the Group:

(i) The Group, henceforth members of the Group would designate the one who should receive orders (hereinafter referred to as expected order recipients) after holding consultations among participants in the bidding.

(ii) To implement (i), the Group, upon receiving tendering information, would report the project number and project name to the secretariat of the Group, and the secretariat and directors of the Group, by taking part in meetings to get instructions at projects. The group then would take the necessary action to obtain information concerning those who would be expected to participate in the bidding and (c) The Group would notify expected bid participants of the date, time and venue of the meeting where expected order recipients would be determined. The Group would then notify the secretariat of the above information to its members without delay.

(c) The Group, by holding arrangement meetings on the basis of the aforementioned instructions, would take the necessary action to obtain information concerning those who would be expected to participate in the bidding and (c) The Group would notify expected bid participants of the date, time and venue of the meeting where expected order recipients would be determined. The Group would then notify the secretariat of the above information to its members without delay.
ed order recipients would be the lowest by arranging the bid prices of other participants.

(3) Kajima attended both the meeting to explain the objective and the general director, Nihon Navy, to establish the Group. In collaboration with the members of the Group at arrangement meetings, it also determined expected order recipients and arranged matters in such a way that the bid price of the expected order recipients would be the lowest by arranging the bid prices of other participants.

(4) (A) The Group was dissolved as a result of a resolution adopted at its extraordinary general assembly held on October 8, 1987, at Hotel Centraura, located in Yokusuka city, Kanagawa prefecture.

(B) The former members of the Group and Kajima have not designated expected order recipients on the basis of the aforementioned criteria since the dissolution of the Group.

2. Application of the Law

(1) As described in the above items (1), (2), and (4), the Group was trade association subject to Clause 2, Article 2 of the Antimonopoly Act. The Group worked to substantially restrain competition in the field of transactions of US Navy-ordered projects by having its members designate expected order recipients for the projects. Such actions constitute a violation of Section 6, Clause 1, Article 8 of the Antimonopoly Act.

(2) As described in the above items (1), (2), and (4), Kajima violated the public interest by working in collaboration with members of the Group, to substantially restrain competition against public interest in the field of transactions involving US Navy-ordered projects by determining expected order recipients with regard to the projects. Such actions constitute undue restraints of such elections is necessary to the firm establishing of the process. The people of Argentine are to be congratulated for insisting on democratic procedures in their political life.

In the second place, President Menem's government has restored confidence to the people of Argentina. At the time he was sworn in, economy of Argentine was in chaos. The country was suffering from hyperinflation. People were rioting in the streets for food, and property owners were defending their property with arms. I understand that in the month of July alone inflation reached 200 percent—capping a year of inflation at 2,000 percent. By August, inflation had dropped to 37 percent.

President Menem's was himself jailed by the military for 5 years, has taken steps to reestablish Argentine democracy. One election does not a democracy make. Rather, the succession of such elections is necessary to the firm establishing of the process. People of Argentine are to be congratulated for insisting on democratic procedures in their political life.

PRESIDING OFFICER. There is no further debate? If not the question of the amendment is agreed to. Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay the table was agreed to.

AMENDMENT NO. 907

(Purpose: To repeal outdated conditions on assistance and sales for Argentina)

Mr. RUDMAN. Mr. President, I send to the desk an amendment on behalf of Senators HELMS, KENNEDY, and ROSS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN] for Mr. HELMS, (for himself, Mr. KENNEDY, and Mr. ROSS) proposes an amendment numbered 907.

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

PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

"Sec. 9. Section 725 of the International Security and Development Cooperation Act of 1981 (22 U.S.C. 2370 note) is hereby repealed."

Mr. HELMS. Mr. President, yesterday many Members of the Senate met with President Carlos S. Menem of Argentina who was elected in an important election last May, and sworn in on July 8.

This election was important in two ways. In the first place, it marked the transition of power from one civilian government to another through democratic elections. This was a very important step for reestablishing Argentine democracy. One election does not a democracy make. Rather, the succession of such elections is necessary to the firm establishing of the process. People of Argentina are to be congratulated for insisting on democratic procedures in their political life.

The purpose of this amendment is to repeal outdated conditions on assistance and sales for Argentina.

The United States seeks reparations from Japan on projects

Tokyo.—The U.S. government is seeking about 5 billion yen ($36 million) in compensation from 140 Japanese construction companies for work done on U.S. Navy projects, industry sources said.

The sources said the issue could fuel fears within Japan's construction industry over further U.S. pressure for Japan to reduce unfair trading practices.

The U.S. government recalled the Japanese business practice of cartels, or "dango" during bilateral trade talks earlier this month in Tokyo.

Japanese construction Ministry officials said it might be too early to say whether the U.S. claims for compensation would affect future trade negotiations between the two countries.

The officials said the U.S. Department of Justice sent letters to Japanese construction firms that were awarded contracts—for work ranging from construction of gas and water pipelines to building renovations—at U.S. Navy facilities in Yokosuka between 1984 and 1987.

The construction firms received a warning from the Fair Trade Commission here last December over the alleged cartel, the ministry officials said.

The letters claim construction costs would have been lower had these companies not negotiated prices privately before bids were called publicly.

Such negotiations are against Japan's Anti-Monopoly Law, ministry officials said.

The spokesman at Kajima Corp. said the company was surprised by the letter, received last week, adding that the company had been examining the contents carefully.

The government is seeking reparations from Japan on projects

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The taisho Corporation, which had a 100-million-yen contract in 1987 also is monitoring the issue because it was a civil firm establishing of the process. The people of Argentine are to be congratulated for insisting on democratic procedures in their political life.

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International Security and Development Cooperation Act of 1981 which provided restricted assistance and sales to Argentina under the Arms Export Control Act. This provision was sponsored by the distinguished Senator from Massachusetts (Mr. Kennedy). At the time, the Government of Argentina was in the hands of a military junta, and the distinguished Senator expressed concerns that military assistance might be used by the military junta for the abuse of human rights. That concern is no longer appropiate now that two elected civilian governments have succeeded the military junta in orderly fashion, and a high level of observance of human rights has been restored.

I have discussed this matter with the Senator from Massachusetts, and it is my understanding that he agrees that this provision is no longer appropriate. Therefore, he has offered to cosponsor this amendment with me. We are also joined as cosponsor by the distinguished Senator from Connecticut (Mr. Dodd), who is the chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee.

Mr. RUDMAN. Mr. President, this amendment will essentially repeal some very antiquated parts of our foreign aid law as it pertains to the country of Argentina. It has been cleared on both sides. It is appropriate that this is done today since the President of Argentina is visiting our country, and I urge its immediate passage.

Mr. DODD. Mr. President, I rise in support of the pending amendment which is designed to remove from the books certain restrictions and limitations on United States assistance to Argentina.

This is a very timely amendment. President Carlos Menem of Argentina has been in Washington this week. He met with President Bush and yesterday he met with a number of Senators during a luncheon of the Foreign Relations Committee which I was privileged to host.

During that luncheon session, we had an opportunity to discuss a variety of issues relating to United States-Argetina relations. One of those issues was the existing restrictions on aid to the government in Buenos Aires. President Menem made it clear that his government would welcome the removal of these restrictions and would view such action as a very positive step forward in our bilateral relationship.

Mr. President, the political situation in Argentina today is dramatically different from the situation that existed when Congress imposed significant restrictions on aid, both economic and military, to the Government of Argentina. Those restrictions were imposed in the wake of the "dirty war" and the subsequent gross human rights abuses that occurred during the 1970's.

Today, Mr. President, as throughout much of this decade, the generals no longer hold the reins of government in Argentina. Indeed, President Alfonsin completed his term of office and in July, he stepped down so that President-elect Menem could take his rightful place at the head of the government in Argentina. It is justifiably proud of this democratically engineered transfer of power. And by all accounts President Menem has shown the kind of leadership that deserves our strong support and full confidence.

Accordingly, Mr. President, I urge my colleagues to approve the pending amendment. It will send a positive message to the Government of Argentina and will serve to strengthen our bilateral relations with an important Western Hemisphere ally.

Mr. KENNEDY. Mr. President, yesterday, many of my colleagues and I had the honor of meeting with President Carlos Saul Menem of Argentina. I know I speak for the entire Senate when I say that he is an impressive, courageous leader for Argentina during a very difficult time.

In our meeting yesterday, President Menem requested us to lift the current law requiring Presidential certifications on human rights in Argentina as a condition for United States assistance to that country. I am pleased to join with my colleagues, Senators Helms and Dodd, in sponsoring this amendment to lift those restrictions today. This action represents a vote of confidence by the Senate in the government of President Menem and our hope that the progress on human rights in recent years will be continued.

As an original sponsor of that amendment, I have followed closely the events in Argentina over the years. As the Senatesook, at the height of the gross human rights abuses in that country, I joined with Senator Hubert Humphrey in offering an amendment to halt military aid to Argentina. Since then, much information has surfaced about the "dirty war" in Argentina and extensive human rights atrocities committed against the people of that country by the military regime.

Our original amendment, which was later modified to require the Presidential certification, sent a strong message to the military in Argentina that the United States would not provide assistance while those abuses continued.

Two democratic governments have now come to power in Argentina—that of Raúl Alfonsin and Carlos Menem. The military is back in its barracks and the gross human rights abuses of the 1970's and early 1980's are past.

President Menem, the new, courageous and democratic leader of Argentina, has asked us to lift these restrictions, and it is appropriate to do so. He faces great difficulties at home, and we should all join together and provide him with this gesture of support.

In taking this action today, the Senate sends a clear message to the people of Argentina. We are impressed with the democratic progress to date, and we hope and fully expect that the progress will continue in the protection of human rights and the rule of law will always remain a condition for United States assistance—not just to Argentina—but to every nation on Earth.

President Menem has made many difficult decisions in his first few months in office. Immediately after taking office, he introduced drastic austerity and reform measures—"major surgery without anesthesia," as he called it. He has devalued Argentine currency, let fuel prices rise, increased utility rates, introduced new tax laws and made cuts in public spending. These are not easy steps to take and President Menem deserves our strong support in his effort to reinvigorate the economy of his nation.

I urge my colleagues to support President Menem by approving this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question on agreeing to the amendment is on the table.

The amendment (No. 907) was agreed to.

Mr. RUDMAN. 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. 908

(Purpose: To protect the religious liberties of inmates in Federal penal institutions, and for other purposes)

Mr. RUDMAN. Mr. President, I send an amendment to the desk on behalf of Senator Helms and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. Rudman), for Mr. Helms, (for himself and Mr. Cohen), proposes an amendment numbered 908.

Mr. RUDMAN. 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 to title II, add the following:

RELIGIOUS ISSUES OVERSIGHT BOARD

(a) Chapter 303 of title 18, United States Code, is amended by adding at the end the following-

"4946. Religious Issues Oversight Board.

"(a) There is established within the Department of Justice a board to be known as the Religious Issues Oversight Board (referred to as the 'Board').

"(b) Any Federal inmate who has a grievance regarding his or her religious needs which has not been satisfactor-
ly addressed may bring such grievance to the Board, which shall have the power to order the religious need of the inmate met.

"(c) Any decision by the Board may be overturned by the Director of the Bureau of Prisons; provided that the Board may appeal any decision by the Bureau of Prisons to the Attorney General by a vote of more than two-thirds of its membership.

"(d) The Board shall consist of no more than 5 members, each of whom may represent a different major religion of the United States and be appointed by the President, after seeking the recommendations of the Majority and Minority leader of the Senate and the Speaker and Minority leader of the House of Representatives.

"(e) The decisions of the Board shall be made by majority vote. When making decisions, the members of the Board shall take into account the overall security and safety of the inmates, and the financial cost to the taxpayers. The Board shall not have the authority to issue a decision which would result in either the temporary or permanent release of inmates from prison.

"(f) The Board shall meet as often as it deems necessary but not less than once every month, and shall submit an annual report of its activities to the Majority and Minority leader of the Senate and the Speaker and Minority leader of the House of Representatives.

"(g) Members of the Board shall serve without compensation and for a term of 5 years; provided, however, that per diem and expenses shall be made available to the Members of the Board to defray the cost of attending meetings; provided further that any per diem and expenses made available under this section shall come from funds appropriated to the Bureau of Prisons.

"(h) Members of the Board shall be immune from personal tort liability for decisions by the Board taken in good faith.

"(i) The Director of the Bureau of Prisons shall provide the Board with such office space, staff and support as he deems necessary for the Board to carry out its functions under this section.

"(j) The section analysis for chapter 303 of the Federal Prison System, Salaries and Expenses, is amended by adding at the end thereof the following:

"4046. Amendments. Not to exceed $100,000 for fiscal year 1989 shall be available for the section from the Federal Prison System, Salaries and Expenses, as authorized by law.

Mr. RUDMAN. Mr. President, this amendment would establish within the Department of Justice a Religious Issues Oversight Board to hear grievances filed by Federal inmates who contend that their religious needs have not been satisfactorily addressed by prison officials.

The board, after taking into account the overall security and safety of the inmates, will have the authority to require that the religious needs of a prisoner be met. Any decision by the Board may be overturned by the Director of the Bureau of Prisons.

Mr. President, the Supreme Court in Turner v. Safley, 482 U.S. 78 (1987), as well as other cases, has determined that individuals do not lose their first amendment right to practice religion upon entering a penal institution. This is wise, for perhaps the best, if not only course for a prisoner to find rehabilitation is through the Lord.

That is why the freedom to believe in, and practice—to the extent practicable—ones own religion is so important to prisoners and to society.

Yet despite this fact, the right of inmates in Federal penitentiaries to exercise their reasonable religious rights is often stomped out by unelected Federal bureaucrats over whom there is no effective and regular oversight. Prisoners denied religious rights often have no recourse but through the expensive and lengthy maze of the Federal court system.

Over the recent past, prisoners have been denied the right to attend religious services, to be ministered to by leaders of their religion, to possess religious literature, to correspond with the heads of their sects or churches, to have diets required by their religions, to possess and wear religious medals, and in some cases even the right to celebrate religious holidays.

Mr. President, who believe that religion has no place in anything the Government does. I disagree, and so does the Supreme Court of the United States.

Unfortunately, the regulations governing the Federal Bureau of Prisons grant it wide latitude to flout the religious rights of prisoners. And that is what it all too often does.

For example, it has been reported numerous occasions the U.S. Supreme Court has found time and again that inmates do not lose their religious freedom by virtue of entering a penal institution; and that in fact, these freedoms may be legally infringed upon only if so compelled by security or other vital interests, and only then if the infringement is done in a less restrictive manner.

But despite this relatively clear standard, no mechanism exists—short of entering the courts—for a prisoner to assure his or her religious needs are not unjustifiably restricted.

The nonjudicial decisions are made by prison officials or other Federal officers who have a vested interest in protecting the needs of the prison and no interest in preserving the religious liberties of prisoners nor any understanding or appreciation of the importance or substance of a particular religious practice.

Due process calls for there to be some governmental procedure by which a prisoner may have his religious needs addressed in a fair manner before his rights are restricted and without having to go through the time and expense of the judicial system.

This amendment establishes such a procedure.

The legal brief prepared by my staff follows:

PRISONERS RETAIN CONSTITUTIONAL RIGHTS TO RELIGIOUS ISSUES

On numerous occasions the U.S. Supreme Court has held that those found guilty of crimes do not lose their religious rights upon entering a penal institution and the provision of religious rights to prisoners does not violate the establishment clause of the Constitution.
In Cruz, a Buddhist prisoner was prohibited from using the prison chapel, restricted from writing to his religious advisor, and punished for proselytizing to other prisoners. In restoring the religious privileges of the prisoner, the Court reaffirmed the constitutional right of prisoners to exercise their religious beliefs which required him to let his hair grow long in contradiction to a prison regulation requiring that hair not exceed a specified length. At this point, the only option available to the prisoner was to petition the courts. A Buddhist prisoner was prohibited from using the prison chapel, restricted from writing to his religious advisor, and punished for proselytizing to other prisoners. In restoring the religious privileges of the prisoner, the Court reaffirmed the constitutional right of prisoners to exercise their religious beliefs which required him to let his hair grow long in contradiction to a prison regulation requiring that hair not exceed a specified length. At this point, the only option available to the prisoner was to petition the courts.

In O'Lone v. Estate of Shabazz, 482 U.S. 342 (1987), prisoners of the Islamic faith brough to court their inability to attend worship services in the chapel. The federal courts ordered the prison to provide religious services to the inmates. In reinstating the religious privileges for prisoners, Mr. RUDMAN and Mr. HOLLINGS argued that the First Amendment right of prisoners to exercise their religious beliefs requires prison officials to ensure that a prisoner’s religious requirements are met in a manner consistent with the rights of prisoners to worship as they choose.

In Gallahan v. Hollyfield, 670 F.2d 1345 (4th Cir. 1982), an adherent to a Cherokee religious order desired to exercise his religious beliefs which required him to let his hair grow long in contradiction to a prison regulation requiring that hair not exceed a specified length. At this point, the only option available to the prisoner was to petition the courts. In reinstating the religious privileges for prisoners, Mr. RUDMAN and Mr. HOLLINGS argued that the First Amendment right of prisoners to exercise their religious beliefs requires prison officials to ensure that a prisoner’s religious requirements are met in a manner consistent with the rights of prisoners to worship as they choose.

In Rodriguez v. Clark, 410 F.2d 999 (D.C. Cir. 1969), Muslim prisoners in the District of Columbia sued prison officials to require that they be fed at least one pork-free meal daily so as to permit their adherence to Muslim dietary tenets. In holding for the prisoners, the Court found that the prison could not bar the religious practices of certain Muslim prisoners without violating their constitutional rights. In reinstating the religious privileges for prisoners, Mr. RUDMAN and Mr. HOLLINGS argued that the First Amendment right of prisoners to exercise their religious beliefs requires prison officials to ensure that a prisoner’s religious requirements are met in a manner consistent with the rights of prisoners to worship as they choose.
first, full funding was provided for an
observer at the Stampede Pass weather
station, located in the Cascade Mountains.
With this funding, we will be able to
insure the safety of pilots flying over the
mountains in inclement weather. Also
provided in this bill was funding for a
national child welfare program that was
initially developed in my State. The Court
Appointed Special Advocate Association is
a grass roots program in which community
volunteers watch over and speak for
abused and neglected children in our
court systems.
In conclusion Mr. President, this bill also
provides for entitlement language
starting in 1991 for funding of the
Japanese American Reparations Pro-
gram. This is an item that I have sup-
ported for a very long time. A perma-
nent solution has finally been found.
I would like to again thank the
Chairman of the Commerce, Justice, State,
and Judiciary Appropriations Subcom-
mittee for working with me to ensure that
the needs of Washington State are met.

PLACE A CAP ON CONSULTANT SPENDING

Mr. Pryor. Mr. President, I rise today
to thank and commend Senators
Hollings and Rudman. They have in-
cluded in the appropriations bill for
the Departments of Commerce, Jus-
tice, and State my amendment to cap the
amount of money which the De-
partments can spend on consultant
services.
This amendment is identical to the
amendment that I successfully offered
to previous appropriations bills.
Mr. President, the three Cabinet-
level Departments that receive their
appropriations through this bill under-
reported their spending on consult-
ant services in fiscal year 1987 by
roughly $50 million. This problem
exists throughout Government. I be-
lieve that it is appropriate to have
the taxpayers force the agencies to
keep better track of their consultant
spending.
Mr. President, over the past 20 or 30
years, Federal agencies have grown
more and more dependent on contrac-
tors to perform the most basic work of
the Government. This has occurred
for a variety of reasons. Some blame
congressional actions and some say
that it is appropriate to have contrac-
tors do the work. Whatever the rea-
sions, the result has been the creation
of a hidden bureaucracy, not subject
to the rules and regulations that
govern the official bureaucracy.
This hidden bureaucracy writes re-
ports to Congress, implements Govern-
ment programs, evaluates Government
programs, drafts regulations, and com-
ments on GAO reports.
Furthermore, in this time of great
concern over ethics, it is essential to
realize that contractors and consult-
ants are not covered by the ethical
rules that govern the civil service.
They are not covered by President
Bush's proposed ethics package. They
are not covered under the Ethics in
Government Act.
Mr. President, while I think that
consultants and contractors may have
being more efficient, this widespread
delegation of much of the basic work
is unhealthy. It creates a buddy
system and oils the revolving door.
What I propose is to use the Depart-
mant's own figures in considering
spending on consultants. I think this is
a reasonable and fair approach. Under
current law, section 1114 of title 31,
United States Code, each agency is
required to include in its budget justifi-
cation for the amount of money it
requests for consulting services, as
well as a list of appropriation accounts
from which the money is to come and
a description of the agency's need for
consulting services.
The definition of consultant services
will be the same as the definition pro-
vided by the Office of Management and
Budget's Circular A-120.
To give the agency an accurate idea
of how much it is actually spending on
consultant services, the amendment also
requires the Secretary of each Depart-
ment to submit a quarterly report to
Congress and the Comptroller General
on the funds obligated and expended
by the agency during that quarter.
This report will provide the Congress
with information on the types of ser-
ices we are buying. Furthermore, the
report will contain the reason the
agency felt that no Federal worker
should perform this work. The Com-
ptroller General is then requested to
review the reports submitted by the
Secretary and make any recommenda-
tions that he sees fit.
Mr. President, I emphasize that this
year I am proposing to use the figures
on consulting services the agencies
themselves sent up to the Con-
gress. This amendment is another step
in my quest to pin down exactly how
much the Government spends on con-
sultants and what the consultants do
for us. I believe this simple approach
will enable us to assure the taxpayers
that the Federal Government is care-
fully monitoring the way we are spend-
ing their money.
FUNDING FOR THE WESTERN CORRECTIONAL
COMPLEX

Mr. Wirth. Mr. President, I rise
today to offer my support for the
funding included in the Commerce,
Justice, State, and Judiciary appro-
priations bill for the construction of
two Federal correctional complexes.
These prisons may very well play an
important role in the war we are
waging on drugs. One component of
our Nation's fight must be law en-
forcement, and in turn, making sure
those drug offenders serve time. We
have been working in the Senate the
last few weeks to determine the most

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expeditious and effective measures to fight this war. I am proud of the direction we are taking and pleased that we can act now to expand the capacity of the Federal prison system.

If we are going to prosecute more dealers and users, we need to have a place to put them when convicted. The inmate population in the Federal prison system has increased dramatically: 80 percent in the last 8 years. The need for more prison space is obvious.

The two complexes funded in the bill—one in the Northeast and one in the West—will be comprised of a maximum security penitentiary, medium security correctional institution and a minimum security prison camp. Because the sentences of drug-related crimes vary so much, these multipurpose correctional facilities are even more necessary.

Should everything stay on course, Mr. President, the Western complex will be built in Fremont County, CO—with the enthusiastic support of 98 percent of its residents. I was highly impressed by the active participation of the community in the building of the Federal correctional complex. The people of Fremont County not only welcomed the new Federal prison, but raised $142,000 in less than 3 weeks toward the purchase of the land needed for the complex. In an era of tight budgets and rising crime rates, the Federal Government should applaud a public-private partnership like this.

I commend the members of the Appropriations Committee, and especially those on the Subcommittee on Commerce, Justice, State, and Judiciary for their foresight in funding these facilities. We need to move forward with this opportunity to work with our justice system and keep strong our war on crime.

MAKING MUSIC TOGETHER

Mr. KERRY. Mr. President, I want to commend the Appropriations Committee and thank Chairman Hollings and Senator Rudman for including $1 million in the Commerce, Justice, State appropriations bill to make the Federal Government a full partner in the upcoming "Making Music Together" festival.

This contribution will make possible the most substantial festival of American music ever to occur in the Soviet Union. This festival financed by the Soviet Union, private donors and now, with the concurrence of the House, the United States Government will permit some of our country's most extraordinary musicians to travel to the Soviet Union, to perform with the best in the U.S.S.R.

Let me just list briefly a few of the people and organizations expected to take part. Leonard Bernstein, Mikhail Baryshnikov—returning to perform in the Soviet Union for the first time—the National Theater of the Deaf, the Leningrad Philharmonic, the Kirov and Bolshoi Opera and Ballet, the Conservatories of Moscow and Leningrad and many more. And, let me single out with special pride, Sarah Caldwell and the Opera Co. of Boston whose genius, energy and enthusiasm have made possible this festival, considered to be the most important cultural exchange ever between the United States and the Soviet Union. This is the type of citizen to citizen diplomacy that can permanently remove the bricks and barbed wire that come with so long a tradition of such great expense, locked us into our worst fears and insecurities about each other.

Today democracy and freedom are in the ascendency in many parts of the world. We must support the efforts of the United States and Eastern Europe. The opportunity to build understanding of share values and dreams for ourselves and our children have never been greater. We must take advantage of this opening to help create the understanding that will progressively reduce the fear and mistrust that has characterized our relationship for such too long and burdened our peoples and our societies in extraordinary ways.

Few options that are open to us can contribute to this healing more than scientific, economic, political, and cultural exchanges. And frankly, nothing can help to build understanding of the American way of life, and build a bridge of shared values between the American and Russian people more than the type of musical exchange we are helping to make possible by our action today.

I would like to commend Chairman Paul and my colleagues in the Senate Foreign Relations Committee for their support of increased funding for these important cultural exchanges.

And again, I would like to thank the chairman and ranking member of the Commerce, Justice, State, Appropriations Subcommittee for their support of this important effort to build a bridge of shared values between the American and Russian people.

U.S. TRAVEL AND TOURISM ADMINISTRATION

Mr. BRYAN. Mr. President, I rise in support of the Commerce, Justice, State, and Judiciary appropriations bill. This bill includes funding for the U.S. Travel and Tourism Administration (USTTA): an agency within the Department of Commerce charged with promoting the United States as an international travel destination.

Mr. President, the Secretary of Commerce has described the USTTA as producing one of the best—if not the best—performances in Government. Last year foreign travelers spent approximately $37.1 billion in the United States. This $37 billion represents export earnings and contributes to reducing our trade deficit.

However, the USTTA—charged with promoting this export industry—had a budget of only $13.8 million. This is less than 5 cents per U.S. citizen, or one-twelfth per capita spending and 19th in total spending by National Government tourism organizations. We spend less on promoting this important industry than countries such as Colombia, Peru, Kenya, and Brazil.

This year's appropriation bill includes $14.3 million for USTTA—not a significant increase, but a step in the right direction.

Mr. President, America simply has not aggressively marketed herself as an international travel destination. While in most industries, competition is between companies, in the travel and tourism industry, it is also between countries. Globally, more than 170 international tourism organizations are vying for the business of 20 principal tourism-generating countries. The United States must expand its national promotional efforts.

I would like to praise the ingenuity of American business and the American tourism industry against any in the world. However, we must recognize that these businesses are often competing against entire countries. We must work with our travel and tourism industry to promote the United States as an international destination and to reduce or eliminate barriers for visitors wanting to visit our country.

Earlier this week, our colleagues from West Virginia [Mr. Rockefeller] chaired a hearing on the state of the tourism industry. The witnesses had a variety of suggestions to help promote U.S. tourism export earnings. But on one point they were unanimous: the need to increase the marketing effort by the Federal Government and to increase funding for USTTA.

I believe that this industry—properly promoted—can help reduce our trade deficit. One example is increasing tourism from Japan. The Government of Japan is officially encouraging its citizens—as many as 10 million—to travel abroad as a means of addressing its trade surplus. Last year, 2.8 million Japanese came to the United States and an estimated 3.2 million will visit the United States in 1989. In 1988, we had a $3.1 billion surplus with Japan in travel and tourism.

But we can do more. In my visits as Governor to the Far East, I found that they were eager to visit the United States. By far, the United States was the most desirable foreign destination. However, we are losing many of these potential visitors to other countries which more effectively promote themselves as a tourist destination.

Mr. President, I applaud the Senator from South Carolina [Mr. Hollings], the chairman of the Commerce, Justice, State, and Judiciary Appropriations Committee. He has long supported travel and tourism appropriations, and has been instrumental in helping to increase funding for USTTA.
And third, it would provide that future adjustments to judicial salaries would be made based on the percentage increase given to Federal employees under the General Schedule. And third, it would provide that future adjustments to judicial salaries would be made based on the percentage increase given to Federal employees under the General Schedule. As we prepared to bring up the Commerce, Justice, State appropriations bill I once again reflected on the judicial crisis that is unfolding before our eyes. First, the bill I introduced would provide all Federal judges a 30-percent pay raise. Second, it would remove the Federal judiciary from the current pay raise procedures of the Federal Salary Act which involves the Quadrennial Commission on Executive, Legislative, and Judicial Salaries. And third, it would provide that future adjustments to judicial salaries would be made based on the percentage increase given to Federal employees under the General Schedule.

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to compensate for the prospect of going at least another 4 years without an increase in his $89,500-a-year salary is.

Judge Carrigan suggests, and I would have to agree, that we may now be experiencing the beginning of an exodus from the Federal bench. According to the Judicial Conference of the United States, there appears to be a direct correlation between the sharp rise in early resignations from the bench and inadequate salary increases. According to their statement:

[The] figures reflect an increasing rate of departures that has grown in tandem with the decreasing real salary levels of the last two decades. During this same period the number of judges has also risen, * * * * Yet the rate of judicial departures clearly surpasses these rates. On the average, fewer than one judge a year resigned in the early 1970's compared to an average of five today. The late 1930's and early 1940's is certainly plausible to conclude that declining real judicial salaries have contributed to a higher incidence of judicial departures in recent years.

The Judicial Conference also reviewed exit statements made by 26 departing judges to determine if salary levels were playing a role in resignations. They found that these statements did confirm that such is the case. The conference noted:

The information obtained * * * * paints a sobering picture. Almost all of the judges indicated that financial considerations were a factor in their decision to leave the bench. For many, financial pressures played a decisive role. Several judges commented to the effect that "if money had not been a problem, I would still be there.''

Mr. PRESIDENT, typical of these Judicial Conference findings is the statement provided by Judge Robert M. Duncan at a hearing before the 1989 Quadrennial Commission on No. 19:

After eleven and half years of 60-65 hour work weeks, in one of the busiest districts in the United States, my life had been threatened on two occasions, my 9 year old daughter's life had been threatened, my wife was still working, we had not traveled outside the country, and I was unable to foresee how I could afford to send my youngest daughter to the university of our choice. I came to believe that my employer had not treated me fairly in an economic sense.

The decision to leave the bench was agonising. However, for years I had been intrigued with the challenge of practicing with talented lawyers in a large, prestigious and active law firm. I took advantage of an excellent opportunity to pursue such a challenge clearly in my mind that the quantum increase in compensation was a strong inducement for me to leave the bench. In 1968, at age 31, I had limited productive years ahead and I also knew that if I entered private practice I could afford to educate our youngest daughter, repair our house, my wife could retire and, finally, my health had considered cutting short their active judicial service for reasons primarily related to salary. The options listed as possibilities included resigning before reaching the minimum retirement age of 65; electing senior status sooner than the judge otherwise would have to return to the practice of law rather electing senior status and continuing to serve as a judge. More than one-half of the responding judges indicated that at least some minimal thought to these possibilities. Many of these judges—up to 31 percent of those who responded—said they had "very seriously" considered taking at least one of these steps.

Of even more concern than the fact that many judges are giving serious consideration to shortened service is the fact that some have taken affirmative steps in that direction. A total of 66 judges indicated that they have taken specific actions related to early resignation or retirement. The actions range from looking for alternative employment to receiving and considering concrete job offers.

This survey also found that life tenure is not an acceptable tradeoff for lower pay to many judges and that more judges would be very likely to stay in the bench if the salaries were adequately protected from inflation.

In addition to the financial burden placed on current judges, the failure to keep judicial salaries somewhat above of inflation has created additional problems. One such problem is the cost of training new judges and support staff, and probably more important is the loss of efficiency in handling large case loads. Retired Chief Justice Burger has estimated that "it takes 5 years for a qualified attorney to reach peak efficiency as a Federal judge."

Another problem involves the recruitment of future judges. Former Deputy Attorney General Edward G. Schmults had this to say regarding judicial recruitment:

For three years, beginning in 1981, I played an active role in the judicial selection process. I then became General Counsel. I and others at the Department of Justice were told by highly qualified lawyers that they could not afford to leave the practice of law for a federal judicial post. Beyond those lawyers who were contacted by the Department, we were keenly aware of many more outstanding candidates who would not even let their names be put forward for consideration.

In addition, the Judicial Conference sought to confirm these results:

[When asked what they would advise a friend or colleague considering seeking a nomination, 20 percent of judges indicated they would advise against it, primarily for financial reasons. More than a third of the respondents indicated that the mentioned compensation in their responses, mostly to the effect that prospective nominees should be fully aware of the inadequate compensation before making a lifetime commitment to the office. One judge stated that he would advise a friend to seek a judgeship "if he had children he had to educate, was willing to live very frugally, and had some private resources. In other words, this excludes most normal, successful lawyers.

I would like to conclude by reading from the report of the Quadrennial Salary Commission:

The constant dollar value of federal judges's salaries has been eroded to less than 70% of what it was in 1969. At the same time, overall workload has increased dramatically. Despite increases in the number of authorized judgeships in the last two decades, caseloads per active judge have increased sharply. Since 1969, average District Court caseloads have increased 53%, from 339 to 520 cases per judge per year. The appellate courts have experienced even more dramatic increases of over 100%, with average caseloads rising from 123 cases per judge in 1969 to 249 in 1988. This combination of less pay for more work has caused many judges to leave the bench for private practice at much higher levels of compensation.

Unfortunately, when we voted against the recommended congressional pay increase earlier this year, we were unable to consider separately the recommendations for the judicial branch. It surely must be demoralizing for a Federal judge to realize that his or her new law clerk, fresh out of law school, will be earning much more than the judge almost as soon as the clerk leaves the court. I firmly believe that the country will suffer greatly because of the evident increasing low morale within the judiciary.

Mr. President, I believe that we must act soon on this pay increase if we are to avoid a judicial crisis. I ask my colleagues to give serious thought to this issue.

Mr. DODD. Mr. President, I completely agree with Senator HARKIN about the need to increase Federal judges's salaries.

Historically, Federal judges's salaries have been linked to congressional salaries. In terms of the responsibilities and importance of both jobs, I think the linkage has been appropriate. However, because of the lack of political will to adjust our own salaries, the value of salaries for judges has decreased to the point that the quality of justice is truly beginning to be strained.

Mr. President, most lawyers have always aspired to be Federal judges. That is as it should be because the ju-
dinary should consist of our finest legal minds. Whether the matter at issue is interpretation of our Federal statutes, resolution of important properties or injury claims among our citizens, or enforcement of the Constitution, clearly we are well served only when our judges are the best our legal profession has to offer.

Unfortunately, today's salaries are threatening the continued quality of our judiciary. More and more judges are quitting for understandable reasons—such as to earn enough to send their children to college. How much longer can we continue to pay our Federal judges little more than our Nation's top lawyers earn first year associates? Surely, to continue down this path is to court disaster.

Moreover, I think it is important to keep in mind that judges' salaries are only one part of the problem, a problem that encompasses the value we place on public service. For just as surely as most of the best lawyers will not come, or stay, without a salary attractive to their private sector counterparts, so will our best minds abandon public service. This will be true whether it is our top researchers at NIH or Assistant Cabinet Secretaries who are paid less than $85,000 a year to manage billions of dollars and thousands of people.

Mr. President, it is easy to rail against increased salaries for Federal bureaucrats or judges, but we are beginning to see the effects of our actions, and they are distressing indeed. Just yesterday, we discovered that the Federal Housing Administration, the agency that helps millions of Americans buy homes, has current and anticipated losses of $6.9 billion. Why? The answer is telling and frightening—because of poor management practices, high turnover and inadequate staffing at HUD during the Reagan years. That is a very real price that all of us will pay for placing too low a price on public service.

Unfortunately, the FISA mess is not an isolated example. The PSLIC debacle, which will cost American taxpayers about $160 billion over the next decade, occurred in part because the OMB refused to give the Federal Home Loan Bank Boards the number of personnel the Board was requesting to supervise the thrifts with their newly-granted broader powers. Moreover, it wasn't until 1985 that the regulators were able to devise a way to pay competitive salaries in order to attract the best supervisory personnel. Unfortunately, by then the horse thieves were long gone from the barn.

Mr. President, on June 12 I introduced S. 1116, a bill which would provide for a gradual increase in the rate of pay for senior executive branch officials and for judges, and S. 1117, a bill to provide for a gradual and current increase in the rate of pay and decrease in honoraria for Members of Congress. Adoption of these bills would put an end to the kind of problems I have been talking about. I am confident that both measures will be enacted into law. The legislation addresses these problems, but if it does not, I will be back here because this is a fight for good government. We can—and should—debate the appropriate size and functions of government. We should decide what government should be involved in, we must assure that the people who carry out those functions are the best people we can find.

Mr. CHAFEE. Mr. President, I would like to take a moment to express my appreciation to the members of the Commerce Appropriations Subcommittee for providing all-important funding for the operations and activities of the National Oceanic and Atmospheric Administration.

Right now, the health of our environment is a matter of national—in fact, international—concern. It is time for us to consider with good cause. Global warming, clean air and water, and deforestation are some of the major issues directly related to the well-being of our population and our Earth. In this context, NOAA plays a vital role. We need to make sure that NOAA has the wherewithal to help us monitor and solve the environmental problems we face.

In my home State of Rhode Island, at the University of Rhode Island Graduate School of Oceanography, we have one of the best marine research programs in the country. In fact, URI was designated as a NOAA "Center of Excellence in Coastal Marine Studies." It is my hope that the excellent work being done at URI will continue as an integral part of NOAA research efforts, and benefit from the funding in the measure we have approved today.

COUNTERTERRORISM FUNDS

Mr. LIEBERMAN. Mr. President, the crash of UTA flight 772 last week, apparently caused by a terrorist bomb, is another grim reminder of the dangers that terrorists pose to the civilized world. That crash in Africa killed 171 persons, including 7 Americans. Meanwhile, in Colombia, there has been an outbreak of terrorism prompted by drug traffickers, and investigators are still trying to solve the terrible bombing of Pan Am 103, which was destroyed in Scotland last year and claimed 270 lives, including 189 Americans.

Congress has the authority to promulgate legislation designed to counter terrorism, including laws which pressure other nations which support terrorism. Terrorism, however, is not a subject that can be easily addressed by legislation, sanctions, and resolutions. We must take steps to detect and counter the increasingly sophisticated weapons and explosives used by terrorists.

Such steps can be taken through the Commerce, State, and Justice Department appropriations bill which is now before us. This bill contains a relatively small amount of funding for the Interagency Counterterrorist Research and Development Program as part of the State Department's diplomatic security salaries and expenses account. The program provides seed money to develop more effective methods for detecting explosives and chemical and biological agents, as well as improving our ability to respond to terrorist incidents.

The program, which is coordinated by the State Department, provides startup money for research on priority projects which a group of interagency scientists and experts concluded deserved priority but have not yet been funded by individual agencies. The program has also funded R&D to create new advanced systems to detect plastic and sheet explosives of the type used to blow up airliners. The projects started by this program could provide second-generation sensing components to supplement or replace some of the equipment in the first generation equipment such as the thermal nuclear analyzers which have been the subject of some recent controversy.

The interagency program also is used by the State Department to coordinate the growing effort to generate cooperation on R&D with allied countries. The United States currently is working with other countries to develop a chemical tagant for preblast detection of plastic explosives of the type used to blow up Pan Am 103.

Mr. President, this program is a good one, but it has been underfunded. The Administration has proposed $6 million for fiscal year 1990, the same request as for fiscal year 1989. Congress, however, only appropriated $3 million last year, and the result was that some important projects were reduced or shelved entirely.

The bill before us today straightlines last year's $3 million figure and thus represents a 50-percent cut in the administration's request for the second consecutive year. This is not the time to fail to do what we can to prevent additional aircraft bombings or other terrorist acts.

I recognize the competition for scarce budget resources, but we must find some way to provide more funding for this very important counterterrorism effort. I hope that in conference, the conferees can make adjustments and fund the administration's request. The program is a good investment in the continuing battle against terrorism.

Mr. KENNEDY. Mr. President, with the end of the current fiscal year, the
Department of Justice is technically final to move forward with the reorganization that Attorney General Thornburgh has proposed for the Organized Crime Strike Forces. The reorganization is controversial in Congress. Many of us have serious reservations about the Attorney General's proposal. We feel that the strike forces have worked well, and that reorganizing them out of existence would be an unfortunate and unwise step backward in the war on crime and drugs.

We considered the possibility of extending the current statutory prohibition on such reorganizations as part of the pending Department of Justice appropriations measure. However, we still hope that it may be possible to reach a compromise with the Attorney General on the issue that will avoid further controversy. Under a unanimous consent agreement reached earlier this week, the Senate will shortly take up a measure dealing with the death penalty, habeas corpus reform, the exclusionary rule, Justice Department reorganization, international money laundering, and the availability of firearms for purchase. We intend to pursue the possibilities for compromise on the organized crime strike forces in the context of that legislation. I know that Attorney General Thornburgh is as interested as we are in resolving these organization issues as expeditiously as possible, and I look forward to working with him and with other Senators to achieve that goal.

Ms. MIKULSKI. Mr. President. I would like to acknowledge Senator Hollings, chairman of the Subcommittee on Commerce, Justice, State, the Judiciary, and related agencies, who is proceeding with the fiscal year 1990 Commerce, Justice, State, the Judiciary appropriations bill so expeditiously and congratulates him for setting such a fine example of hard work and dedication to this job.

I want to thank him for his help in funding Maryland projects. I would also like to thank his fine staff, Warren Kane, Dorothy Seder, and Liz Blevens. Furthermore, I recognize the ranking minority member Senator Rudman as well as his staff, John Shank and Judee Klepec for their help throughout the process. Their in-depth knowledge of the subject matter, candor with others, hard work, long hours, and cooperation were instrumental in getting this important bill prepared in such a timely and efficient manner.

I would like to briefly mention a few of the important items contained in this bill.

This bill contains funding for the consolidation of the National Oceanic and Atmospheric Administration in Silver Spring, MD. This consolidation, but left unchanged a site from 3-to-1, will dramatically reduce the agency's administrative costs and improve its program coordination.

Mr. RUDMAN. The full funding of $18 million be approved for continued operation of Landsat 4 and 5. Although this bill only contains $9.5 million, half of the requested amount, $15.9 million, of the Landsat system is an invaluable national resource we can ill afford to neglect in the face of increasing international competition. I understand that these funds will be available for the first 6 months of operation and that NOAA is expected to make suitable financial contributions if the satellites continue to operate. The United States has invested a tremendous amount of capital, time and effort into making the Landsat Program the world's foremost civilian remote-sensing platform. Data from Landsat are used for projecting crop yields, monitoring pollution, land planning, and weather exploration. Furthermore, a $4.7 million appropriation for Landsat 6 is essential in order to meet the projected June 1991 launch date.

In addition, I support the $22.9 million, a $1.9 million increase in funding for the National Institute of Justice to aid them in the war on drugs. I believe that the institute has served as an invaluable resource for the Nation's police chiefs as well reducing domestic violence and implementing effective drug interdiction strategies. The drug situation in the District of Columbia, a high priority area to William Bennett, is of great concern to me. We must work together to rid this Nation of this terrible problem, we cannot allow the District's problems to simply spread into the suburbs of Maryland and Virginia.

Finally, I mention my support included in this bill for the programs of the National Institute of Standards and Technology. Headquartered in Gaithersburg, MD, the institute plays a vital role in promoting improved U.S. industrial competitiveness. NIST's role as the Nation's prototype standards and engineering measurement laboratory and provides the basic foundation of our country's scientific and industrial strength. Increases in the budget are necessary for computer security, chemical measurements and standards, lightweight measurement technology, bioprocess engineering, high-performance composites, high-temperature superconductors and an upgrade of NIST scientific computers.

Once again Mr. President, I would like to acknowledge the job Chairman Hollings and Senator Rudman as well as their staffs have done. They must handle many requests for funds and choose from the many deserving projects. Their efforts are truly commendable. However, there was one amendment I was prepared to offer regarding possible plans for a detention facility in Maryland. I did not offer this amendment but I pursue this matter in the conference committee to achieve a satisfactory result, Mr. President.

I thank Senator Gramm of Texas. He worked tirelessly with members of the subcommittee and the staff on behalf of the DEA and the FBI in getting this budget together. Being from Texas and with the constraints we have there, his work is very valuable to us. I commend him for his help in the recent drug negotiations, in helping reach the compromise that added $900 million. I wanted to express a personal thanks to Senator Gramm for that.

I also, of course, thank Senator Hollings, who spent the day here wanting to be in South Carolina where his constituents have such problems. He left here just a short while ago to fly down there.

I thank my dear friend from Hawaii, Senator Inouye, who I think we will call the iron man. He was here from early morning yesterday, early morning today, and graciously came forward and helped manage this bill for Senator Hollings. I thank the Senator from Hawaii for his work. I yield the floor.

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 a third time.

The bill was read a third time.

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

The PRESIDING OFFICER. The call will be 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. BURNS. Mr. President, I thank the managers on this legislation.

I express my support for this bill and thanks for all the work that went into it. I know that it was a grueling type of situation. Senator Rudman and Senator Hollings and their staffs put in so much time trying to find a compromise to fund the drug bill. It sure was not an easy task and I commend them for a job well done.

I am particularly pleased with the formula change that the committee made for State and local law enforcement agencies and those grants. Under the Anti-Drug Abuse Act of 1988, the Federal-State match for grants was slated to go from 3-to-1 to a 1-to-1 match, and the 1 to 1 match was also assumed in the President's national drug control strategy.

What the committee did was to delay that for 2 years.

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That is all very technical but practically speaking I can say that this brings great relief to State and local government and law enforcement people. The administrator of the Montana Board of Crime Control and one of our drug task force project directors contacted me and said increasing the local match from 25 to 60 percent this fiscal year would put the fully operational task forces at risk. I am sure that is true in many States, not only my own of Montana.

Local communities just cannot budget for that type of 1-year increase and would consider dropping the task forces altogether. I do not think it is the feeling of this Senate or this government at this time that this is a good time to be killing these types of programs.

The intent of the previous law and of the President’s strategy is to get all levels of Government involved in this issue, and we are. I support that goal. However we must be reasonable and give local communities time to adjust. I am pleased that the committee has taken this step to do this.

So I appreciate the work of Senator Rudman, and all those conferences who understood what local government goes through in the budget process, and this increase would have been devastating. I think it would have taken some of our local law enforcement and task force out of the program entirely.

We who live in principally rural areas are not exempt from this terrible problem called drugs and we want to be a part of the solution as soon as possible. So I commend them for that and their work on this bill in making those adjustments, and salute them for it.

Mr. President, I thank you. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. RUDMAN. Mr. President, first let me thank my friend from Montana. He is quite right. We are putting enormous amounts of money into local law-enforcement grants. The present occupant of the chair was a very distinguished Governor from the Commonwealth of Virginia, and I am sure recognized as we all do that if you suddenly give communities a great deal more money in the middle of the year and they have to match it one to one, they might not be able to raise the money to match it.

That is precisely the issue the Senator from Montana raised. We have deferred the match increase for 2 years in putting enormous amounts of money into the war on drugs at all levels. There will be some match but the present match will not come for at least a 2-year period.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2991), as amended, was passed.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. RUDMAN. 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 that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes 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. ROBS) appointed Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. LUTENBERG, Mr. SANNER, Mr. ADAMS, Mr. BYRD, Mr. RUDMAN, Mr. STEVENS, Mr. HATTFIELD, Mr. KASTEN, Mr. GRAMM, and Mr. McCURIE conferees on the part of the Senate.

Mr. INOUYE. 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. JOHNSTON. 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. JOHNSTON. Mr. President, I want to congratulate the committee and congratulate the Senate for the final passage of the State Justice, Commerce appropriation bill because contained within that bill is strong language to prohibit the importation of foreign shrimp where those foreign countries do not adhere to the same standards to protect the turtles as does the State of Louisiana and other shrimp producers in this country.

Mr. President, last year foreign countries claimed 70 percent of the U.S. market for shrimp and shrimp products. One hundred and four million pounds were imported from Equador, 65 million pounds from Mexico. Mr. President, these countries do not use the so-called turtle-excluder devices. These countries are probably the biggest offenders in terms of endangering the sea turtles as are domestic American producers.

So, Mr. President, it would be an outrage if this country imported shrimp from countries like Mexico which do not utilize these turtle-excluder devices while our shrimpers are being penalized.

So, Mr. President, what did we do in the Appropriations Committee—when I say we, my distinguished colleague Senator Breaux, had previously proposed this language and had it adopted on another bill, but that bill, the Armed Services bill, was not going to pass. So I added this on behalf of Senator Breaux and myself in the Appropriations Committee.

This language provides for negotiation with these foreign countries. If they fail to take the same kind of action that we in Louisiana are required to take under the Federal law, than after 1991 we may no longer import these shrimp from these foreign countries.

If they undertake all of the same kinds of things that we do in this country then those importations may proceed. But if they fail to take turtle-excluder devices and the other provisions called for under American law then we will not be able to import the shrimp from those countries, which will mean, Mr. President, that the 70 percent supplied by foreigners who do not undertake those same kinds of actions cannot be imported.

What it will mean in practical terms, we think, if those countries do not take that action the price of shrimp obviously will go up because the supply will be down, so that Louisiana shrimpers, the California shrimpers will in effect have some form of compensation in the form of higher prices for their shrimp should these countries fail to take that action.

If they take the action and do those things which are necessary to protect the sea turtles, then the purpose will have been well achieved.

Mr. President, Senator Breaux and I have in this amendment I think an effective protection first for sea turtles, and alternatively help for the price of shrimp for our shrimpers in Louisiana.

Mr. President, the turtle-excluder device should not, in my judgment, have been made a requirement because there is an ongoing study which has not been completed as to the effectiveness of those devices. We have fought long and hard not only in the Senate but with our colleagues in the House to try to prevent this rule from coming into operation.

Mr. President, it was over our protests that this amendment came into operation. But since it did come into operation this is the next best thing we can do. I think the amendment as proposed in this legislation and fought for by Senator Breaux, my colleague, and by me in the Appropriations Committee is going to be a great step forward.

Mr. President, I see my colleague from Louisiana on the floor. It is a pleasure, of course, to work with him on this amendment.

I yield the floor to him.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana (Mr. Breaux).

Mr. BREAUX. Mr. President, I want to commend our senior Senator from Louisiana for his work in crafting this
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provision and putting it into the State, Justice, and Commerce appropriation. As has been outlined previously, I will be very brief. We have a heck of a problem here in the Gulf of Mexico with regard to literally thousands and thousands of people who shrimp for a living. The United States most valuable fishery is the shrimp industry, and it is in danger of being eliminated and threatened by Federal rulings and regulations, as any species that has ever been listed by the Endangered Species Act.

This results because of regulations that have been imposed by the Department of Commerce, which would require the use of turtle-excluder devices as these shrimpers go about this business of harvesting. These regulations are simply not working. In addition to that, they are shown to be not effective in doing what they are designed to do. The problem is even made worse by the fact that other regulations which export their shrimp products into this country have little, if any, concern about the endangered species, the ridley sea turtle.

What our amendment does is require our Department of Commerce and the State Department to survey those countries that have an impact on the ridley sea turtle, and to ascertain whether they in fact are taking measures to protect those endangered species, like our shrimpers are being required to do. If they are not—and I tell you I know for a fact they are not—and that determination is made, we will ban the importation of those products into our country.

It is patently unfair on its face to say to the U.S. industry that you must abide by these sets of rules and regulations, but other countries do not have to do anything, and, yet, we will then give them our market. That is exactly what is happening.

I think the amendment that Senator Johnston and I worked on together is long overdue. It is absolutely correct. Just one country, Mexico, exported into the United States approximately over 63 million pounds of shrimp just last year, and that has a value of over $300 million. If they do not have to follow the same rules and regulations. We are giving them our market, while we do not require them to do anything in return. Yet, our actions are putting our own citizens in severe jeopardy. That is patently unfair.

This legislation that we now have has a great deal of precedence. We have done the same thing with regard to other species like, for instance, the marine mammals on which we require other countries to have programs, and if they do not, they are going to lose access to our market. That is exactly what this legislation in fact does. I think it is a major step in the right direction.

It is important that we start giving the same amount of care and concern to humans in this country, as we do to some of our endangered species. Humans are certainly no less valuable; in fact, they are much more valuable, just the opposite.

I think this legislation will bring back the proper balance that Senator Javonner and I are together seeking by this legislation.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BREAUx. 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.

INVESTIGATION OF EASTERN AIRLINES DISPUTE

MOTION TO PROCEED

Mr. MITCHELL. Mr. President, under the agreement previously reached on the drug legislation, the Senate was to proceed to the immediate consideration of a bill that incorporates certain of the remaining legislative initiatives of the President’s drug strategy. I would like to make a motion to proceed to the consideration of Calendar No. 33, H.R. 1231, an act to direct the President to establish an emergency fund to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units; file cloture against the motion; and then withdraw the motion. This would mean that a vote on cloture could occur next Tuesday, and the Senate could consider the nomination of Joseph Zappala to be Ambassador to Spain on Monday.

To protect the position of the drug bill, I now ask unanimous consent that the majority leader, after consultation with the Republican leader, may proceed to the consideration of the drug bill, referenced in the previously obtained consent agreement, at any time, regardless of the pendency of any other legislation, and notwithstanding the provisions of rule XXII.

I further ask unanimous consent that when the Senate recesses today, it stand in recess until 2 p.m. on Monday, October 2; and that following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond 2:30. I further ask unanimous consent that at 2:30 the Senate proceed in executive session to the consideration of the nomination of Joseph Zappala to be the United States Ambassador to the Republic of Spain.

I further ask unanimous consent that the vote on cloture on the motion to proceed to the consideration of H.R. 1231 occur at 12:15 p.m. on Tuesday, October 3; that at the conclusion of that vote, the Senate stand in recess for the two party conferences; and that at 2:15; regardless of the outcome of the earlier cloture vote, the Senate resume consideration of the Zappala nomination in executive session.

The PRESIDING OFFICER. Is there objection? Mr. DOLE. Mr. President, reserving the right to object, I want to make certain I understand the position of the drug bill. It is my understanding that after the vote on cloture, if cloture is not obtained, then the drug bill would have priority. I assume if cloture was obtained, then would that displace the drug bill until final disposition of the Eastern Airlines matter?

Mr. MITCHELL. The question directed at me or to the Chair?

My understanding is that this provides me with the authority, after con-
sultation with the distinguished Republican leader, to proceed to consideration of the drug bill at any time regardless of the pendency of any other legislation.

The PRESIDING OFFICER. The interpretation by the majority leader is correct.

Is there objection to the request by the majority leader for unanimous consent?

Mr. MITCHELL. As stated in the request, it is my understanding that this would do if agreed to would be to provide the majority leader, after consultation with the Republican leader, with the authority to proceed to the consideration of the drug bill at any time, notwithstanding the pendency of any other legislation, so it would be in position to be called up at any time that we agree.

Mr. DOLE. In fact, as I understand the order on the drug bill, it almost mandates us to take up the drug bill, and I do not remember what the majority leader said about final disposition. In other words, after this is done, and if there is something else, we would have to, in effect, set aside the drug bill again. Is that how we are going to work it? I do not have any problem with that. I just want to be certain of it.

Mr. MITCHELL. That is my understanding, that it would be awaiting a decision to proceed to it.

As the distinguished Republican leader knows, I intended to proceed to it immediately upon completion of the State, Commerce, Justice appropriations bill and barring some reason, which I am now completely unaware of, I plan to do so as soon as the bill is ready, and we reach agreement in terms of doing it in terms of the schedule.

Mr. DOLE. I have no objection.

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

ORDER FOR WAIVER OF LIVE QUORUM

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the live quorum preceding a vote on the cloture vote be waived.

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

INVESTIGATION OF EASTERN AIRLINES DISPUTE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 33, H.R. 1231.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I move that the Senate proceed to the immediate consideration of Calendar No. 33, H.R. 1231.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 1231, to direct the President to establish an emergency board to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units.


Mr. MITCHELL. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

COMMISSION TO INVESTIGATE ISSUES ARISING OUT OF THE EASTERN AIRLINES STRIKE

Mr. MITCHELL. Mr. President, as the Senate has worked over the past 6 months, we have been facing an item of unfinished business.

On March 2, 1989, a strike began at Eastern Airlines between the International Association of Machinists and Transport Workers Union honoring machinist picket lines. The President declined to exercise statutory authority under the Federal Railway Labor Act in order to establish an emergency board to investigate and impose a 60-day cooling off period.

The President's decision ignored the recommendation of the National Mediation Board (NMB)—and the fact that in over 30 cases involving the airline industry, whenever the NMB recommended an emergency board order, and emergency board had always been created.

Eastern Airlines then filed for bankruptcy. On March 15, the House of Representatives voted 252 to 167 to approve H.R. 1231 to require the President to appoint an emergency board. The House committee report on the bill predicted that "Unless the labor disputes can be resolved promptly, Eastern is unlikely to be able to reorganize and resume operations as a major airline."

On March 16, the Senate began consideration of H.R. 1231. A cloture petition was filed to overcome a filibuster in opposition to the bill.

Following the cloture recess, H.R. 1231 was withdrawn from Senate consideration. On March 23, the bankruptcy judge held a hearing on the appointment of an examiner to review the Eastern case, and subsequently had decided to grant the examiner extraordinary powers, including the responsibility to mediate between Eastern and its unions to achieve a settlement that would be both economically sound and fair to striking employees.

At the same time, negotiations were underway between Texas Air chairman, Frank Lorenzo and several prospective buyers of Eastern Airlines. There was reason at the time to be guardedly optimistic that an agreement would be reached that would include a settlement with all employee groups and lead to a resumption of Eastern's operations.

Unfortunately, none of the hopes and expectations of April have bloomed into reality. The bankruptcy proceedings have led only to a fragmentation of Eastern assets. There has not been any progress in resolving the original dispute between labor and management.

In withdrawing H.R. 1231 from Senate consideration on April 4 and returning it to the Senate calendar I clearly stated the understanding that "the leadership and principal sponsors of the legislation will proceed to take up the bill again if events warrant that action."

Such action is warranted today. By bringing H.R. 1231 to the Senate floor again, it is my intention to offer a substitute amendment cosponsored by Senators Kennedy, Graham, Ford, Byrd, Dixon, Adams, and Lieberman.

The Eastern Airline strike, bankruptcy, and fragmentation pose serious consequences for our national air transportation system. Before the strike began, Eastern was the Nation's sixth largest airline, with 30,000 employees. In 1988, it carried 35.8 million passengers, representing 7.5 percent of domestic air traffic.

Eastern used to be the dominant carrier on major routes in the Eastern United States. In the first three-quarters of 1988, the airline carried 67 percent of the New York-Miami market; 57 percent the LaGuardia-Boston and New York-Washington markets; and 52 percent of the Miami-Atlanta markets.

Today, Eastern Airlines is less than 2 percent of the Miami-Atlanta market. The strike and bankruptcy have led to bitter hardships for Eastern employees and their families, no matter what side of the picket line they may be on. The
short-term effects are also nothing compared to the potential long-term, structural implications for the airline industry.

In the last few years, there have been 10 mergers of major airlines. Of the 22 new airlines that entered the domestic market since deregulation, only 5 are still operating as separate entities.

From 1983 to 1987, the market share of the top eight airlines increased from 74 percent to 81 percent. The fragmentation of Eastern Airlines only contributes to this concentration of power within the industry.

The stakes are bigger than just Eastern, or just the dispute between Eastern and its unions. The impact is broader than any inconveniences already suffered by Eastern creditors, employees, ticketholders, and communities the airline once served.

The critical, pervasive importance of transportation to our economy makes the transportation industry different from all other industries. That is why the Federal Railway Labor Act which governs railroads and airlines is different from the National Labor Relations Act—and allows for such intervention as a Presidential emergency board.

It is with these broader concerns in mind, that I believe it essential to call up H.R. 1231—and offer a substitute amendment.

Because of intervening events, Eastern is no longer the airline that it used to be. For the same reason, H.R. 1231 is no longer best-suited to deal with the immediate situation. I therefore will propose a substitute amendment to create a commission to investigate the Eastern Airline dispute, but which will be different from an emergency board.

There will be no force of law directly brought to bear on the parties involved in the dispute. The substitute amendment will have no requirement that the parties return to the pre-strike situation, out of which the dispute arose. Eastern Airlines today is a different airline. The conflict between labor and management has run its worst. Prestrike conditions no longer exist. There no longer is any point to a cooling-off period.

The substitute amendment also will not interfere with the ongoing bankruptcy proceedings involving Eastern. The Commission's recommendations are to be directed to Congress and the Secretary of Transportation. To the degree that the Commission's work may be helpful to the bankruptcy court's deliberations, the bankruptcy judge, of course, can take judicial notice of its report. But there is no interference in the normal bankruptcy process.

The substitute amendment to H.R. 1231 will allow the Commission to investigate and make findings of fact and recommendations regarding the "prompt and equitable settlement" of the Eastern strike. Understanding the reasons for the original dispute is essential—if there is to be any hope at all for Eastern workers ever returning to their jobs; and if there is to be any hope at all for both labor and management to work together to avoid such conflicts.

The substitute amendment also will direct the Commission to consider other issues arising out of the Eastern Airlines dispute—but which involve policy considerations that go far beyond any one airline. These issues include:

- The powers of the Secretary of Transportation to intervene on behalf of the public interest to main competitiveness during airline acquisitions, mergers, and bankruptcies.
- The adequacy of protection of employee collective bargaining rights in bankruptcy proceedings involving air carriers.
- The impact of increased concentration and increased foreign ownership of domestic carriers; and
- The hiring of replacement workers in international and interstate commerce during labor disputes involving air carriers, and its impact on aviation safety.

These are all important issues. Many of them potentially require legislative action. It will be the responsibility of the proposed Commission to make a comprehensive study, and make focused recommendations that can be considered in the normal course of the legislative process.

I believe this is appropriate, reasonable, and necessary step in addressing issues arising out of the Eastern Airlines dispute.

The PRESIDING OFFICER (Mr. BRYAN). The Chair recognizes the Senator from Massachusetts [Mr. KENNY]

EASTERN AIRLINES COMMISSION LEGISLATION

Mr. KENNEDY. Mr. President, I urge the Senate to support bringing up this legislation. As the majority leader has indicated, a complete substitute will be offered for a commission to investigate and make recommendations regarding the protracted dispute at Eastern Airlines and the underlying causes of that dispute.

The legislation should not be necessary. If President Bush had followed the unbroken precedent of naming an emergency board—a precedent that even President Reagan honored—we would have had recommendations for the settlement of this dispute 4 months ago.

Instead, President Bush ignored this time-honored procedure for obtaining objective recommendations. In every instance that the National Mediation Board has recommended an emergency board to find facts and make recommendations, every President has agreed to the recommendations—except President Bush.

Secretary of Transportation Skinner has attempted to explain this decision by the administration to abdicate its responsibility. He claims there was no national emergency. This is the same Samuel Skinner who not 8 months previously had called on Congress to intervene in a company railroad dispute in Chicago, saying it was Congress' public responsibility.

In the wake of the administration's irresponsible inactivity, the House of Representatives enacted legislation to mandate the creation of an emergency board, and to make the findings of fact and recommendations for the settlement of the dispute. When the Senate attempt to take up that bill, the administration and their allies here were adamantly opposed to this measure of simple fairness. They threatened to filibuster against any such attempt to establish just procedures to end the strike. The House-passed bill has not been considered in the Senate ever since, while the strike has continued to fester.

Six months later the strike continues, the employees of Eastern and their families have suffered great hardship, and we still have no neutral findings and recommendations for ending the dispute.

What facts are our Republican friends so afraid of that they are willing to engage in a filibuster to prevent them from seeing the light of day? What recommendations for settlement are they so afraid of, that they do not even want them to be proposed. Or are they simply puppets on the end of Frank Lorenzo's string, dancing to whatever tune he calls?

We know enough of the facts to know that this situation smells to the rafters of the Senate.

From the time of his purchase of Eastern in 1986, Frank Lorenzo has systematically plundered of its valuable assets. He has saddled a once-proud airline with enormous debt. His rape of Eastern triggered an article in the respected publication Financial World which observed "Eastern appears to be the victim of a corporate version of the battered-child syndrome: it is being mugged by its own parent."

Frank Lorenzo bought Eastern Airlines for $649 million, but he put up only $280 million of his own money. Eastern actually put up $108 million of the cash for its own acquisition.

The spokesperson for Eastern in 1986 was Samuel Skinner, who not 8 months previously had called on Congress to intervene in a company railroad dispute in Chicago, saying it was Congress' public responsibility.

That was only the beginning. From day one, Frank Lorenzo has systematically siphoned cash and assets away from Eastern. The reservation system was sold for a song—to Texas Air, which is also owned by Frank Lorenzo. Eastern workers were left with a pittance—to Continental Airlines, which is also owned by Frank Lorenzo.
Eastern was forced to pay $10 million a month to use its former reservation system, and $6 million a year for management fees—which by any measure of good management, should be called mismanagement fees.

Before the National Mediation Board declared an impasse in the dispute last February, the Board had offered both parties the opportunity to submit the dispute to arbitration. The union readily agreed—but Frank Lorenzo refused to accept a fair and impartial mediation of the dispute by a neutral arbitrator.

Serious issues were raised by events leading up to the strike, and additional serious issues have been raised by events since the strike.

The bankruptcy proceedings have been abused by Frank Lorenzo again. He did it once before with Continental Airlines. Congress closed one loophole that abuse, but other loopholes are still large enough for this slippery corporate raider to slip through.

Obviously Congress cannot act now to unscramble the eggs that Frank Lorenzo has scrambled since last March. But there is still time to bring a measure of justice to this irresponsible dispute.

The proposal we are making would provide the Department of Transportation and the Congress with an expert assessment of the current state of the facts involved in this dispute, and recommendations for its prompt and equitable settlement.

The blue-ribbon panel to be created would also make recommendation on policy issues raised in this dispute, so that the Congress and the President can take future steps to ensure the traveling public and all airline employees that there will never be another Eastern.

One corporate raider should not be able to sabotage a distinguished airline with 50 years of service, and destroy the hopes and dreams of 30,000 Eastern families.

At every step of the way, the normal process of reaching a peaceful settlement has been blocked by Frank Lorenzo. In his numerous nefarious antiworker maneuvers, Frank Lorenzo has been aided and abetted every step of the way by the Bush administration. That is wrong, and it is long past time for Congress to act. The traveling public and the workers of America deserve a fair and objective assessment of the issues in this long and endless strike. And the Eastern employees who have suffered so much for so long deserve no less. I urge the Senate to approve the substitute we are proposing.

Mr. GRAHAM. Mr. President, by action just taken by the Senate, we have set the stage for a debate on Tuesday relative to the future of American commercial aviation. While this debate is going to be in the context of Eastern Airlines, it raises so many broader questions of the responsibility of Government, specifically the Congress of the United States, to the long-term viability of U.S. commercial aviation.

A decade ago, we decided that we would cast our lot with a deregulated commercial aviation industry. I supported that at the time, and I continue to support the basic concept of allowing the marketplace to be the primary determinant of routes and of fares. But I also recognize, Mr. President, that there have been a series of disturbing incidents as to what has occurred within the industry. The fact that Eastern Airlines, which was at one time one of the largest and strongest airlines in the country, is now in bankruptcy and, at best, will be a much different, smaller, and weaker airline than it was at its height is but one example. I would bring to the attention of the Senate that Eastern Airlines, which has recently been through a merger had an accident on the field resulting in two deaths. The exact cause of that accident will now be the subject of a major investigation by the appropriate safety agency.

Third, Braniff Airlines, an airline which has already gone through one bankruptcy and considerable dislocation which has recently moved its corporate headquarters to my State of Oklahoma. The Braniff declared bankruptcy for a second time causing great inconvenience to those communities which are served by Braniff Airlines. Those are three isolated incidents, Mr. President, that raise some disturbing questions about the future of commercial aviation under the current circumstances.

I might point out, Mr. President, as you know this well as a member of the Banking Committee, some of the analogies of what we are seeing in commercial aviation to what we saw in the thrift industry. Our first harbinger of problems in the thrift industry was an institution here that had gotten into trouble, and an institution in another State that had gone into financial distress. This was not until recently, within the last 10 or 15 years, that we began to see these institutional instances were part of a larger pattern. I believe that we need to avoid a repetition of what occurred in the thrift industry by an early and systematic analysis by an appropriate congresionally established commission to study the issues of the economics of commercial aviation and to propose as a Senate amendment to H.R. 1231. I look forward to the debate on Tuesday and to affirmative action by this body which will allow us to move forward in a manner that will do much to the benefit of the American public. Thank you, Mr. President.

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

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

EASTERN AIRLINES LABOR DISPUTE

Mr. DOLE. Mr. President, I rise in opposition to the motion to proceed offered by the distinguished majority leader, Senator Mitchell.

I would indicate we at one point thought there might be some way to have another investigation. But after consultation with administration leaders, we determined that the best interests of Eastern, nor its present nor former employees. I will explain that in more detail.

Last week, I was fortunate to have the opportunity to meet with several prominent union leaders to discuss a number of issues of importance to the labor movement. Not surprisingly, at this meeting, we discussed the current situation at Eastern and the possibility of creating a blue ribbon commission.

After discussing the commission with several members of the administration, and after carefully reviewing the situation at Eastern, I have come to the conclusion—regrettably—that creating a blue ribbon commission would be ill-advised at this time. Last March, the Senate weighed in on the merits of the Presidential emergency board. We thought then that the PEB was a bad idea—and in my view, at least—a blue ribbon commission would be no different. It, too, is a bad idea.

GOOD INTENTIONS

Now, I know that the distinguished majority leader, Senator Kennedy, and the rest of the bill’s sponsors are motivated by good intentions. Nobody likes a strike—particularly a strike as prolonged and bitter as the strike at Eastern. Consumers have been inconvenienced. Eastern has been forced into bankruptcy. And many families have been hurt. I know—I have talked to many of the striking workers—and I am genuinely sympathetic to the hardships suffered by them and their families.
CONGRESSIONAL RECORD—SENATE
February 9, 1989

So I can certainly understand the motivations of the bill's sponsors. They—like everybody else here in Congress—want to see a final and swift resolution of Eastern's problems.

GETTING IN THE WAY

But you know, last April the bankruptcy court appointed an examiner to look into Eastern's financial situation, including its labor problems. Let me read you a few excerpts from the order, which describe the examiner's responsibilities:

The examiner must,

Canvas, determine and identify the issues and impediments that must be resolved to facilitate a reorganization.

The examiner must,

Inquire of the principal parties in interest in the chapter 11 case, including but not limited to, the major secured and unsecured creditors of Eastern, * * * and the employee groups and their representatives, concerning their respective positions * * * and test the validity of the assumptions underlying each part's position.

And the examiner must

Mediate any differences in respect of the positions of the various parties * * * and attempt to achieve a consensus among the parties, before a formal plan of reorganization may be proposed, confirmed and consummated. * * *

So, you can see, the so-called blue ribbon commission is really unnecessary. It would duplicate the work of the court-appointed examiner. Even worse, it would interfere with—obstruct—the work of the examiner, at a time when the examiner's work is crucial to reviving Eastern and at a time when the examiner's work is almost completed. I understand that the examiner expects to finish up sometime in November or December. So let us not jump the gun. Let us wait for the examiner's report.

AN IMPOSSIBLE TASK

The examiner has been conducting his investigation since last April—and I am sure that Eastern has the legal bills to prove it. The examiner also issued an interim report in May. So the examiner has been working hard for about 6 months now—and his work should be completed shortly.

But this legislation would require the Commission to report to Congress not, within 6 months, not within 4 months, but within 45 days. The legislation would also require the Commission to make recommendations not only on the Eastern dispute, but on a whole series of aviation policy matters—matters of great importance to the aviation industry and to the entire economy. These issues include business concentration in the airline industry, the treatment of airline employees in chapter 11 bankruptcy proceedings; foreign ownership of airlines, and the propriety of hiring replacement workers, and the Commission is to make these recommendations within the unbelievably short period of 45 days.

Unless the commissioners can somehow forego an entire month's worth of sleep, 45 days is a completely unrealistic deadline.

QUESTIONABLE NEUTRALITY

Let's call a spade a spade. The Commission and the blue ribbon commission would not be neutral or impartial. It would be rigged in favor of one of the parties involved in the dispute. I am not an expert in calculus or geometry, but I do know simple arithmetic—and I do know that two is greater than one—that two commissioners can easily outvote the decisions of the single commissioner appointed by the Secretary of Transportation.

THE BROADER Issues

Now, I commend Senator Mitchell for giving me the opportunity to review the legislation prior to this motion to proceed. Perhaps some of my specific concerns about the blue ribbon Commission could have been worked out with the distinguished majority leader.

But the real problems with the Commission are not specific ones. That is not the point. The point is that Congress has no business sticking its big nose in private labor disputes. Our whole system of collective bargaining—a system that has worked with relative success for more than 50 years—is premised on the private resolution of disputes between management and labor.

I suspect that even the distinguished majority leader shares this view. Last year, when discussing a particularly difficult labor situation in Maine—and discussing it well, I might add—he stated on this floor that:

It is my position that political intervention in labor disputes is inappropriate—serving only to undermine the collective bargaining process. Nothing in my statements should be construed in any way as a desire for commercial intervention in any particular dispute. I will not do so. I do not encourage any other Member of Congress to do so.

The distinguished majority leader was right on target last year, and his words still ring true today. Political intervention in labor disputes is inappropriate. Congressional intervention in labor disputes is inappropriate, and the blue ribbon panel that would be created by this legislation is inappropriate.

LETTER FROM SECRETARY SKINNER

Earlier this week, I received a thoughtful letter from Samuel Skinner, Secretary of Transportation. The letter points out that a blue ribbon Commission is totally unnecessary—and that the future of Eastern Airlines is now properly and conclusively in the hands of the bankruptcy court.

Mr. President, I ask unanimous consent that the entire text of the letter be printed in the Record.

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

THE SECRETARY OF TRANSPORTATION,
Hon. Robert J. Dole,
The Republican Leader,
U.S. Senate,
Washington, DC.

Dear Mr. Republican Leader: I understand the Senate may consider a substitute for H.R. 1331, the bill passed by the House of Representatives in 1988, to direct the President to empanel an Emergency Board with respect to labor disputes at Eastern Airlines.

Now that Eastern is within the jurisdiction of the bankruptcy court, a recommended settlement originated by a Congressional mandated commission is entirely inappropriate. Preservation of competitive airlines, including Eastern Airlines, is important for many reasons, and the enactment of this legislation can only hinder the work of the bankruptcy court.

The substitute suffers from significant flaws. It would establish a three-member commission to investigate and make recommendations regarding the three pending labor disputes at Eastern Airlines, although the disputes involving the pilots and the flight attendants have not even reached impasse. One member would be appointed by the President Pro Tempore of the Senate, one by the Speaker of the House of Representatives, and one by the Transportation Secretary. While the National Mediation Board expended over 500 days of sustained effort in an unsuccessful attempt to resolve the single dispute that had reached impasse, these three new appointees would be charged with recommending settlements for all three in a fraction of the time—45 days. The recommendations could off false hope to workers, complicate any effort to settle the many thorny issues outstanding at Eastern, and doom the examiner's efforts at conciliation.

Though producing three labor settlements alone would appear infeasible, the same three members would also be directed to make recommendations on wide-ranging aviation policy matters of the utmost significance for the industry as a whole—including airline competitiveness in light of mergers, acquisitions, and bankruptcies; the treatment of airline employees in bankruptcy; foreign ownership of air carriers; and the effects on air safety of hiring replacement workers during a strike.

These issues are being actively addressed by hundreds of experts in these fields, both in and outside government, through hearings and analysis, and the record is yet far from conclusive on any of these matters. Nevertheless, the Senate substitute provision would charge three individuals with making policy recommendations on these issues of broad policy, again all within 45 days. This statutory mandate is unreasonable and it is unlikely that any of these individuals would be willing to accept such an unreasonable assignment. Also, the language creating the commission does not pose significant constitutional concerns under the doctrine of separation of powers.

A court-appointed examiner appointed by the bankruptcy judge has been evaluating every aspect of the labor situation at Eastern. The Federal Aviation Administration is exercising detailed oversight of Eastern's current mainte
nance and other safety practices. Exhaustive analyses of the issues at Eastern, including that by the National Mediation Board and by the Department of Transportation pursuant to Section 401 of the Federal Aviation Act (Eastern Airlines' continuing fitness—May 1988), have been and are available to all parties.

Much as we would like to offer at this point, as we have consistently in the past, the good offices of the Executive Branch to bring about the best outcome for Eastern and its employees, and as much as Congress might wish to accomplish the same, the future of Eastern Airlines is now properly and conclusively in the hands of the bankruptcy court. As much as Congress might wish to accomplish the same, the future of Eastern Airlines is now properly and conclusively in the hands of the bankruptcy court.

The Senate and its employees, and as much as Congress might wish to accomplish the same, the future of Eastern Airlines is now properly and conclusively in the hands of the bankruptcy court.

The Office of Management and Budget has advised that there is no objection to the transmittal of this report to the Congress, and that enactment of the bill or the substitution bill would not be out of accord with the program of the President.

Sincerely,

SAMUEL K. SKINNER,
Secretary of Transportation.

(The remarks of Mr. DOLE pertaining to the introduction of Senate Joint Resolution 212 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions")

Mr. MITCHELL. 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. 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 the point of order be receded.

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

CHICAGO TAP WINS "DESIGNER" WATER TASTE TEST

Mr. DIXON. Mr. President, New Yorkers, who have over the years earned and maintained a reputation for trend-setting and for their epicurean tastes, have set a new standard of excellence for designer waters. That new standard is good old Chicago tap water.

Yesterday's edition of the Chicago Tribune reports that talk show hostess Joan Rivers, in a show to air Friday night, held a designer water taste test in which a panel comprised entirely of New Yorkers with sensitive palates unanimously proclaimed Chicago tap water to be the best.

Mr. President, this comes as no surprise to those of us who are aware of the secret is out. If I could, I would buy stock in the City of Chicago because I now expect to find Chicago tap water being offered at some of the finest dining establishments across the East.

I would like to submit the attached article from the Chicago Tribune for insertion in the Record.

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

WE COULDN'T TELL 'EM

In a parody of the famous Coke/Pepsi television taste tests, talk-show host Joan Rivers decided Thursday to choose a panel of water connoisseurs from her television audience to decide which of the various "designer" waters is easiest on the palate. The panelists, all of whom said they buy their water because it tastes better, were offered a cheap bottled water from the A & P, and expensive bottle of Evian, which sells for around $2 a bottle, and plain old Chicago tap water. To ensure it was fresh and not bottled, all three samples were wrapped in brown paper to conceal their identities, and the panel sipped and savored. You guessed it: The A & P water was pronounced "awful." Evian got mixed reviews and the Chicago water unanimously was proclaimed the best. Baffled panelists didn't say if they would continue to buy water... or move to Chicago. The segment will be shown on "The Joan Rivers Show" at 10 a.m. Friday on WGN-Ch. 9.

SECTION 89 REPEAL

Mr. KASTEN. Mr. President, I rise today with good news for the Senate and the small businesses of America.

Wednesday, the House of Representatives voted overwhelmingly in favor of outright repeal of section 89 of the Internal Revenue Code. The vote was a persuasive 390 to 36.

It is my understanding that our own Senate Finance Committee has added a repeal provision to the Reconciliation Bill.

Mr. President, this is truly a breathtaking development. When I first brought this issue to the attention of my colleagues last April, few among us were optimistic; but here we are today, poised on the brink of a great victory for the small businesses of this Nation.

How did we shape this remarkable consensus? What is so bad about section 89, making its repeal essential to the health of our small business sector?

The bottom line is, section 89 is a bad deal for America. To comply with this provision, businesses would have to spend $4 billion each year—and this $4 billion in expenses would generate only $150 million in revenue. What a senseless waste.

And that is not all; in the long run, we would actually lose money. Increased compliance costs reduce GNP, and a reduced HNP reduces Federal revenues. Section 89 would cause an estimated net loss to the Federal Government of $800 million each year.

Much as we would like to offer at this point, as we have consistently in the past, the good offices of the Executive Branch to bring about the best outcome for Eastern and its employees, and as much as Congress might wish to accomplish the same, the future of Eastern Airlines is now properly and conclusively in the hands of the bankruptcy court.

I could, I would buy stock in the City of Chicago because I now expect to find Chicago tap water being offered at some of the finest dining establishments across the East.

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And that is not all; in the long run, we would actually lose money. Increased compliance costs reduce GNP, and a reduced HNP reduces Federal revenues. Section 89 would cause an estimated net loss to the Federal Government of $800 million each year.

Mr. President, every Member of this body wants to enact truly workable non-discrimination rules. But we want other things as well. We want the small businesses of America to be able to continue to expand their health insurance coverage. We want small businesses to be free of heavy-handed regulations, free to do what they are supposed to do—work hard, create jobs, help communities grow, and offer employee benefits. We don't believe the U.S. Government should support the taxation of employee benefits. We want a non-discrimination policy which allows all of these noble goals to be accomplished.

It is these desires, these great goals, that made our push for repeal so successful.

I would like to commend the efforts of all those who fought so hard for repeal. Senator Lott, who first introduced repeal legislation. Senator Symms, who introduced a bill to delay repeal in 1989. And, Senators Domenici, DeConcini, who have each played a key role along the way.

I would also like to commend the National Federation of Independent Business (NFIB), the chamber of commerce, the National Association of Manufacturers, and all the other members of the Repeal Coalition.

Finally, I would like to commend the Senate Finance Committee for its open-minded attitude on the issue. Members and staff on the Committee have worked long and hard to try and devise a workable set of non-discrimination rules. But it just cannot be done. Realizing this, the committee, I am told, has decided to embrace outright repeal. This is a wise move, and a decision which will benefit this country for many years to come. I look forward to the swift passage of a budget reconciliation bill which provides for the complete repeal of section 89.

Mr. President, I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise today with good news for the Senate and the small businesses of America.

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Mr. President, every Member of this body wants to enact truly workable non-discrimination rules. But we want other things as well. We want the small businesses of America to be able to continue to expand their health insurance coverage. We want small businesses to be free of heavy-handed regulations, free to do what they are supposed to do—work hard, create jobs, help communities grow, and offer employee benefits. We don't believe the U.S. Government should support the taxation of employee benefits. We want a non-discrimination policy which allows all of these noble goals to be accomplished.

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Mr. President, I yield the floor.
September 29, 1989

CONGRESSIONAL RECORD—SENATE

22561

CHARLES HINTON RUSSELL: A LEGACY FOR NEVADA

Mr. REID. Mr. President, a great public servant who contributed so much to the State of Nevada died earlier this month. Charles Russell left a lasting legacy to the people of Nevada. He was a tireless fighter for the interests of his State and of the Public Employees Association in 1934 when he was elected to the State assembly, representing White Pine County. From there, he moved on to the State senate. His political career continued to progress as he was elected to the U.S. House of Representatives in 1947. After serving in the 80th Congress, he returned to Nevada and was elected Governor, serving from 1951 to 1955.

The distinguished record of public service demonstrates a dedication that few can ever measure up to. Charles Russell was indeed an extraordinary man who contributed his creativity, values and work ethic to making Nevada a better place. He helped pave the way for Nevada to transition from a small rural State with only 200,000 to a sophisticated, ever-growing State with a population that recently passed the 1 million mark.

The accomplishment of this great man, and the tremendously positive impact he had on those whose lives he touched, is perhaps best expressed through the words of my dear friend and former Governor of Nevada, Mike O'Callaghan. It is his feelings that I share with you now, and that so closely reflect my own feelings of admiration and respect for Governor Russell.

We knew and loved Charlie Russell. • • •

What great memories he has left for us to cherish. Charlie Russell set a great example for us who have the good fortune to know him as a husband, father, grandfather or friend. Yet unknown to thousands of new and young fellow Nevadans, he is the man who brought the Silver State into modern times. He took the State into America and provided the leadership which resulted in so many of the good things we now enjoy.

It was Gov. Charles Hinton Russell who took this state from the old patronage system and provided the protection thousands of state and other public employees take for granted today. The Personnel Act provides the foundation that has allowed Nevadans from all levels of society to work and serve their fellow citizens without fear of petty political tyrants who may wish to replace them with cronies. Because of Governor Russell the taxpayers and the providers of goods and services for state consumption are all given a fair shake. The State Purchasing Act took the buying power of a few and placed it within the control of a system geared to protect both the provider and the buyer.

One of the first decisions a school teacher at one time, didn't forget the children of our state when he came to Carson City. Today more than 100,000 school children in Clark County alone benefit from the actions of this outstanding state leader. He called a special legislative session in 1954 which started the liberal rolling and eventually resulted in the Perkins Report that recommended the consolidation of county school systems to provide education for larger numbers of children. He then had the courage to fight for Nevada's first sales tax earmarked for education.

Charles Hinton Russell was a leader who served both his State and nation in the legislative and executive branches of government. He served with ability, dignity, humility and a fine sense of humor.

We join Nevadans the world over and give a final salute to an uncommon man who never overlooked or forgot the common man. A man who understood the importance, needed a kind word to help make things easier to face the trials of everyday life.

U.S. POLICY TOWARD THE BALTIČ STATES

Mr. RIEGLE. Mr. President, the centerpiece of U.S. foreign policy throughout the postwar era has been the victory of democracy over communism. Today, after decades of strident rhetoric, massive military spending and armed conflict ostensibly in pursuit of this goal, our mission is being carried out for us—peacefully and free of charge—by the independence movement in the Baltic Republics of Estonia, Latvia and Lithuania. Yet the administration's support for these freedom fighters, so generous and vocal when it comes to those in other parts of the globe, has been cosmically vague and passive.


To face U.S. interests in these nationalist movements squarely, writes the Times, is to be of two minds. One is for independence. • • •

The other is for a moderate, reform-minded Soviet Union.

Adherents to this line of reasoning warn that the Baltic push for self-determination will deal a death-blow to Gorbachev's political career and to his reform program, and, in this respect, appear to agree with Gorbachev himself. In a letter to Secretary Baker, urging him to raise this concern with Soviet Foreign Minister Shevardnadze during their meeting last weekend, in that letter, the full text of which I will ask unanimous consent to have printed at the conclusion of my remarks, we urged the Secretary to make clear to Mr. Shevardnadze that if such an incident were to occur, the U.S. Government, recognizing it as an act of provocation by Moscow, would respond with appropriate measures of condemnation.

It is clear, Mr. President, that the Baltic independence movement is not based on nationalist movements, but rather, Gorbachev's words, not on any "anti-Russian nationalism." Rather, it expresses the desire for self-rule on the part of people who, after forcible incorporation into the Soviet Union, have been brutally colonized for 50 years, reduced to the status of monorities and second-class citizens in their historic homelands, robbed of their language, their culture and their history, victimized by police brutality and environmental assaults. They seek independence from Moscow not because they hate Russians, but because they see it as a prerequisite for physical and cultural survival. As long as Moscow retains ultimate control over the military and infrastructure facilities such as the air, soil, and water of the Baltic regions in critical proportions, Baltic residents see self-rule as literally a matter of life and death.
Mr. President, the Baltic peoples are angry, to be sure, but they are not violent. David Remnick, Moscow correspondent for the Washington Post, in a September 7, 1989, report, Latvia, aptly compares the Baltic movement's "use of moral pressure" to the nonviolent tactics of Gandhi and King. He quotes Dainis Ivans, president of the Popular Front of Latvia:

We have had dozens and dozens of demonstrations, some of them including hundreds of thousands, even millions, of people, and not once has there ever been any need for a military man or a soldier to keep order. Mr. President, the Baltic peoples are angry, to be sure, but they are not once has there ever been any need for a military man or a soldier to keep order.

Gorbachev's goal is not to let his recalcitrant guests leave. The real threat to liberalization is not voluntarily abandoning their struggle by the Baltic people's struggle for independence, but in the opening of new markets, economic resuscitation, and not just in the opening of new markets, joint-venture opportunities and cheap labor pools for American business, then that interest would be furthered by active support of the democratic opposition. The United States should consider the independence movements in the Baltic states, we urge that you use the opportunity presented by your upcoming meeting with President Gorbachev, to reaffirm our government's strong support for the Baltic people in their peaceful efforts to achieve freedom and self-determination.

Tonight I asked for a Bible to open. I do not speak to this particular statement in question, however, I addressed this question head-on only after I received it and not after a fear, expressed both by residents of the Baltic states and by knowledgeable U.S. government officials, of some violent quelling of the independence movements. Recent statements from Moscow, condemning the Baltic opposition for fomenting "terrorist acts," were particularly ominous. According to eyewitness accounts, there is no genuine ethnic conflict in the Baltic states, either.

The United States government and the artist has been here with us as long as there have been governments and artists is not in question. This is nothing new. Yet how we address it on this occasion will say something about this time—our time—and it is a useful moment to reflect on it.

Verses 2 and 4. And the woman was arrayed in purple and scarlet, and decked with gold and precious stones and pearls, having a golden crown in her hand full of abominations and filthiness of her fornication.
Mr. President, this too is part of our civilization. How would we respond if we learned that a painting of this scene from the Bible was banned by some Government agency? But it is not just or primarily this thought which I address but, instead, to the wild, indiscriminate prohibitions offered by the amendment of the Senator from North Carolina. The distinguished majority leader went to the heart of the issue.

Clause one speaks of “indecent” materials. What are indecent materials? Is this a society which goes about judging indecency? We do have, in fact, a court decision on obscenity, Miller. There is a definition there, broad enough. But “indecency” — the court would never think of deciding what was decent or indecent.

Work with this in those remarks last July 26 I invoked Milton and his great defense against censorship, Areopagitica. He wrote, “As good almost kill a man as kills a cow; who kills a man kills a reasonable creature, God’s image; but he who destroys a good book kills reason itself.”

Have we not fought these matters long enough in the West to know how to come to the judgment to let the public taste prevail; let the public sense prevail?

The first great judicial decision of its kind, I believe, came in 1933 when Judge Woolsey in the southern district of New York decided a censorship case under the Smoot-Hawley Tariff. Senator Smoot was a man very opposed to dirty thoughts. I can remember suddenly lines from Ogden Nash’s poem of that period.

Nash’s poem

Under the Smoot-Hawley Tariff
James Joyce’s Ulysses was banned from this country. Ulysses is taught in high schools today. If there is a high school in the land which does not teach it they would not wish it known. It is, of course, an extraordinary work.

Woolsey said so in 1933, and continued:

The words which are criticized as dirty are old Saxon words known to almost all men and, I venture, to many women, and are such words as would be naturally and habitually used. I believe, by the types of folk whose life, physical and mental, Joyce is seeking to describe, in respect of the recent emergence of the theme of sex in the minds of his characters it must always be remembered that his locale was Celtic and his season spring.

Mr. President, as I read the amendment before us, the statement “his locale was Celtic and his season spring” would clearly be in violation of paragraph 3 and so we would have the question whether, if Judge Woolsey were about today would he too be in violation. I do not know. But I would hope the Senate would save itself embarrassment — the Senator’s embarrassment; save itself disparagement; and save itself disgrace by voting to table this pathetic amendment.

COLOMBIAN PRESIDENT VIRGILIO BARCO VARGAS MEETS WITH MEMBERS OF THE UNITED STATES SENATE

Mr. KENNEDY. Mr. President, yesterday, many of my colleagues and I had the honor of meeting with a courageous and committed individual — His Excellency Virgilio Barco Vargas, the President of the Republic of Colombia. All Americans commend his dedicated leadership in the war against drugs. We must join with him in pledging to redouble our efforts to ensure victory in this battle.

Immediately following the Senate’s passage of the drug bill, President Barco’s visit underscores the critical role of the United States in fighting the scourge of drugs. Colombia, Peru, Bolivia, and other nations threatened by the production and trafficking of drugs and a deep responsibility to stem the supply of illegal drugs; but the United States, too, shares a responsibility to stem the demand for those drugs.

Earlier today, President Barco gave an insightful address to the United Nations and I urge my colleagues to study his important recommendations.

The United States can and must do more on many fronts — to stop the demand for these drugs, to stem the supply of chemicals used in processing, to stop arming the traffickers with American made assault weapons, to control money laundering, and to press for the prompt ratification of the Vienna Convention on narcotics trafficking. As President Barco has rightly noted, a new era is upon us. This is a war that we can only win together.

I urge my colleagues to read President Barco’s important comments and ask unanimous consent that they may be inserted in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

ADDRESS BY HIS EXCELLENCY VIRGILIO BARCO VARGAS, PRESIDENT OF THE REPUBLIC OF COLOMBIA BEFORE THE UNITED NATIONS, SEPTEMBER 29, 1988

Mr. President, on behalf of the people and Government of Colombia, please accept my congratulations and good wishes on your election as President of this General Assembly. I am sure that you will preside with distinction over the complex affairs of this body that gathers the nations of the world. Let me also extend my thanks to those who have already noted the splendid role played by your predecessor, his Excellency Doctor Danilo Caputo. In addition, let me also pay tribute to the efforts toward achieving world peace of the Secretary General, Mr. Javier Perez de Cuellar.

This will be the last occasion I speak to you as President of Colombia. However, I am here today not just as President of my country, but as a citizen of the world.

A GLOBAL CHALLENGE

The terrible carnage of the world’s second great war gave birth to this body, in the hope that nations standing together, united, the world would never again know such global conflagration happening again. Since then mankind has continued to follow the destructive path of war in conflicts across our planet. It has only been the unimaginable consequences of nuclear war that has restrained us from falling once again into a worldwide conflagration.

Yet in spite of the uneasy nuclear peace thus engendered, the world has remained at war. Conflicts generated by ideology, poverty, encouragement, excessive ambitions, and now increasingly by narcotics, have scarred the peace.

The notion of national sovereignty underlies all our strategic thinking; indeed it is the basis for this United Nations. Yet now we find this newest threat, narcotics, and terrorism, in an international criminal enterprise that respects none of our norms of sovereignty, frontiers, or laws.

To meet this new challenge we have to reach back to those core founding values of the United Nations. If we cannot act together as a community in the face of this menace, then we will be abetting the unrestrained growth in the use of drugs and in the violence they generate.

I am certain that Colombia will finally defeat the drug traffickers. But if this effort is not accompanied by a global commitment, then no victory can be achieved.

The recent global outpouring of solidarity and support for Colombia has been a great encouragement to us in these difficult times.

A new era is upon us. A new world war is being waged by an aggressor unrestrained by the traditional rules or by the responsibilities of national sovereignty. This aggressor is an insidious, global criminal enterprise with enormous power and destructive potential — from the wild, indiscriminate practices of the drug cartels to the arms trade.

A GLOBAL CHALLENGE

Illicit use and traffic of drugs is now recognized as a social plague afflicting both developed and developing countries. Although efforts to combat this scourge have intensified in recent years, estimates suggest that the monetary value of drug trafficking has recently surpassed that of international trade in oil and is second only to the arms trade. It is a chastering observation that humanity is so deeply mired in the cycle of drug degradation and death.

The members of these criminal cartels were born in many nations and many of its leaders are called Colombian. But while they have been born, they cannot be clear — they are not Colombian in any more than name. They are international fugitives on the run. They have no home.

I am here today to lay out the stark realities of this war against drug trafficking. We are on the front line of this battle. For us
CONGRESSIONAL RECORD—Senate
September 29, 1989

A PLAN OF ACTION

In solidarity, as a community of nations, this should be our plan of action:

First, we simply must stop demand for these illicit narcotics. It is the insatiable demand for narcotics that underlies the drug trade, and which is one of the greatest threats to democracy in Latin America. Those who consume cocaine are contributing to the assault on the democratic process and which is one of the most serious threats to democracy in Latin America. Those who consume cocaine are contributing to the assault on the democratic process and which is one of the most serious threats to democracy in Latin America. Those who consume cocaine are contributing to the assault on the democratic process and which is one of the most serious threats to democracy in Latin America. Those who consume cocaine are contributing to the assault on the democratic process and which is one of the most serious threats to democracy in Latin America.

Second, our efforts to reduce the supply of refined cocaine also depend on international cooperation in stopping the illegal manufacture of chemicals which are essential to cocaine production. The makers of refined cocaine also depend on the supply of chemicals which are essential to cocaine production. The makers of refined cocaine also depend on the supply of chemicals which are essential to cocaine production. The makers of refined cocaine also depend on the supply of chemicals which are essential to cocaine production. The makers of refined cocaine also depend on the supply of chemicals which are essential to cocaine production.

Third, the weapons used by the cartels to intimidate and control arms sales to drug traffickers and terrorists. I call on all of the nations of the world to stop this madness and stop it now. It is not just the general measures of control arms sales to drug traffickers and terrorists. It is also with extreme seriousness the activities of foreign mercenaries in training and assisting narco-terrorism in Colombia. The international community must strengthen its condemnation of the murderous association of mercenaries with terrorists and drug traffickers. My Administration does not believe the presence of foreign mercenaries in our territory, it has also criminalized their activities and ordered their capture. These developments in the high seas and confiscation of a disputable case for this Assembly to approve the Convention outlawing these activities.

Fourth, international cooperation is an essential step in the effort to fight against money laundering. The drug cartels depend on the international banking system for the transfer of funds. A significant part of the criminal proceeds from drug sales are laundered into the international financial system in bank accounts and bonds, in properties and in legal businesses. Somehow, this is the job of the United States. Let me say how much I appreciate the insight and leadership of the Prime Minister of Great Britain in his call for an international conference for the Reduction of Demand. Mrs. Thatcher has honored me with her invitation, which I have accepted, to address the conference in the next April.

Second, our efforts to reduce the supply of refined cocaine also depend on international cooperation in stopping the illegal manufacture of chemicals which are essential to cocaine production. The makers of refined cocaine also depend on the supply of chemicals which are essential to cocaine production. The makers of refined cocaine also depend on the supply of chemicals which are essential to cocaine production. The makers of refined cocaine also depend on the supply of chemicals which are essential to cocaine production. The makers of refined cocaine also depend on the supply of chemicals which are essential to cocaine production.

Fifth, each of us must press for the prompt ratification of the Vienna Convention on Illicit Trafficking in Narcotic Drugs. An international arms market where even the most minor concessions in the area of narcotics in training and assisting narco-terrorism in Colombia. The international community must strengthen its condemnation of the murderous association of mercenaries with terrorists and drug traffickers. My Administration does not believe the presence of foreign mercenaries in our territory, it has also criminalized their activities and ordered their capture. These developments in the high seas and confiscation of a disputable case for this Assembly to approve the Convention outlawing these activities.

Sixth, central to the support for political stability and the maintenance of Colombia's democratic institutions is the strength of its economy. This is why international cooperation, to maintain a strong and stable economic policy is so vital. In spite of the enormous assistance, it has also criminalized their activities and ordered their capture. These developments in the high seas and confiscation of a disputable case for this Assembly to approve the Convention outlawing these activities.

In addition, I recommend to this Assembly two other multilateral initiatives: The first is to call a special session of the Vienna Convention on Illicit Trafficking in Narcotic Drugs. An international arms market where even the most minor concessions in the area of narcotics in training and assisting narco-terrorism in Colombia. The international community must strengthen its condemnation of the murderous association of mercenaries with terrorists and drug traffickers. My Administration does not believe the presence of foreign mercenaries in our territory, it has also criminalized their activities and ordered their capture. These developments in the high seas and confiscation of a disputable case for this Assembly to approve the Convention outlawing these activities.

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ty. Since then, my government has embarked on a ambitious program of social change aimed at transforming the living conditions in regions traditionally excluded from development. The result can already be seen.

In spite of the massive resources that the drugs problem will not relent in our pursuit of social change and economic progress. To do this, Colombia requires international and financial cooperation. But even more important is the adoption of commercial and trade measures which allow our economy greater access to markets in the industrialized countries and fair prices for our exports.

THE INTERNATIONAL COFFEE AGREEMENT

The prime example is coffee, the traditional and principal source of income for Colombian farmers. The International Coffee Agreement has recently collapsed with the result that Colombia will lose more than $400 million this year in income. Sixty-one developing countries stand to lose a total of $5 billion in income next year.

We need the help of the United States and other countries to get the Coffee Agreement back on track. We will afford to talk ideologically of crop substitution while sabotaging Colombian farmers' main cash crop and the country's largest export earner. It is encouraging to note that President Bush recently expressed his willingness to cooperate in finding solutions to the problems that led to the rupture of the Coffee Agreement. We expect that all other countries involved understand the seriousness of the situation and the need to revive one of the most successful examples of international economic cooperation.

The weakening of the commodities' market only aggravates the debt crisis. Foreign debt is a heavy burden for Latin America and is hindering economic growth. What is even more important, is that it is worsening the conditions of poverty for millions of Latin Americans. We have to work together to find realistic and effective solutions to this problem.

THE "ECODEBT" OF THE INDUSTRIALIZED NATIONS

There is yet another—and related—struggle which has drawn the attention of a world and which must be one of our highest priorities during the 1990's. It is, of course, the destruction of our natural resources.

As I said recently in Manaca, in the meeting of the member countries of the Andean Cooperation Treaty, the industrialized countries have an ecological debt to humanit
ty. In less than two centuries, not only have most of the native forests of Europe and the world and which must be one of our highest priorities during the 1990's. It is, of course, the destruction of our natural resources.

The way in which richer nations can pay this debt is by backing up our commitments to world alternatives which preserve the environment, especially the rain forests. These issues should be dealt with at the highest level of all governments and of the United Nations. My Administration has already set aside more than 20 million hectares of rain forests in the Amazon region, an area larger than that of many European countries. Let us pledge to seek sano development policies which recognize the value of the our most precious resources. Let us pledge to retire this debt now for future generations.

A NEW LINK BETWEEN THE PACIFIC AND THE ATLANTIC

If the narcotic problem were not a priority at this moment I would have spoken to you today about another war: the struggle for the Pacific and the Atlantic. Even more important is the adoption of commercial and trade measures which allow our economy greater access to markets in the industrialized countries and fair prices for our exports.

The Presiding Officer laid before the Senate the following message from the President of the United States, together with a voting report: which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:


Over 900,000 railroad retirees, their families, and 300,000 railroad employees rely on the railroad retirement system for social security equivalent benefits, rail industry pensions, and unemployment, disability, and sickness insurance benefits. These beneficiaries depend on the solvency and financial integrity of the railroad retirement trust funds to receive their benefits.

Recent actuarial projections included in the annual report indicate that, barring any large unanticipated declines in rail employment, the railroad retirement system will not experience short-term cash-flow problems. Board actuaries estimate that, based on Employee Retirement Income Security Act standards, the system has a $32 billion unfunded liability.

The long-term solvency of the rail-

The Congress sought advice and created the Commission on Railroad Retirement Reform to examine issues relating to the long-term financing of the railroad retirement system. The Congress directed the advisory Commission to consider a range of financing alternatives that do not include general fund subsidies. Yet, as part of their fiscal year 1990 reconciliation bill, the Congress is once again considering extending general fund subsidies to the railroad retirement system. Since 1983, over $1.2 billion in subsidies, in the form of diverted income taxes on rail industry pensions, have been given to the pension fund.

EXECUTIVE MESSAGES REFERRED

As in executive session the President of the United States submitted sundry messages which were referred to the appropriate committees.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Kalbaugh, one of his secretaries.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD

The Presiding Officer laid before the Senate the following message from the President of the United States, together with a voting report: which was referred to the Committee on Labor and Human Resources:

The President's message was referred to the Senate Committee on Labor and Human Resources.
Income tax on all other private pensions goes to the general fund. Under current law, this general fund subsidy provision expires at the end of fiscal year 1989. Extending general fund subsidies establishes an undesirable precedent. I urge the Commission, in accordance with the congressional directive, not to recommend general fund subsidies in any form. In the long run, railroad retirees and employees will be best served by a financially stable system that relies solely on rail sector funding.

GEORGE BUS.


MEASURES HELD AT THE DESK

By unanimous consent, the following joint resolution was ordered held at the desk until the close of business on October 3, 1989:


The following executive reports of the President were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN, Mr. President, for the Committee on Armed Services, I report favorably a nomination list in the Navy (reported minus one name, Paul B. Thompson), which was printed in full in the CONGRESSIONAL RECORD of April 4, 1989, and ask unanimous consent, to save the expense of re-printing on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators. The PRESIDING OFFICER. Without objection it is so ordered.

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. BINGAMAN:

S. 1700. A bill to amend the Deep Seabed Hard Mineral Resources Act, as amended, to authorize appropriations to carry out the provisions of the Act for fiscal years 1990 through 1994; to the Committee on Energy and Natural Resources.

S. 1701. A bill to implement the steel trade liberalization program; to the Committee on Finance.

By Mr. SIMON:

S. 1702. A bill to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 1703. A bill to amend title 38, United States Code, to permit Department of Veterans Affairs medical centers to retain a portion of the amounts collected from third parties as reimbursement for the cost of health care and services furnished by such medical centers; to the Committee on Veterans Affairs.

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

S. 1704. An original bill to extend the Tied-Aid Credit Program of the Export Import Bank, and for other purposes (Rept. No. 101-153).

S. 1705. An original bill to amend section 18 of the Export Administration Act of 1979 to authorize appropriations for fiscal year 1990, and for other purposes (Rept. No. 101-154).

By Mr. BINGAMAN, from the Committee on Banking, Housing, and Urban Affairs:

Mr. BINGAMAN. A bill to amend the Drug Free Schools and Communities Act of 1986 to provide substance abuse education in rural areas, and for other purposes; to the Committee on Finance.

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

S. Res. 189. A resolution honoring the American Association of State Highway and Transportation Officials, on their 75th Anniversary; considered and agreed to.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:
S. 1700. A bill to amend the Deep Seabed Hard Mineral Resources Act, as amended, to authorize appropriations to carry out the provisions of the act for the fiscal years 1989 through 1994; to the Committee on Energy and Natural Resources.

DEEP SEABED HARD MINERAL RESOURCES ACT

AUTHORIZATION

Mr. BINGAMAN. Mr. President, today I am introducing legislation to reauthorize this program and is called the Deep Seabed Hard Mineral Resources Act (DSHMRRA). This bill reauthorizes the DSHMRRA for 5 years at $1.525 million per year. The purpose of DSHMRRA is to regulate the exploration for and commercial recovery of manganese nodules in international waters by U.S. citizens. Manganese nodules are fist-sized, potato-shaped concretions containing manganese, nickel, copper, and cobalt. The United States is dependent on foreign sources of supply for these strategic and critical minerals, with the exception of copper. While deep seabed mining of the nodules is not currently economically feasible, it is in the U.S. national interest to encourage development of alternative sources of supply for these important minerals in an environmentally sound manner.

The National Oceanic and Atmospheric Administration (NOAA) administers the program and is responsible for developing and administering a comprehensive licensing and regulatory regime governing the exploration for and commercial recovery of these minerals. NOAA is also responsible, in cooperation with the Department of State and other Federal agencies, for designating as reciprocating states other nations that recognize U.S. licenses and have compatible regulatory programs. NOAA's continuing seabed mining program includes monitoring activities under existing exploration licenses, including processing license amendments, and supporting studies and conducting consultations to aid in future environmental and other regulatory decisions relating to commercial recovery activities.

In 1984, NOAA issued 10-year exploration licenses to four U.S. deep seabed mining consortia. The licensees are authorized, pursuant to DSHMRRA, to conduct exploration activities in their respective areas in an east-west belt in the Pacific Ocean southwest of Hawaii. Due to depressed worldwide mineral prices, the mining consortia are primarily engaged in the refinement of past engineering work and data analysis. No consortia is expected to apply for a commercial recovery permit during this period.

The legislation authorizes appropriations for 5 additional years at nearly the same level as the previous 5 years.

I believe that this is a worthwhile program that deserves reauthorization.

By Mr. PACKWOOD (for himself, Mr. HEINZ, Mr. ROCKEPELLE, Mr. DOLLE, Mr. MOYNIHAN, Mr. CHAFEE, and Mr. DANFORTH):
S. 1701. A bill to implement the steel trade liberalization program; to the Committee on Finance.

STEEL TRADE LIBERALIZATION PROGRAM

IMPLEMENTATION ACT

Mr. PACKWOOD. Mr. President, today I am joined by Senators HEINZ, ROCKEPELLE, DOLE, MOYNIHAN, CHAFEE, and DANFORTH to introduce the Steel Liberalization Program Implementation Act. This legislation implements the President's program, announced July 25, to extend the steel voluntary restraint arrangements (VRAs) for an additional 2½ years.

The language of the bill is identical to that which recently passed the House Ways and Means Committee without controversy.

The future of the steel VRA program has been a divisive and contentious issue over the past year. Yet, looking at the list of cosponsors for this bill, one sees the noble result of reason and compromise. Senators with diametrically opposed views on the steel VRA issue have joined to support this measure.

This bill also has support from U.S. steel manufacturers—including the American Institute of Iron and Steel and U.S. steel consuming industries, including the Coalition of American Steel Using Manufacturers.

The bill enjoys this broad support because it implements a realistic and workable steel policy. The President's decision was a fair compromise. It gives our steel industry more time to adapt, invest, and become more efficient, while encouraging our trading partners to send their trade disturbing practices in steel. It also gives our steel consuming industries a welcome light at the end of the tunnel.

The enforcement authority for the current VRAs expires on September 30, 1989. Therefore, the cosponsors, recognizing that time is of the essence, have agreed to oppose all amendments to the legislation.

The list of cosponsors demonstrates that implementation of the President's decision truly is noncontroversial. If the Senators will agree to hold back amendments, this will enable us to put in place as quickly as possible a new and commendable steel policy.

By Mr. SIMON:
S. 1702. A bill to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms; to the Committee on the Judiciary.

MANDATORY PRISON SENTENCE FOR ARMED DRUG TRAFFICKERS AND VIOLENT CRIMINALS ACT

Mr. SIMON. Mr. President, today I am introducing the Mandatory Prison Sentences for Armed Drug Traffickers and Violent Criminals Act. This bill reauthorizes the DSHMRRA for the fiscal years 1989 through 1994; to the Committee on Energy and Natural Resources.

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By Mr. SIMON:
S. 1702. A bill to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms; to the Committee on the Judiciary.
eral system. State and local prisons are sorely overcrowded. This bill lessens that burden by permitting the use of Federal courts and prisons for some of the worst cases.

Mandatory prison sentences for drug traffickers who carry machineguns or silencers have proved valuable. While in terms of completed trials this is a relatively new law, the Bureau of Alcohol, Tobacco and Firearms reports that through August 25 of this year, 326 individuals have been sentenced under this statute and have received a cumulative 1,815 years of mandatory prison time. The Bureau indicates that from two to three times this number of violators are pending trial at this time. Moreover, ATF has found that this statute has helped to crack the criminal codes of silence and fear. Faced with certain prison terms, suspects are willing to cooperate with law enforcement. Police chiefs and sheriffs from across Illinois confirm to me that suspects are willing to exchange valuable information to bring other drug criminals to trial when they face stiff, mandatory sentences like these.

This bill will ensure that stiff prison sentences are imposed not only on drug traffickers who carry machineguns, but are also imposed on those that use any of the drug gangs' other weapons of choice. This bill is an insurance policy for public safety. It says if you are convicted of using these weapons while trafficking in drugs, you're going to pay dearly for it. I urge my colleagues to join me in this effort by cosponsoring this important legislation, and ask unanimous consent that the full text of the bill be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mandatory Prison Sentence for Armed Drug Traffickers and Violent Criminals Act".

Sec. 2. Section 924(c)(1) of title 18, United States Code, is amended in the first sentence by—

(1) inserting "and if the firearm is a short-barreled rifle, or a short-barreled shotgun, to imprisonment for 5 years,"; and
(2) inserting "or a destructive device," after "a machinegun,".

By Mr. BOSCHWITZ:

S. 1703. A bill to amend title 38, United States Code, to permit Department of Veterans Affairs medical centers to retain a portion of the amounts collected from third parties as reimbursement for the cost of health care and services furnished by such medical centers; to the Committee on Veterans' Affairs.

VETERANS HEALTH CARE

Mr. BOSCHWITZ. Mr. President, in 1865, President Abraham Lincoln exhorted Congress and the American people "to care for him who shall have borne the battle and for his widows and his orphans." Today, the U.S. Government has fulfilled that pledge with an array of services to our Nation's veterans.

None of those services are more important than health care. For decades, the veterans' health care system has served those who have worn the uniform of the U.S. military. That system is in trouble today. Recently, Veterans Affairs Secretary Derwinski called it a state of emergency.

Today, the veteran's health care system is short of money, staff, and equipment. Rising medical costs and Federal budget constraints have tightened the VA's budget and restricted the medical care it can provide to America's veterans.

Each month the health care system turns away thousands of veterans or is compelled to give appointments up to 9 months in advance. Nationally the VA is short 15,000 to 20,000 nurses, therapists, and support staff, not to mention qualified and experienced doctors. The problems in the VA health care system are clear.

I rise today, Mr. President, to introduce legislation that will provide some relief from the budget crises in the VA health system.

The 403 VA hospitals and outpatient clinics in our Nation often collect payment from third parties, such as private insurance companies, when veterans in these hospitals are covered under their own policies. Presently, the VA medical centers collect from these third parties, send the entire payment directly to the U.S. Treasury. Not only must these medical centers provide the health care, but they also must provide the staff to collect and process all third parties claims. All of this and the VA doesn't even get to keep any of the revenue it collects.

Given the funding crisis in its health care system, every staff member and resource that the VA devotes to collecting and processing these third-party claims must be taken from direct patient care. Consequently hospitals have little incentive to vigorously pursue collections from these third-party payors.

The legislation I am introducing attempts to give an incentive to these hospitals. I propose to allow the VA medical centers to keep one-third of the money they collect from third-party insurance companies. This money would go to direct patient care for our Nation's veterans. By allowing the medical centers to keep a portion of this revenue, and thereby enhance the services they provide, they will certainly have a much greater incentive to collect it.

I am as aware as anybody of the Federal budget deficit problems that we face. Some might say that this proposal will not help the deficit because only two-thirds of this revenue will be going to the Treasury, rather than 100 percent. I disagree. On the contrary, in fact, the Treasury will collect more revenue if the VA medical centers are allowed to keep one-third.

As evidence of this I submit the following figures, provided to me by the Veterans Hospital in Minneapolis. In this one VA hospital in fiscal year 1989, collections were made in 305 third-party cases. However, there were actually 1,303 additional third-party cases in which no collections were made. Had an incentive like the one proposed in this bill existed, many more of these cases would have been collected.

If 100 percent of these cases were collected, the revenue from other insurers at this one hospital would climb from approximately $1.23 million to approximately $5.27 million. After the extra administrative costs and the one-third that the medical centers would keep, the Treasury would receive approximately $3.07 million for the fiscal year from this one hospital, or nearly 150 percent more than under the current system. Add the revenue from the other 402 VA hospitals and outpatient clinics nationwide, and you have quite a boon to the Treasury. Even at less than a 100-percent collection rate, the revenue coming into the Treasury would be substantially greater than it is now.

Therefore, Mr. President, this proposal makes sense from a fiscal standpoint. But more important than that, it will provide some much needed relief to the financially strapped veterans' hospitals. We must never forget those who proudly wore our Nation's uniform and who fought to defend our national principles. They were there in our country's greatest times of need. Now we must be there in their time of need.

I ask unanimous consent that this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. RETENTION OF THIRD PARTY REIMBURSEMENTS BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 629(g) of title 38, United States Code, is amended to read as follows:

"(g)(1) Except as provided in paragraph (2) of this subsection, amounts collected or receivable under this section shall be deposited into the Treasury as miscellaneous receipts.

(2) For purposes of this paragraph, a "third-party" is defined as a third-party payor which is not an Insurance Carrier. A "Insurance Carrier" is defined as any third-party payor which is an insurance carrier as defined in section 914 of title 18, United States Code.

(b) FEDERAL BUDGET DEFICIT. The Federal budget deficit created by the amendment of this subsection is offset by an equal increase in the Federal budget deficit created by the amendment of subsection (a) of section 629 of title 38, United States Code."

S. 1708. A bill to amend title 38, United States Code, to provide for the delivery of health care services to veterans.

VETERANS HEALTH CARE

Mr. BOSCHWITZ. Mr. President, it has been my pleasure to work with Senator Bentsen and Senator Hatch on this legislation. We have had a number of meetings, and I hope that at some point we will have a full hearing on this legislation. We have some Democratic friends who have expressed an interest in this legislation. We have heard from veterans, from doctors, from the VA, and from a number of other people who have expressed support for this legislation.

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I ask unanimous consent that this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

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"(2)(A) The amount equal to one-third of the total amount collected or recovered in a fiscal year as reimbursement for care and services furnished by a medical center shall be credited to the Department appropriation account for medical care and shall be available to such medical center for the provision of direct patient care. The amount so credited to such account shall remain available for obligation for that fiscal year and for two fiscal years following such fiscal year.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1989.

By Mr. BAUCUS (for himself, Mr. PRYOR, and Mr. BIDEN):
S. 1707. A bill to amend the Public Health Service Act to provide grants for rural substance abuse treatment and education programs, and for other purposes; to the Committee on Labor and Human Resources.

RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION ACT

Mr. BAUCUS. Mr. President, today Senator Pryor and I are introducing two bills which will help rural areas address important components in the war on drugs: treatment and education.

In a recent editorial, the Missoulian stated that “reducing the demand for drugs is the single most effective step the administration can take” in the war on drugs.

This view isn’t shared by everyone. Funding for treatment programs tends to take a back seat to interdiction. And even when treatment programs are funded, they often do not reach their urban counterparts.

As I have said repeatedly, rural areas are not immune to the drug abuse crisis in this country.

Substance abuse, including alcoholism, has plagued the state of Montana, as it has in Arkansas, California, New York, and other places across the country. But access to treatment is not readily available in many rural areas.

Part of this problem stems from the unequal treatment rural hospitals receive from the Federal Government—a point I have stressed repeatedly on this floor and elsewhere. These hospitals are already hard-pressed to make ends meet while providing essential services. Many can’t afford to add substance abuse treatment programs.

The Rural Substance Abuse Treatment Act would establish a grant program to encourage rural hospitals, community health centers, and other health organizations in rural areas to develop treatment programs for substance abuse.

Access to treatment programs should not be denied just because you live out in the country.

Education is also an important aspect of our war on drugs. The second bill Senator Pryor and I are introducing this week would require States to set aside at least 5 percent of the funding they receive from the Drug-Free Schools Program to be used for education in rural areas.

In addition, it would require the Alcohol, Drug Abuse, and Mental Health Administration to establish a clearinghouse of Federal treatment and education programs tailored for rural areas.

Rural schools face special financial constraints because of small tax bases. They should receive adequate Federal resources to implement drug education programs, but too often they don’t.

In general, we need to increase the Federal financial commitment to education. And, specifically, we must ensure that schools in rural areas receive adequate Federal resources for substance abuse education.

Mr. President, I thank my friend from Arkansas for working so diligently on this program. His earlier efforts on drug interdiction have proven he is dedicated to winning the war on drugs. I’m glad I’ve had the opportunity to work with him on this issue and I look forward to working with him again.

By Mr. PRYOR (for himself, Mr. BAUCUS, and Mr. BIDEN):
S. 1707. A bill to amend the Drug Free Schools and Communities Act of 1986 to provide substance abuse education in rural areas, and for other purposes; to the Committee on Labor and Human Resources.

RURAL SUBSTANCE ABUSE INFORMATION CLEARINGHOUSE AND EDUCATION ACT

Mr. PRYOR. Mr. President, last week I introduced S. 1634, the Drug-Free Rural America Act, a bill which channels Federal resources to drug enforcement agencies in rural communities.

My bill was closely modeled after S. 353, Senator Baucus’ innovative Rural Drug Initiative Act. While local law enforcement is the critical front line in the rural drug war, it is not the only place where we must fight. We must also fight to eliminate the demand for illegal drugs in rural America, and that is why Senator Baucus and I are working together today to introduce the Rural Drug Treatment Act and the Rural Drug Information Clearinghouse and Education Act. We are also pleased that Senator Biden, the distinguished chairman of the Senate Judiciary Committee, is cosponsoring our proposals.

To reduce rural America’s demand for drugs, we must expand and improve treatment and prevention programs. Although we have much to learn about rural drug abuse, I believe the following statistics from my home State of Arkansas reflect the dramatically growing need for substance abuse treatment and education services in rural areas:


As of August 1989, the average waiting period at Arkansas treatment facilities was approximately 18 months.

Admissions to State-funded treatment facilities outside the Little Rock region increased 33 percent between 1985 and 1988.

These alarming statistics illustrate the dire need for increasing substance abuse treatment services and expanding prevention programs in rural America. The proposals that we are introducing today establish a three-point plan of action to address these needs.

First, our proposals create 3-year, $30 million grant program to expand substance abuse treatment services in rural communities. Similar in many respects to the Rural Health Care Transition Grant Program, the treatment grant program gives special consideration to struggling rural hospitals. We encourage financially strapped rural hospitals to take advantage of these grants as part of their ongoing efforts to diversify services. The grant program will fund as many as 100 projects, including at least one in every State.

Second, the Alcohol, Drug Abuse, and Mental Health Administration will establish a special clearinghouse program that will collect information on rural substance abuse treatment issues. This centralized resource center will provide rural communities with access to a vast array of current information programs that work and those that don’t.

Finally, 5 percent of the nonformula grant funds provided to the States under the Drug-Free Schools and Communities Act will be set aside for prevention programs in rural schools. This ounce of prevention for today’s rural schoolchildren should result in fewer adults selling and using drugs in the future.

Rural America can no longer turn its back on the drug problem. Instead, rural America must face the challenge on all fronts and crush the demand for illegal drugs by educating our kids about the dangers of drugs and by offering treatment to those abusers who seek help. We must all join forces and fight the enemy of illegal drugs. We cannot surrender until we have reached our goal—a drug-free rural America.

By Mr. DOLE (for himself Mr. PRESSLER, Mr. WILSON, Mr.
The relationship was also reflected in the virtually universal expressions of respect and affection for our country and people that I heard, from every Armenian that I met with during my trip.

And finally, of course, our relationship is manifest in the nearly 1 million Americans of Armenian descent, who have made such an important contribution to our Nation and culture.

So for those Armenians-Americans, and for all Americans, I am proud to introduce this resolution.

In doing so, too, let me stress my sincere hope that this resolution will not be misunderstood by anyone—either in its purpose, or its contents. In my view, Senate action on this resolution should not, and need not, in any way affect our strong security relationship with the Republic of Turkey; nor disrupt the close ties of friendship between the American and Turkish people.

The events of 1915-23 occurred before the founding of the Turkish Republic. The events occurred long before the overwhelming majority of the Turkish population was even born.

Today’s Turkey—nation or people—bear no responsibility for what happened so many years ago.

I would also underscore my appreciation of the fact that our country also encompasses hundreds of thousands of Turkish-Americans. They may have a different view on the events of 1915-23 than I, or others, do; and they deserve to have their views reflected, and their concerns addressed—just as much as the members of the Armenian-American community, or any other American citizens.

So I hope no American will feel in any way that this resolution is injuring the other, or disrupting our close ties and friendship with the Republic of Turkey, or bearing any responsibility for what happened so many years ago.

Mr. President, I am pleased to join with the leadership of our colleagues in the House of Representatives in introducing a joint resolution to designate April 24, 1990, as a National Day of Remembrance for Victims of the Armenian Genocide.

It is also appropriate to remember the suffering of the Armenian people, because of the longstanding and close ties between the United States and Armenia.

That special relationship was reflected so positively in the remarkable outpouring of private American support for earthquake relief efforts. I have already spoken in the Senate about the nearly $45 million in private American aid for earthquake relief, and the extraordinary efforts of scores of private Americans working in Armenia.

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ADDITIONAL COSPONSORS

S. 269

At the request of Mr. Reid, the names of the Senator from Michigan [Mr. Levin] and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of S. 269, a bill to prohibit the disposal of solid waste in any State other than the State in which the waste was generated.

S. 284

At the request of Mr. Domenici, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 284, a bill to establish the retroactive National Monument in the State of New Mexico, and for other purposes.

S. 511

At the request of Mr. Inouye, the name of the Senator from Nevada [Mr. Bay] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 699

At the request of Mr. Symons, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of S. 699, a bill to repeal the estate tax exclusion related to valuation freezes.

S. 1226

At the request of Mr. McConnell, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 1226, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic materials.

S. 1275

At the request of Mr. Boren, the name of the Senator from Montana [Mr. Baucus] was added as a cosponsor of S. 1275, a bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1365

At the request of Mr. Coats, the names of the Senator from Oklahoma [Mr. Nickles], the Senator from Wyoming [Mr. Barrasso], and the Senator from New York [Mr. D'Amato] were added as cosponsors of S. 1365, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for projects to demonstrate innovative alternatives to the incarceration of persons for nonviolent offenses and drug-related offenses.

S. 1511

At the request of Mr. Pryor, the names of the Senator from Ohio [Mr. Glenn] and the Senator from Florida [Mr. Graham] were added as cosponsors of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1646

At the request of Mr. Levin, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of S. 1646, a bill to implement key provisions of the Great Lakes Water Quality Agreement to protect and restore the Great Lakes.

S. 1779

At the request of Mr. Bond, the names of the Senator from Nevada [Mr. Bryant], the Senator from Connecticut [Mr. Dodd], the Senator from Washington [Mr. Adams], the Senator from Louisiana [Mr. Johnston], the Senator from Idaho [Mr. McCauley], the Senator from Kansas [Mr. Dole], the Senator from Hawaii [Mr. Inouye], the Senator from Washington [Mr. Gorton], the Senator from Minnesota [Mr. Boschwitz], the Senator from Montana [Mr. Burns], the Senator from New Hampshire [Mr. Humphrey], the Senator from New Mexico [Mr. Domenici], the Senator from Utah [Mr. Garn], the Senator from Arkansas [Mr. Pryor], and the Senator from Maryland [Mr. Roth] were added as cosponsors of Senate Joint Resolution 177, a joint resolution designating October 29, 1989, as “Fire Safety At Home—Change Your Clock, Change Your Batteries Day.”

S. 1852

At the request of Mr. Hatch, the names of the Senator from Oklahoma [Mr. Boren], the Senator from North Dakota [Mr. Bentsen], the Senator from Iowa [Mr. Grassley], the Senator from Idaho [Mr. McClure], the Senator from Ohio [Mr. Metzenbaum], the Senator from Virginia [Mr. Warner], the Senator from Florida [Mr. Graham], the Senator from South Dakota [Mr. Pressler], the Senator from Rhode Island [Mr. Pell], the Senator from Indiana [Mr. Coats], the Senator from Maryland [Mr. Mikulski], the Senator from Connecticut [Mr. Domenici], the Senator from Missouri [Mr. Bond], the Senator from South Carolina [Mr. Thurmond], the Senator from New Mexico [Mr. Domenici], the Senator from Washington [Mr. Adams], the Senator from Illinois [Mr. Simon], the Senator from Oregon [Mr. Hatfield], the Senator from Minnesota [Mr. Humphrey], the Senator from Illinois [Mr. Dixon], the Senator from Kansas [Mrs. Kassebaum], the Senator from Ohio [Mr. Glenn], and the Senator from New York [Mr. Moynihan] were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 26, 1990, and ending on December 2, 1990, as “National Home Care Week.”

S. 1878

At the request of Mr. Hatch, the names of the Senator from Indiana [Mr. Coats], the Senator from Indiana [Mr. Lugar], the Senator from Rhode Island [Mr. Chafee], the Senator from Ohio [Mr. Metzenbaum], the Senator from South Carolina [Mr. Thurmond], the Senator from Colorado [Mr. Armstrong], the Senator from Montana [Mr. Burns], the Senator from Mississippi [Mr. Cochran], the Senator from South Dakota [Mr. Pressler], the Senator from New Jersey [Mr. Lautenberg], the Senator from Hawaii [Mr. Inouye], the Senator from North Carolina [Mr. Helms], the Senator from New Mexico [Mr. Domenici], the Senator from Vermont [Mr. Jeffords] and the Senator from Georgia [Mr. Nunn] were added as cosponsors of Senate Joint Resolution 187, a joint resolution to designate the periods commencing on November 18, 1989, and commencing on November 19, 1989, and ending on November 26, 1989, and commencing on November 18, 1990, as “National Adoption Week.”

S. 1923

At the request of Mr. DeConcini, the names of the Senator from New
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Mexico [Mr. DOMENICI] and the Senator from Washington [Mr. ADAMS]
were the cosponsors of Senate Joint Resolution 193, a joint resolution
designating October 1989 as "National Italian-American Heritage and
Culture Month."

At the request of Mr. GORE, the names of the Senator from Colorado
[Mr. ARMSTRONG], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Oklahoma [Mr. BOREK], the Senator from Louisiana [Mr. BREBEUF], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. DANFORTH], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGEN], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], the Senator from Iowa [Mr. HARKIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Nebraska [Mr. KERRY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVINE], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MATHUNAGA], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCLURE], the Senator from Mary­land [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MUKROWER], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PESSLER], the Senator from Arkansas [Mr. PERRY], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIGGLE], the Senator from Wisconsin [Mr. ROTH], the Senator from Tennessee [Mr. ROWE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Hampshire [Mr. RUDMAN], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. ThurMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 196, a joint resolution to establish the month of October 1989, as "Country Music Month."

At the request of Mr. Nunn, the names of the Senator from Utah [Mr. GARN], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. COATS], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], and the Senator from Utah [Mr. HATCH] 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."

At the request of Mr. Gorton, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming [Mr. SIMPSON], the Senator from Wyoming [Mr. WALLOP], the Senator from Oregon [Mr. HATFIELD], the Senator from Mississippi [Mr. LOTT], the Senator from Oklahoma [Mr. NICKLES], the Senator from Pennsylvania [Mr. HEINZE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Arizona [Mr. MCCAIN], the Senator from South Dakota [Mr. PESSLER], the Senator from Missouri [Mr. DANFORTH], the Senator from Utah [Mr. GARN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Wisconsin [Mr. KASTEN], the Senator from North Carolina [Mr. HELMS], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 209, a joint resolution to designate November 11, 1989, as "Washington Centennial Day."

At the request of Mr. EXON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a co­sponsor of Senate Concurrent Resolution 56, a concurrent resolution relat­ing to the establishment of new comprehensive national aviation policy for the United States.

S. Res. 189

WHEREAS the American Association of State Highway and Transportation Offi­cials, comprised of the highway and transport­ation departments of all the states, Puerto Rico and the District of Columbia, will in 1989 celebrate the seventy-fifth anni­versary of its organization; and

WHEREAS many of those state agencies also have responsibilities for aviation, public transportation, rail and water transporta­tion services and facilities which are vital to the nation's economy; and

WHEREAS the Association was founded in the city of Atlanta, Georgia, in 1914, and is returning to Atlanta on October 5-10, 1989, for its 75th Anniversary Annual Meeting; Now, therefore, be it

Resolved, That the United States Senate expresses its appreciation to the American Association of State Highway and Transportation Officials at said 75th Anniversary Annual Meeting its appreciation for 75 years of service to Amer­ica in the development and operation of a nationwide transportation system that has contributed so much to the Nation's growth and economic well-being; and be it further

Resolved, That a copy of this resolution be delivered to the American Association of State Highway and Transportation Officials in commemoration of this anniversary.

AMENDMENTS SUBMITTED

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGEN­CIES APPROPRIATIONS, 1990

ADAMS (AND OTHERS) AMENDMENT NO. 893

Mr. ADAMS (for himself, Mr. Gorton, Mr. Stevens, Mr. Packwood, Mr. Wilson, Mr. Travaglini, Mr. Kerry, and Mr. Murkowski) proposed an amendment to the bill (H.R. 2991) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and the relat­ed agencies for the fiscal year ending September 30, 1990, and for other pur­poses, as follows:

At the appropriate place insert:
the marine life inhabiting the world's oceans is one of our planet's most important resources;
there has been a major increase in the last several years in the use of long plastic driftnets as a fishery technique;
finding that the use of these drift nets is a wasteful, indiscriminate, and destructive fishery technique, and condemn the entanglement and death of enormous numbers of target and nontarget fish, marine mammals,
seabirds, and other living marine resources. Congress passed and the President signed into law the Driftnet Impact Monitoring, Assessment, and Control Act of 1987.

pursuant to that law, the United States has, after a 15-year period of negotiation entered into bilateral agreements with Japan, Korea, and Taiwan to allow some monitoring and control of driftnet fleets in the North Pacific;

in that same two year period, use of the driftnet fishery technique has spread to the South Pacific Ocean and the Mediterranean Sea;

the continued use of this fishing technique could decimate entire regional fisheries, and also results in the interception of North American salmon in violation of accepted principles of international law;

the continued use of driftnets presents a worldwide ecological crisis of such complexity and magnitude that cannot be met by a continued series of bilateral monitoring agreements;

this worldwide crisis must be addressed through a multinational effort. Now, therefore;

it is the sense of the Senate that:

The Secretary of State is encouraged to take immediate steps to secure an international multilateral ban on the use of driftnets (as defined in Driftnet Impact Monitoring, Assessment, and Control Act of 1987 (16 U.S.C. 1823 note) on the high seas. In this effort the Secretary is encouraged to bring before the United Nations a resolution calling for a worldwide moratorium on the use of driftnets on the high seas until such time as the adverse impacts of driftnet fishing can be prevented and the conservation of the world's living resources can be ensured.

HELMS AMENDMENT NO. 894
Mr. HELMS proposed an amendment to the bill H.R. 2991, supra, as follows:

At the end of the bill add the following:
It is the sense of the Senate that the conferences on H.R. 2788 should agree to modify amendment number (7) to H.R. 2788 to read as follows:

"None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, or produce indecent or obscene materials, including but not limited to depictions of sadomasochism, bestiality, or individuals engaged in sex acts."

FOWLER (AND OTHERS) AMENDMENT NO. 895
Mr. FOWLER (for himself, Mr. RUZMAK, Mr. PRYOR, Mr. KERRY, Mr. MURKOWSKI, and Mr. BOND) proposed an amendment to amendment No. 894 proposed by Mr. HELMS to the bill H.R. 2991, supra, as follows:

Strike all after the first word of the amendment and insert the following:

is the sense of the Senate that the Conferences on H.R. 2788 should agree to an amendment of section 210(a) of the Act in amendment number (7) to H.R. 2788 as follows:

"None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, or produce indecent or obscene materials, including but not limited to depictions of sadomasochism, bestiality, the sexual exploitation of children, or individuals engaged in sexual intercourse."

GRAHAM (AND BENTSEN) AMENDMENT NO. 896
Mr. GRAHAM (for himself and Mr. BENTSEN) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place in the bill, insert the following:

ADOPION OF FOREIGN BORN ORPHANS

SEC. 1. (a) IN GENERAL.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following:

"except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) and not described in paragraph (1)(C), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the similar amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100–459, 102 Stat. 2260).

GRAHAM (AND OTHERS) AMENDMENT NO. 897
Mr. GRAHAM (for himself, Mr. MACK, Mr. WILSON, Mr. CRANSTON, and Mr. BENTSEN) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place in the bill, insert the following:

IMMIGRATION EMERGENCY FUND

For necessary expenses of the immigration emergency fund as authorized by section 404(b) of the Immigration and Nationality Act, $35,000,000.

JOHNSON (AND OTHERS) AMENDMENT NO. 898
Mr. JOHNSON (for himself, Mr. BREAUX, Mr. DOORE, and Mr. BOREN) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place, insert the following:

A. The Federal building/courthouse located in Baton Rouge, Louisiana, is hereby redesignated as the Russell B. Long Building.
B. Any and all references in Federal law and documents to the old name shall be conformed and referred to as the Russell B. Long Building.

SPECTER AMENDMENT NO. 899
Mr. SPECTER proposed an amendment to the bill H.R. 2991, supra, as follows:

On page 21, line 3, strike "$137,034,000" and insert "$82,034,000".
On page 21, line 4, strike "$5,000,000" and insert "$38,000,000".
On page 28, line 18, strike "$401,332,000" and insert "$263,832,000".

SHELBY (AND OTHERS) AMENDMENT NO. 900
Mr. SHELBY (for himself, Mr. HELMS, Mr. HEFLIN, Mr. DOLE, Mr. HEINZ, Mr. GRASSLEY, Mr. HATCH, Mr. LOTT, Mr. COCHRAN, and Mr. NICKLES) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. None of the funds appropriated or made available by this act to the Bureau of Immigration and Naturalization Service shall be used to combat illegal drug violations in the United States in violation of the immigration laws for purposes of subsection (b) of section 141 of title 13, United States Code.

BENTSEN (AND OTHERS) AMENDMENT NO. 901
Mr. INOUYE (for Mr. BENTSEN, for himself, Mr. BYRD, Mr. HOLLINGS, Mr. NUNN, Mr. BAUCUS, Mr. PRYOR, Mr. GRAMM, Mr. CONRAD, Mr. WILSON, Mr. GRAHAM, and Mr. RUDMAN) proposed an amendment to the bill H.R. 2991, supra, as follows:

At page 42, between lines 6 and 7, insert the following:

"In carrying out the drug enforcement activities funded by this title, the President, through the Attorney General and the Director of National Drug Control Policy, shall ensure that appropriate emphasis is given to reducing drug demand, committed to drug enforcement programs in the rural areas and smaller towns across the country."

LEVIN AMENDMENT NO. 902
Mr. LEVIN proposed an amendment to the bill H.R. 2991, supra, as follows:

At the end of the bill insert the following new section:

SEC. None of the funds appropriated or made available by this act to the Bureau of Immigration and Naturalization Service shall be used to combat illegal drug violations in the United States in violation of the immigration laws for purposes of subsection (b) of section 141 of title 13, United States Code.

(1) The illegal use of drugs is a crisis in America, causing incalculable suffering and damage to individuals, families, and social institutions;

(2) The economic and social dislocation caused by illegal drugs has had a devastating impact on the fabric of our society and citizens;

(3) It will take a multifaceted approach, both domestically and internationally, to effectively address the multifaceted problems of illegal drugs;

(4) Manuel Noriega's continued exercise of power in Panama has contributed to political unrest and international illegal drug trafficking in the hemisphere and the world, and that he should be removed from any position of power in Panama in order to reduce the drug flow and increase democracy;

(5) Public Law 100–690, the Anti-Drug Abuse Act of 1988, enacted on November 13, 1988, expressed the sense of the Congress that the President should convene as soon as possible an international conference on combating illegal drug production, trafficking, and use in the Western Hemisphere; and

(6) The National Drug Strategy announced by the President on September 5, 1988, states that "priority consideration should be given to convening at an early date a summit on the drug problem.

It is the sense of the Congress that—

(1) The agenda of the international drug summit should include, among others, the subjects of interdiction, crop eradication, crop substitution, law enforcement, educa-
HEFLIN AMENDMENT NO. 904
Mr. INOUYE (for Mr. HEFLIN) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place insert the following:

Sec. 627(a) of title 28, United States Code, is amended by striking out "seventy" and inserting in lieu thereof "seventy-five".

DECONCINI (AND MCAIN) AMENDMENT NO. 905
Mr. INOUYE (for Mr. DeCONCINI, for himself and Mr. McCORN) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place in the bill, insert the following:

Sec. 627(a) of title 28, United States Code, is amended by striking out "seventy" and inserting in lieu thereof "seventy-five".

MURkowski AMENDMENT NO. 906
Mr. MURKOWSKI proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place in the bill insert the following:

The Senate finds that in December 1988, and related documents thereto;
criminal activity. For purposes of this para-
graph, the term "drug-related criminal ac-
tivity" means the illegal manufacture, sale,
distribution, use, or possession with intent
to manufacture, sell, distribute, or use a
controlled substance (as defined in section 102
of the Controlled Substances Act (21
U.S.C. 802))."

NOTICES OF HEARINGS
SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would
like to announce for the public that
the Senate Special Committee on
Aging has canceled its hearing sched-
uled for October 3, 1989, to examine
proposals to make the Social Security
Administration an independent agency
and other administrative issues.

No other date has been set at this
time.

For further information, please con-
tact Portia Mittelman, staff director at
(202) 224-5984.

AUTHORITY FOR COMMITTEES TO MEET
SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND
SPACE

Mr. BINGAMAN. Mr. President, I
ask unanimous consent that the Sub-
committee on Science, Technology,
and Space, of the Committee on Com-
merce, Science, and Transportation, be
authorized to meet during the session of the Senate on September 29, 1989,
at 9:30 a.m. to continue oversight hearings on national science and tech-
nology policy.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL
PROTECTION

Mr. BINGAMAN. Mr. President, I
ask unanimous consent that the Sub-
committee on Environmental Protec-
tion, Committee on Environment and
Public Works, be authorized to meet
during the session of the Senate on Friday, September 29, 1989, beginning at
9:30 a.m. to conduct a hearing on the
December 1988 report to Congress by
the Department of the Interior con-
cerning the coastal barrier resources
system.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I
ask unanimous consent that the Com-
mittee on Foreign Relations be au-
thorized to meet during the session of the Senate on Friday, September 29,
at 2:30 p.m., to hold a hearing on a
pending ambassadorial nomination of
Evelyn Teegen to be Ambassador to
Piji.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN
AFFAIRS

Mr. BINGAMAN. Mr. President, I
ask unanimous consent that the Com-
mittee on Banking, Housing, and
Urban Affairs be allowed to meet
during the session of the Senate.
Friday, September 29, 1989, at 10 a.m.
to conduct hearings on the HUD sec-
tion 8 Moderate Rehabilitation Pro-
gram, focusing on low-income tax
credits.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I
ask unanimous consent that the Per-
manent Subcommittee on Investiga-
tions of the Committee on Govern-
mental Affairs, be authorized to meet
during the session of the Senate on
Friday, September 29, 1989, to hold
hearings on the U.S. Government's an-
tinarcotics activities in the Andean
Region of South America.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I
ask unanimous consent that the Com-
mittee on Finance be authorized to meet
on September 29, 1989, at 10 a.m. to
hold a hearing on the Bentsen super
IRA proposal.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 140TH ANNIVERSARY OF
THE FREE SONS OF ISRAEL

Mr. MOYNIHAN. Mr. President, the
140th anniversary of the oldest na-
tional Jewish fraternal benefit order
in the United States is being celebrat-
ed next month. For almost a century
and a half, this New York-based orga-
nization has made significant contri-
butions to American society.

The United States and the American
Jewish community has changed since
the intrepid new citizens who founded
the Free Sons of Israel in 1849 would have imagined. They founded this organization with a
remarkable faith in freedom and in their
new homeland, a faith that history has vindicated in a most stunning
fashion.

For 140 years the Free Sons Founda-
tion Fund has supported senior citizen
homes, convalescent centers, and
summer camps for needy children. The
Free Sons Scholarship Fund has
helped enable generations of young
Jewish Americans to attend the
schools of their choice. More, the Free
Sons have been involved in
fundraising to support various causes.

Mr. President, I am proud to salute
this splendid organization on its 140th
anniversary.
anniversary and to wish its members many more years of accomplishment and communal service.

L. WILLIAM SEIDMAN

Mr. DOMENICI. Mr. President, it is with great pleasure that I stand today in honor of a close personal friend, Mr. L. William Seidman, upon his receipt of the Business Leadership Award, from the Arizona State University College of Business. Mr. Seidman is the Chair of the Federal Deposit Insurance Corporation and a former dean of the ASU College of Business. Before serving at ASU, Mr. Seidman had served as President Ford's assistant for economic affairs, and then as vice chairman of Phelps-Dodge Corporation.

The Business Leadership Award is presented annually in recognition of "broad accomplishments; to someone whose lifetime contribution is recognized as significant to the nation and whose presence presents a model for future business leaders." The recipient is chosen by the college and by the Dean's Council of 100, a group of top business executives who serve as advisors to the business college's dean. Mr. Seidman founded the group during his tenure as dean from 1982 to 1985.

In addition to the Business Leadership Award, Mr. Seidman was also honored with the formal dedication of the Seidman Institute for Business while dean. The institute is an umbrella organization which covers business research centers located in the State. It is made up of the Arizona Real Estate Center, the Center for Advanced Purchasing Studies, the Center for Management Technology Research, the Financial System Research, the Center for Entrepreneurship and Innovation, the Center for Recreation Building; a $200,000 National Public Radio station; remodeled 200,000 square feet of space to help house Cameron's dramatically growing student body, and launched Cameron's first 500,000 endowed chair with the generous contributions of the Independent Insurance Agents of Lawton Inc.

More importantly in these four years, white operating with declining budgets and precarious revenues in diversity and enrollment, more than 3,000 prime graduates into the Southwest Oklahoma leadership force.

Likewise, the McMahon Foundation was ready with $500,000 to assure construction of the McCasland Foundation of Duncan. Davis knows how to stretch, bend and garnish budgets.

Likewise, the McMahon Foundation was ready with $500,000 to assure construction of the KCCU-FM, national public radio, now in its second month of bringing fine music to Southwest Oklahoma.

It was Ina Mae Stapp, a generous retired civil servant, who presented Cameron with carillons—the sound of brass bells chiming hourly and special music echoing across mid-city Lawton. The carillons pealed the new image of Cameron.

So that Chairman Seidman, I extend my warmest congratulations on behalf of the Senate, for a great honor and for a job well done. May his tireless service and far-sighted vision be an example to us all.

CAMERON UNIVERSITY'S SUCCESS STORY

Mr. DOREN. Mr. President, people across the country are beginning to focus on our Nation's education and the need for improving the quality of education our children receive so they will be ready for the challenge's of the next century. This week, President Bush and the Nation's Governors are convening in Charlottesville to discuss ways for improvement. Next week, the Secretary of Education is coming to Oklahoma to participate in a forum hosted by the Oklahoma Foundation for Excellence to help local communities improve their public schools.

So there are many innovative approaches ongoing to improve education. There are also many success stories. One of those is a university in my State—Cameron University. Dr. Don Davis and Mr. Joe Carter have accomplished a great deal in improving the university for the benefit of their students and the southwestern community of Lawton. Joe is now leaving the university to pursue other endeavors and I want to thank him for his efforts.

Mr. President, I ask that an excellent article by my friend, Joe Carter, from the Independent Lawton Constitution be printed in the Record.

The article follows:

(From the Lawton Constitution, Sept. 4, 1989)

DR. DON DAVIS HAS MADE CAMERON A GREAT UNIVERSITY

(BY JOE CARTER)

Four Years Later, Cameron University is a dramatically changed institution. The metamorphosis is the brainchild of Dr. Dr Davis, strategic thinker in Southwest Oklahoma's progress. During four years working in public affairs and development, I was privileged to "ride shotgun" on the blazing stage of change.

In a capsule, Davis won: a graduate school for Cameron: coveted Section 13 funding; a new $5.2 million Health, Physical Education, and Recreation Building; a $200,000 National Public Radio station; remodeled 200,000 square feet of space to help house Cameron's dramatically growing student body, and launched Cameron's first 500,000 endowed chair with the generous contributions of the Independent Insurance Agents of Lawton Inc.

More importantly in these four years, while operating with declining budgets and precarious revenues in diversity and enrollment, more than 3,000 prime graduates into the Southwest Oklahoma leadership force.

Cameron University library, totally computerized within the past four years, is widely acknowledged under leadership of Bob Phillips. But, Davis sees that more than 6 percent of the school's budget goes to the library.

Likewise, from limited resources, Cameron somehow has won a national football crown, hosted triumphant Olympic games and fielded respectable teams in basketball, baseball, softball, volleyball and golf.

The school moved gracefully from NAIA competition to NCAA, Division II play and in football is a force on the powerful Lone Star Conference.

From an insider's perspective, watching Davis win the battles for Cameron, Lawton and Southwest Oklahoma has been a moving and unforgettable experience. I consider him "the real deal" and I believe I have been a trusted ally.

First, Don Davis is a very humorous man. In the days of the Oklahoma Association for Disarmament opposition with timed wit, Davis chuckles and walks away with the price. The "losers" are even happy.

Flanked by the united Comanche County legislative delegation, Davis' most dramatic victory was breaking an 80-year pattern and getting Cameron列入Section 13 funding. For two weeks, we drove the daily round trip to the state Capitol as the combat raged in the Legislature and governor's office.

Sens. Roy B. BUTCH Hooper and Paul Tallafte, Speaker Pro Tempore Jim Glover, and Reps. Sid Hudson, Tom Manar and Loyd Benson had been so well briefed by Davis that the entire delegation sang a unified song: "Cameron demands Section 13 funding:"

It happened upon Gov. Henry Bellmon in a Capitol hall and, in a five-minute exchange, swayed the governor to the Cameron side of the Section 13 dispute. Six other universities, at that moment, effectively lost their battle. Of course, Cameron and Davis had truth and facts on their side. But those had not previously been convincing enough to change injustice. Nowadays, Cameron gets about $500,000 a year in Section 13 funds for capital improvements.

In four years, despite a lean budget, Davis has managed to find period pay raises for the staff and faculty. Having been chairman of the appropriations committee during a decline in the Oklahoma House, Davis knows how to stretch, bend and garnish budgets.

The HPER structure—decades late—now is ready from the ground up of Shepler Center. The legislative team, with Glover in command, had found $2.4 million in state money for the sorely needed facilities. In a dramatic move, Charles Graybill, the McMahon Foundation presented an $800,000 check to seal the deal. Twin ball courts, a pool, indoor track and handball courts finally will be part of the Cameron offering.

Likewise, the McMahon Foundation was ready with $50,000 to assure construction of the KCCU-FM, national public radio, now in its second month of bringing fine music to Southwest Oklahoma.

It was Ina Mae Stapp, a generous retired civil servant, who presented Cameron with carillons—the sound of brass bells chiming hourly and special music echoing across mid-city Lawton. The carillons pealed the new image of Cameron.

The most far-reaching achievement of the past months was addition of the graduate school.

With 664 graduate students admitted, the need for Southwest Oklahoma is dramatized by the utilization challenge of the Lawton Inc. with a master's degree will be awarded.

But adding graduate education to Cameron was opposed by forces at Southernmost Oklahoma State University and other regional institutions who feared loss of long-suffering commuter students from Southwest Oklahoma.

I was alongside Davis when he convinced the McCasland Foundation of Duncan to donate $200,000 to help finance the cause.

On one early Sunday morning, Davis and I quietly invaded Regent Ed Ketchum's sprawling ranch near Velma to write letters for the regent to mail to key decision makers at the crucial moment. Like other progress, the graduate school came to Southwest Oklahoma because of Davis' long hours of hard—but smart—labor.

On Sept. 1, 1989, President Davis presented Cameron University Foundation Inc. with a $500,000 check. A fund was established for graduate finance students to actually invest
with real money. It is rare for students to have actual dollars to play the market.

Another landmark was June 30, when a $500,000 distinguished professorship endowment was started by Lawton's own independent insurance agents using creative giving and state matching funds.

Aulena Searce Gibson and County Commissioners, who chaired Cameron University Foundation Inc. in these dramatic years, together with Carey Johnson, the invaluable "President's Partners" was launched with 53 members giving $1,000 each annually and some becoming lifetime partners with 10-year pledges. This provides Cameron Foundation funds to help the university take advantage of special opportunities and to give scholarships.

In all, some $25 million in private resources were acquired on behalf of Cameron University, largely through the auspices of Cameron University Foundation Inc. In addition, traditional and established funding resources were maintained such as the McMahon and McCasland Foundations scholarships and other endowments.

Additionally, on September 28, the Kentuckiana Minority Supplier Development Council named Sandra Taylor its Retailer of the Year. Taylor has also won the Southeast regional award for minority small business, which places her in contention for the national honor. Additionally, on September 29, 1989, the Kentuckiana Minority Supplier Development Council named Sandra Taylor its Retailer of the Year. Taylor has also won the Southeast regional award for minority small business, which places her in contention for the national honor.

Sandra Taylor's success with Lanlor recently led the U.S. Small Business Administration to name her the Kentuc­ky Minority Small Business Person of the Year. Mrs. Taylor has also won the Southeast regional award for mi­nority small business, which places her in contention for the national honor.

The article follows:

[From the Louisville Courier-Journal, Sept. 25, 1989]

OFFICE SUPPLY FIRM'S SUCCESS BRINGS AWARDS AND REWARDS

[By Fran Jeffries]

Sandra Taylor admits she wasn't a very good secretary.

But when the Newport, Ky., resident decided to start a business in 1981, she capitalized on one thing secretarial work had taught her about--office products.

Now, nearly eight years later, Taylor, 43, is being showered with awards for the success of her company, Lanlor Office Products Inc.

The U.S. Small Business Administration has named Taylor the Kentucky Minority Small Business Person of the Year. She will be presented that award today at her store in Newport in Campbell County.

Taylor also has won the top Small Business Administration's minority business in the nine-state Southeast region, which places her in contention for the national minority small business award. This locks up the regional honor in Washington on Oct. 4.

And the Kentuckiana Minority Supplier Development Council will name her Retailer of the Year on Thursday.

The company's catalog contains 19,000 items it supplies to such clients as Procter & Gamble; Monsanto; Cincinnati Gas and Electric Co.; Cincinnati Bell Telephone Co.; governmental agencies as a large roster of doctors' offices and mom-and-pop operations, said Taylor. In the past three years, the company has developed a niche in furniture design and office layout.

"It's a long shot from what we started with," Taylor said. "Then we didn't make enough money to pay for our child care."

Taylor, who is a Blackfeet Indian, and whose family still lives on the reservation in Browning, Mont., takes pride in being the only Indian-owned business in the area representing the Blackfeet Indian Writing Co., which supplies pens and pencils, among other items, to many companies nationally. Additionally, on September 28, the Kentuckiana Minority Supplier Development Council named Sandra Taylor its Retailer of the Year. Taylor has also won the Southeast regional award for minority small business, which places her in contention for the national honor.

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The women say there isn’t a job in the store that they haven’t done. “We’ve done it all, from making deliveries to unloading the trucks,” said Taylor.

“Wherever people would ask, ‘Can you get it,’ before they could get the sentence out, we said yes. There were times when I went to the corner drugstore and bought things for customers,” Taylor continued.

Sam Harris, the Small Business Administration’s assistant district director for business development, met Taylor when she was starting out.

“She has really come a long way,” said Harris, who was on the committee that chose Taylor for the business administration’s state award. The award is based on Lanlor’s financial soundness, Taylor’s community involvement and her use of other minorities as subcontractors and employees.

He said this is the first time since the organization began giving the award six years ago that the state winner also has won the district award.

Taylor is an assertive person who enjoys competing, said Harris. “She has decided she has every right to be successful, and a slim chance of falling.”

RETIREMENT OF MRS. FLORENCE CHAFFIN

Mr. DeCONCINI. Mr. President, it is with great pleasure that I rise today to recognize a woman who has unselfishly devoted over 30 years of her life to conscientiously serve this country. It is with regret, however, that the occasion for this commendation means that Mrs. Florence Chaffin is departing the Bureau of Land Management by retiring in October of this year.

Mrs. Chaffin has faithfully served the Bureau of Land Management in the State of Arizona for 25 years. She began working in the Division of Lands and Renewable Resources in February 1987, Florence was promoted to the position of secretary to the Arizona State Director of BLM. To at least partially show what Florence has meant to her supervisors, coworkers, and others, I quote the following accolades which were provided to me in a letter from a member of the Arizona State Office:

She is quick to come to the assistance of new staff members to help them get oriented in the Arizona State Office. She offers many suggestions to improve operations, and takes assertive action on any problem that arises. The administrative staff that worked with Mrs. Chaffin reflects the same high caliber as Mrs. Chaffin’s own—a tribute to her supervisory ability. Mrs. Chaffin is liked and admired by her fellow workers because of her work ethic, sense of humor, and willingness to help others who may be overloaded with work. Her efficiency and energy have saved the Bureau considerably more than one hundred thousand dollars in salaries over the past three decades.

Mrs. Chaffin has served four Deputy State Directors and six State Directors. Her extraordinary level of performance has resulted in her receiving 11 performance awards, including the Department of Interior’s prestigious Meritorious Service Award in 1987, along with numerous letters of commendation and appreciation. Unquestionably, the Woman’s outstanding career deserves special recognition by the Senate of the United States of America.

On the eve of her retirement, Florence should be extremely proud of her many accomplishments throughout her 30 years of devoted service. She should be equally proud of the fact that while she accomplished so much in her professional life, she also managed to raise two wonderful daughters and support essential programs at her church. I am certain that my colleagues will join me and the Bureau of Land Management in extending our sincerest appreciation to Florence for doing it all, from making deliveries to unloading the trucks.”

Mr. Grassley. Mr. President, I rise to bring to the Senate’s attention a skirmish, begun in my State of Iowa, that may help lead us to victory in the war on drugs.

The idea may be small when compared to the overall steps contemplated by the national drug control strategy. But, I believe it may serve as a model for citizen involvement in the war on drugs. And, as we know, the national strategy contemplates individuals becoming involved in the drug war in their own community.

Polls indicate the American people are ready to roll up their sleeves to rid their neighborhoods of drugs. I think this is the kind of idea that helps give us a real chance at winning the war on drugs.

The Clinton Herald of Clinton, IA, has invited its residents to fill out a coupon to report drug dealers. The coupon is to be used by the Clinton Police Department to track down suspected drug traffickers and users, plus the location of suspected drug activity.

The individual filling out the coupon has the option of providing his or her name. No one named in a coupon will be arrested. And, no search warrants will issue unless solid evidence is uncovered.

The Clinton police chief hailed the civic mindedness of the paper for the potential leads that may be provided by the information in the coupons.

I think this is an idea that may work in many areas of the country. It fits into the strategy’s plan to engage all of our resources against drugs. It relies on individuals within their own community to take back the streets. It relies on neighbors to act in partnership with cities, States, and the Federal Government to take back their communities.

HUMAN VIOLATIONS BY TURKEY IN CYPRUS

Mr. Harkin. Mr. President, the world today has been blessed with a number of very positive changes in the international arena. The Soviets have withdrawn almost all of their military forces from Afghanistan. Iran and Iraq have finally agreed to end their bloody border war. The Polish people have elected to their legislature members of the first opposition party of the East bloc. And South Africa has agreed to independence for Namibia.

The United States has applied the encouragement, cajoling, and pressure necessary to bring about many of these changes, and Americans justifiably boast of their country’s role in bringing about democratic change in many countries.

It is incomprehensible, then, why the United States does not demand similar change from one of its close allies—Turkey. On July 20, 1974, the Republic of Turkey invaded Cyprus with approximately 40,000 troops, and occupied the land in the northern region of the island. During this invasion and the continuing occupation of Northern Cyprus, Turkey’s occupying troops have been guilty of numerous human rights violations against both Greek Cypriots and Greeks. The invasion was accompanied by killings on a substantial scale, rapes, looting, and abuses of prisoners. During the invasion, Turkey illegally captured 1,614 Greek Cypriots—approximately 1,990 soldiers and 624 civilians, including 112 women—and has refused to release them to their governments. The United States has supplied the Turkish military with advanced weapons and has turned a blind eye toward Turkey’s violation of the United Nations’ resolutions and the repeated cease-fires.

This is the kind of united effort that may turn the corner against drugs.
During the 1974 invasion, Turkey also abducted five Americans, similarly self-righteously made citizens of the Turkish Republic of Northern Cyprus. The American citizens were not permitted to contact their families or United States Consulates. The abductions induced a number of international laws to which Turkey is a party. Turkey's actions in Cyprus are not only inexcusable but also clearly violate the provisions of the London-Zurich Agreement of 1959-1960, including the Treaty of Guarantee, which Turkey is a party to.

As a result of the invasion, today, there are 180,000 Greek Cypriot refugees—a full 35 percent of all Greek Cypriots—who were forced out of their homes in the northern-occupied portion of the island and admire their own country.

The Greek Cypriot refugees also had to leave behind their dreams. The northern region of the country was one of the wealthiest regions of the island. The Greek Cypriots from this region, who worked, saved, and dreamed of sending their children to college became welfare recipients overnight, and most live in small settlement apartments set up by the Cypriot Government. Now, their dreams of survival have been replaced by shattered lives and hopes that they can find the means to meet their everyday living expenses.

Turkey attempts to justify its actions by asserting that it intervened as a guarantor power under the London-Zurich agreements of 1959-1960 in order to protect the citizenship rights of the Turkish Cypriot minority. This position is simply untenable. Instead, it seems more likely that Turkey intervened to exert its own control over Northern Cyprus on a permanent basis. Thus it wishes to completely separate this region from the rest of Cyprus in order to show that complete independence is necessary and desirable.

In 1983, the forces in the occupied areas unilaterally declared themselves independent, naming the region the Turkish Republic of Northern Cyprus, and nominating Mr. Rauf Denktash as its President. In reality, however, this region remains highly dependent upon Turkey both militarily and economically. Mr. Denktash is merely a puppet of the Turkish regime.

To make matters worse, Turkey has illegally sent 60,000 Turkish colonists into the areas in order to strengthen its position there, both physically and poetically. Turkish colonists are immediately made citizens of the Turkish Republic of Northern Cyprus and are allowed to vote. The Dentash regime is thus propped up substantially by illegal Turkish citizens.

It is not at all clear that the Turkish Cypriots would choose Dentash as their leader, or that they are as strongly in favor of the policy of physical separation from Southern Cyprus as Turkey wishes them to do. Their voices and votes have been greatly diluted by the illegal Turkish settlers.

The Greek Cypriots and perhaps also the Turkish Cypriots are willing to live under a united government. Turkey appears to be the only country benefiting from an occupied and segregated Cyprus.

Turkey's actions in Cyprus are not only inexcusable but also clearly violate a number of international laws to which Turkey is a party.

First, Turkey's intervention in Cyprus is a violation of the United Nations Charter. The preamble to the Charter states that the fundamental purpose of the United Nations is to preserve against and settle problems peacefully. By its invasion and continued occupation of a large part of Cyprus, Turkey has contravened this fundamental purpose. Further, when Cyprus became a member of the United Nations in 1960, all provisions of the London-Zurich Agreements, including the Treaty of Guarantee, which conflicted with the U.N. Charter, became null and void.

Second, Turkey has violated article 1 and the preamble to the NATO Charter in the same way as it violated the U.N. Charter; namely, by acting as an aggressor and not attempting to resolve existing problems peacefully.

Third, many legal experts believe that Turkey's occupation and intervention violate the provisions of the London-Zurich Agreement of 1959-60, in which Turkey is a guarantor power along with Britain and Greece. The Treaty of Guarantee under this agreement, however, requires that any action taken be for the purpose of restoring the status quo ante which the constitution established. With 35,000 illegal Turkish occupation troops and 60,000 illegal Turkish colonists in Northern Cyprus, obviously Turkey has other things in mind than just restoring the status quo ante.

Fourth, others contend that the presence of Turkey's 60,000 colonists violates the provisions of the Geneva Convention of 1949, which prohibits the colonization of an occupying power.

Fifth, Turkey has completely ignored a series of United Nations resolutions calling for Turkey's withdrawal of its occupying forces from the area, information about the whereabouts of the missing persons, and a restoration of human rights to all Cypriots. Specifically, the United Nations Security Council in 1974 called upon Turkey to withdraw from Cyprus.

A year later, the United Nations called upon all member states to recognize the Republic of Cyprus as the only state on the island. Most recently, in 1993, U.N. Security Council Resolution 541 condemned Mr. Denktash's declaration of the Turkish Republic of Northern Cyprus.

Finally, Turkey has also violated United Nations laws by arming its occupying forces. U.S. military aid and foreign aid purchased with United States foreign aid. Turkey broke its bilateral agreements with the United States as well as the Foreign Assistance Act of 1961, and the Foreign Military Sales Act.

It is understandable that the United States wishes to continue to maintain Turkey as a close ally. It is not justifiable, however, to allow our desire to maintain this relationship to cause us to tolerate actions by Turkey that we would not tolerate from other countries. We must also not forget that Greece, too, is a close ally of the United States and its people.

The failure of the United States to pressure Turkey to restore the full human rights to the Greek Cypriots and to withdraw its occupation forces and colonists from Cyprus cannot be justified, under international or United States laws. The past 15 years have shown that Turkey is unlikely to resolve this issue. The United States should initiate a resolution of these transgressions of international law and U.S. law; the time to act is now.

RECENT REPORTS OF TORTURE IN EL SALVADOR

Mr. LEAHY. Mr. President, last week during consideration of the fiscal 1990 foreign aid appropriations bill, the Senate voted down a provision I sponsored which would have given Congress the option of blocking a portion of military aid to El Salvador next year if that government had not made a serious effort to negotiate an end to the war and stop abuses of human rights.

As I said before the vote, after almost $4 billion in U.S. aid and 70,000 people killed, it is long past time for the Congress to have a role in bringing this sad chapter in the history of that impoverished country to an end.

My proposal was a modest one. It did not automatically cut off aid. It conditioned both the government and the FMLN for beginning a process of negotiations. It was designed to send a message to both sides in El Salvador that the American people will not support an endless war. We want to see progress toward a peace settlement and respect for basic human rights. We are sickened by the reports of arbitrary arrests, torture, and bombings of civilians.

Mr. President, I was disappointed that the Senate voted to increase military...
tary aid. I fear that hardliners in the Salvadoran military, who have resisted the negotiations, will interpret the vote as an endorsement of their conduct. That, however, would be a serious misreading of the Senate's actions. Although the Senate rejected any restrictions on the aid, even those who spoke in opposition to my proposal emphasized that they strongly support a negotiated settlement of the war.

During the debate on this issue there was mention of several American citizens who were among the 60 or 70 people arrested by the Salvadoran National Police in connection with a demonstration in San Salvador on September 18, 1989.

Fortunately, the Americans, one of whom is a Vermonter who was filming the demonstration, were released unharmed, although they were threatened, verbally abused, and forced to stand blindfolded for hours. Dozens of Salvadorans were detained for up to 3 days, and I am told that 17 remain in custody.

After the release of the Americans, and I thank the United States Embassy and consular staff for their assistance in obtaining their release, one of the Americans has sent me detailed accounts of interviews with several of the Salvadorans who were detained. These accounts, excerpts of which I am inserting in the Record with the names of the victims omitted, include graphic descriptions of threats of death, brutal and sadistic beatings, multiple rapes, electric shock, and hanging by the thumbs.

Mr. President, the American who wrote these reports heard the screams and saw the bruises. This is only the latest in a long history of similarly outrageous conduct by the Salvadoran security forces, despite the fact that we spent $1.5 million in aid to that government every single day. It should be obvious to anyone who follows events in El Salvador that the American who was kept standing throughout the 3 day detention period. He was laid under a guillotine and told they would cut off his head. They also threatened to cut off his head with a machete. They threatened to rape his mother and sister and kill his whole family. He was kept standing and blindfolded for three days. They put some drugs in his mouth and nose. This made the...
with my head down and told me not to look up, to keep my eyes closed. I looked up once to see what was going on, and he said I was going to eat my own words. I was sitting but unable to sleep. Wednesday said. Then the man said: 'You just signed my pants and panties and then he entered me. I said that all the union leaders belonged to what my pseudonym is, if I belonged to the National Resistance (part of the FMLN). Then I had to stand in a corridor with a carpet. There was a man at a round table, one man on either side of me. I was again blindfolded. They began to wonder what I belonged to. I was not used to seeing him. Then he asked me if I wanted to make love with him again. I asked the same questions. A man took me down to the basement, I could feel that the air was different, there was a smell of gas. They made me stand with my arms over my head for over an hour in some place like a corridor with a carpet. There was something in the air that made me sneeze. I believed that the story was too infantile. You don't believe this story. But here we're going to make you talk.' The woman left and the man was still there. He hit me on the head and said I was lying down my blindfold and put on a darker one. I couldn't see anything. He asked more of the same questions. Then he took me out to the corridor with a rug and they hit me there. Sometimes I could sit but not sleep because someone would always come by and hit me. The next day a man took me to another corridor and interrogated me for a long, long time. I would say it was all day Tuesday. I smelled marijuana and felt a little dizzy. On the paper for me to sign, just lifted the blindfold enough so that I could write but not so that I could read what it said. Then the man said: 'You just signed your vagina and that there were lacerations in my vagina and that there were signs I had been violated through my vagina and that there were lacerations in and around my anus. I made a declaration that I was beaten and raped.'

H.R. 3072—FISCAL YEAR 1990 DEFENSE APPROPRIATIONS BILL
Mr. ADAMS, Mr. President, yesterday the Senate passed H.R. 3072, the Defense appropriations bill for fiscal year 1990. It provides more than $288 billion for defense activities. This amount reflects the so-called budget summit agreement reached between the Congress and the White House concerning how much will be spent on defense and domestic programs.

I believe that the Appropriations Committee has done a good job at attempting to make sure that the taxpayers get the most they can for those dollars. The bill includes a number of thoughtful reductions in R&D, procurement, and manpower accounts and uses that money to restore O&M cuts by Secretary of Defense Cheney. The committee's cuts are generally in the right direction, such as cutting civilian support personnel coincident with reductions in military manpower levels.

One of the more significant cuts is to eliminate a conventional B-52 wing. Another is to make some additional cuts in Trident II procurement because of the testing failures. It provides for the V-22 tilt rotor aircraft development, but not procurement. The bill also does not provide funding for the National Aerospace Plane.

The subcommittee cut the additional SSN-688 attack sub that Cheney cut, but the House restored. The bill also cuts down my pants and panties and entered me. I told him I was hurt so much, I said why don't you do it from the front? I can't bear this. He just said this is what happens if you don't collaborate. When he was done he cleaned his penis on my shirt and told me not to say that this had happened to anyone. The next morning we were taken outside, our blindfolds finally taken off and our documents returned, more photos and videos and then we were put on a bus and taken to the court room in court. I denied belonging to any subversive organization. I accepted belonging to FENASTRAS and STITGASC, that I had participated in a march and carried a banner, that I had made 3 banners and some bulletins for my union since June. Then I denied that I had been well-treated, told that I had been raped twice. I saw a doctor that said their were signs I had been violated through my vagina and that there were lacerations in and around my anus. I made a declaration that I was beaten and raped.

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Washington Air National Guard to include a close-air support squadron and a ground-based electronic reconnaissance system. The bill also earmarks $11 million for the superconducting magnetic energy storage project. Hanford is one of the Hanford is one of the sites under consideration for this storage project.

WASHINGTON, D.C. - The Senate has approved a bill that would authorize the Department of Defense to acquire superconducting magnets to store large amounts of energy needed for SDI. This technology also has enormous commercial and civilian applications for peak storage and transmission.

ADMINISTRATION'S LAX RESPONSE TO PUERTO RICO'S DEVASTATION

- Mr. BINGAMAN: Mr. President, as chairman of the Senate Democratic Task Force on Hispanic Affairs, I rise today to express my disappointment in the federal government's response to the terrible situation that now exists on the hurricane-ravaged island of Puerto Rico. Puerto Rico is seriously lacking in the equipment, funds and emergency relief centers that are desperately needed in the wake of Hurricane Hugo. The United States has a responsibility to aid the territory of Puerto Rico, and the administration failed to live up to that responsibility.

- Mr. DURENBERGER: Mr. President, Betty Hubbard has been a distinguished leader of a parent advocacy movement in Minnesota for over 40 years. In that time, she has helped achieve a comprehensive transformation of the State's care system for mentally handicapped individuals. For four decades, Betty has been the mentor and emotional support for hundreds of parents of mentally handicapped children. She has served on countless boards, task forces and committees and has held the influential position of Executive Director of the St. Paul ARC—Association for Retarded Citizens—from 1969 to 1986.

- Mr. DOSS: Mr. President, a part of our Nation's cultural heritage died when Irving Berlin passed away last week at the age of 101. Perhaps the greatest figure in American popular music, no composer ever wrote more songs more widely known to people in this country. His songs more widely known to people in this country. His songs include "White Christmas," "This Is the Army, Mr. Jones," "Cheek to Cheek," "America," "There's No Business Like Show Business"—it's astounding to realize just how many of his songs are familiar to every citizen. His compositions are our favorite patriotic songs, holiday hymns, romantic melodies. It is especially fitting that the man who defined American music was so quintessentially an American success story. He arrived in New York in 1899, a young child of a penniless immigrant family. He worked as a newspaper boy and as a singing waiter before he found his calling. And from this exceptional background emerged a composer unique in American music.

DEATH OF IRVING BERLIN

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- Jerome Kern said, "Irving Berlin has no place in American music. He is American music." Fortunately, although Irving Berlin has died, his music will live on forever. Mr. President, the Washington Post ran a stirring tribute to Irving Berlin several
days ago, I ask that it be printed in the Record.

The article follows:

AMERICA'S SONGWRITER AND THE MUSIC THAT MADE A CENTURY SING
(By Tom Shales)

I guess the first person I ever heard sing an Irving Berlin song was my mother. She used to wake us kids for breakfast and school by singing, "Oh How I Hate to Get Up in the Morning." I can't remember how old I was when I learned that Mom's song had words and music by Irving Berlin, a Russian-born Jew who became the most American American almost anybody could think of.

All these years later, it began to seem as if Irving Berlin, like the hundreds of songs he wrote, would live forever. Then, on Friday night in New York, he died in his sleep at the age of 101. As Berlin himself wrote decades ago—perhaps knowing it would be quoted at this time like this—the song is ended, but the melody lingers on.

"Remember?" "Always.

Irving Berlin also wrote complex songs about people and places. His songs became part of our lives, our rituals, our aspirations. They could be sung at birthdays and weddings and anniversaries and bar mitzvahs and by children in the morning to their waking children.

At Christmas you sang "White Christmas" and "A White Christmas." On the Fourth of July you sang "God Bless America." Berlin was a recluse for the last 25 years, but until then he had been uncommonly generous at making his parlor songs public; he turned them into songs, and the whole world sang them back to him.

"What'll I Do, When You Are Away?" and "I'm Blue, What'll I Do?"

Irving Berlin did not just have a place in American music, said Jerome Kern, "he is American music." Irving Berlin didn't just dream the American dream, he was the American dream—from his arrival in 1892 through his years of poverty on New York's Lower East Side, his nights as a singing waiter, his struggle for success, his spectacular and enduring achievements, his ascent to a status of folk hero.

"Say It With Music" was one of his hits and something of a credo. "A pretty girl," he observed, "is like a melody." On the same topic he said, "If my blues can reach your shoes and start you tapping your feet, I'm happy.

Fred Astaire danced to those songs, Bing Crosby crooned them, Ethel Merman belted them across the footlights. Everyone else sang them too. Eventually Berlin seemed to celebrate every facet of human experience, good times and bad times, turned into poetry. "Cheek to Cheek" is about the elemental act of dancing, but it brings with it a bit of the clouds. "Heaven, I'm in Heaven, and my heart beats so that I can hardly speak."

"Typically prolific, endlessly inventive, Irving Berlin was a real artist. He never told us things we really knew, evoked feelings and longings and sentiments that had been lying there dormant just below the surface. His songs were communal and universal, and anyone could take them personally. He didn't just express himself. He expressed everyone."

Will science ever know why there are minds from which melodies and verses flow? Perhaps not. But the fact that they seem mysterious and elusive, just as his songs will forever be natural and down to earth—so basic that people assume some of them have been handed down generation to generation without even realizing their composer was our contemporary.

Even fellow composers, no matter how much wittier or superior they were in awe, and Cole Porter included an accolade in one of his own clever lyrics: "You're the top, you're a Berlin badol.

They ran out of honors to shower on Irving Berlin. He had them all, and as much success and fame as anyone could stand. A tiny, elfin figure, with a squeaky little voice, he made few public appearances, though he does pop up in the World War II movie "This Is the Army." He sings the very same song my mom, and countless other moms, sang at the start of the day.

Irving Berlin conquered Broadway, Hollywood, countries, continents. Also towns, neighborhoods, homes, living rooms and parlor pianos. He set the century to music and he gave you something to sing to your sweetheart. He had the common touch, but then he was the very same good guy he was to the little kids in the audience. The best thing one could say about a song was likely to be "words and music by Irving Berlin."

Heaven, he's in Heaven. Remember? Always.♥

**PRESIDENT BUSH'S EDUCATION SUMMIT: WHERE'S D.C.?**

- Mr. GLENN, Mr. President, on September 27, President Bush opened an education summit attended by Governors from 49 States, Puerto Rico, and the U.S. Virgin Islands. I commend the President for initiating this precedent-setting meeting. His actions demonstrate a praiseworthy interest in a national education policy. Though education is often a matter handled by State and local governments, recent, disturbing national trends—illiteracy, internationally inferior math and science scores among our students, drug sales and sales among our young people—make it clear that the United States has a vital national interest in a strong educational system.

Unfortunately, the President marred this important occasion with a serious omission in his invitation list. Though the Governors and the President used the summit to discuss a national education strategy—and though part of the proposed strategy was a program of targeted funds to District of Columbia schools—no representative from the Nation's Capital was asked to attend.

I believe this is an inexcusable omission, and as chairman of the Governmental Affairs Committee—the committee with jurisdiction over the District of Columbia—it disturbs me. The D.C. Public Schools serve more than 85,000 students. The school system has had some well-publicized problems and it has made some serious efforts to stem those problems—see: "5-Year Plan Unveiled for District Schools," the Washington Post, June 27, 1989 and "Jencks Report on D.C. Schools' Ambitious Agenda," the Washington Post, September 7, 1989.

Furthermore, the District of Columbia has often been held up as an example of a city marred by the plague of drugs. The tragedy is the children who are faced daily with the indignity and horror of drug dependency, crime, and violence. For many of these children, the public school system is their best chance to develop into healthy, happy, productive citizens.

This administration should understand that the decision to exclude the District of Columbia from the education summit cannot be interpreted as merely an institutional decision based on the District's Governorless hierarchy. In fact, D.C. is considered a State agency by the U.S. Department of Education. Nor can there be an excuse on the basis of any political feelings that might be held by the President himself or the District's present administration. The President himself stated that, in education matters, "too much is at stake to let partisanship get in the way of progress."

In my opinion, the decision to ignore 85,000 children in the District of Columbia is a serious, serious mistake.♥

**A SHELL OF A GOVERNMENT**

- Mr. PRYOR, Mr. President, I rise to day to draw the Senate's attention to two articles which demonstrate all too well the way in which our Government has rushed to delegate its basic responsibilities to private consultants and contractors to the detriment of our system of government.

A front page headline in the June 28 New York Times announced that the "Energy Chief Says Top Aides Lack Security Clearance." Secretary Watkins is faced with the enormous task of bringing under control our Nation's nuclear weapons production facilities whose disrepair, it has been suggested, may bring us close to unilateral disarmament. The article states:

His efforts had been slowed because of an insufficient number of technically qualified people on the department's staff.

Yesterday's New York Times is an article entitled "NASA's Reliance on Contractors Is Seen as Eroding Its Capabilities." The article discusses a letter from the agency's deputy administrator James R. Thompson, Jr., to the Director of the Office of Management and Budget (OMB) outlining NASA's concerns regarding the contracting out of the agency. Mr. Thompson is worried that OMB's push to "convert more and more critical functions" to contractors is taxing the National Aeronautics and Space Ad-
The administration's management and supervision abilities.

Mr. President, I will ask that both articles be included after my statement in the RECORD.

Mr. President, I have been concerned that the Government is relying far too heavily on private consultants and contractors to fulfill their missions. These two articles demonstrate the way agencies can be operated far more efficiently by their own employees. The Navy inspector general report highlighted the multitude of problems which accompany overreliance on contractors and consultants. As a result, the Naval Sea Systems Command decided to bring expertise back in-house. The Navy had to wrangle with OMB about its decision but eventually prevailed. It appears, however, that OMB is applying the principal of using private sector firms. Yesterday's New York Times article describes how NASA went to OMB and requested 2,250 additional Federal employees. OMB decided that NASA could have 1,552 additional employees but had to contract out the remaining 668 jobs.

Mr. President, I, just cannot understand OMB's insistence in this matter. NASA, knowing its strengths and limitations, decided it needed in-house expertise to manage its operations, maintain safety, and prevent possible disasters. How can OMB have the knowledge to contradict that decision? I believe that this type of mindless adherence to a goal, without assessing its effect on the Government, is one of the reasons we have seen so many problems developed across the Government.

Mr. President, I will be continuing my work in this area and I look forward to working with the Secretary of Energy, the Administration's management and budget office to determine effective solutions to the problems they have identified.

I ask that the material to which I have referred be printed in the RECORD.

The material follows:

[From the New York Times, Sept. 28, 1989]

NASA'S RELIANCE ON CONTRACTORS IS SEEN AS ENDING ITS CAPABILITIES

(By Jeff Gerth)

WASHINGTON, September 27.—The space agency, long known for its technical expertise, has become so dependent on private contractors that it may be losing its ability to manage its operations, maintain safety and control costs, senior officials say.

The agency's deputy administrator, James R. Thompson, Jr., and reports by the agency's inspector general said the problems concerning contractors included false certification, overpricing of parts and excessive profits.

"I am most deeply concerned over the continued erosion of service capabilities," Mr. Thompson wrote to Richard G. Darman, the director of the Office of Management and Budget, on July 21. A push by the budget office to "convert more and more critical functions" to contractors is taxing the National Aeronautics and Space Administration's management and supervision abilities, he said.

Mr. Thompson's assessment was obtained by the New York Times under the Freedom of Information Act. The space agency at first refused to release the assessment, which was prepared by auditors in response to a request by Mr. Darman that each Federal agency provide a critique of its capabilities.

NASA obtained the report by appealing to higher NASA officials, who overruled the first decision and released the document.

The agency's ability to monitor contractors is likely to be discussed on Thursday when the inspector general, Bill D. Colvin, is scheduled to appear before the Senate Governmental Affairs Committee.

The chairman of the committee is Senator John Glenn, Democrat of Ohio, a former astronaut. "It's management control is nonexistent," the inspector general said of the Department of Energy, the Energy and Defense departments. The latter two have had quality control and cost problems with outside contractors, many of whom work for more than one agency.

SENATOR EXPRESSES CONCERN

In an interview today, Senator Glenn said he had "great concern" over NASA's reliance on contractors.

"I am most deeply concerned over the erosion of capabilities," he said, adding that "the auditors and the inspector general are going to be under a great deal more pressure" and are going to need the necessary "tools and resources."

After the space shuttle Challenger exploded in 1986, a President's Commission concluded that a wide array of management problems in the NASA and at the rocket manufacturer were fundamentally responsible. But officials have said that with beefed-up safety and monitoring capability since then, missions are not imperiled. But Mr. Thompson said in his report that while the space agency has made some progress, "it is not currently effective," the space agency is suffering an "erosion of our institutional capability."

BOLTS CERTIFIED FALSELY

Noting that crucial missions such as the shuttle are dependent on vendors, Mr. Thompson added, "we've been stretched to the point where it's troubling to me, given the oversight that's required." Mr. Thompson mentioned space vehicles have been rechecked falsely by manufacturers, as well as substitution of substandard or counterfeit electronic parts, which could have caused serious problems if they had not been detected.

James C. Fletcher, NASA's former administrator who stepped down soon after President Bush took office, said in an interview he was not comfortable with the notion that "you take the whole chunk of what NASA normally does and give it to contractors and take it away from civil servants."

Mr. Fletcher said he was concerned about a shortage of civil servants in programs management "which is responsible for safety" and a court ruling which forced the agency to keep contract employees at arm's length, limiting the agency's ability to control their activities.

Mr. Colvin and other space agency officials have repeatedly told Congress and the White House of increasing concerns over厂家 contractor problems. They include the agency's lack of employees in the areas of safety and product reliability, tens of millions of dollars of excessive parts on some contractors and false certifications of critical space vehicle parts. The reports do not name spec-
cific contractors because of proprietary re-

NASSA SEeks MORE WORKERS

In spite of the reports, the budget office does not fully support NASA's request for added strength in its ranks of civil servants, even though some space agency officials say that the Bush Administration is less committed to privatization than was its prede-

NASA wants 2,250 additional civil serv-

Energy Secretary James D. Watkins said

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Mr. Watkins also said he had asked the academy to establish a committee on epidemiologic research to advise the department on ways to study worker health issues. The department plans to create a data base on the health histories of its workers who have been exposed to radiation for use by outside researchers.

**CAPITAL GAINS**

*Mr. DASCHLE. Mr. President, the recent debate on capital gains is nothing new. The last extensive debate on capital gains took place several years ago just prior to enactment of the Tax Reform Act of 1986. That overhaul of the Tax Code dramatically reduced ordinary income tax rates in exchange for treating capital gains as ordinary income.

As we revisit the capital gains issue today, we must ask ourselves what has changed since 1986 that would necessitate a reduction in the capital gains rate. Who benefits from the prospective cut if any are taxpayers with incomes of $100,000 or more. According to a study by the Joint Committee on Taxation, this group, which represents 3.2 percent of all taxpayers, would receive 80 percent of the dollar benefit from a capital gains income tax preference. Even more significant, those who earn $200,000 or more—a mere 0.8 percent of taxpayers—would receive 60 percent of the tax savings from a reduction in the capital gains rate. On the other hand, a group that apparently does not benefit substantially from a capital gains rate reduction is the 82 percent of all taxpayers with incomes of less than $50,000. They would receive only 0.2 percent of the benefits from a capital gains rate reduction. It was relationships such as these that were among the factors that led to the capital gains compromise in the Tax Reform Act of 1986.

Just the other day, the Joint Committee on Taxation released a memorandum on capital gains that some have pointed out to as evidence that a capital gains rate reduction would directly benefit taxpayers across the economic spectrum. This joint committee memorandum states that 74 percent who show capital gains on their tax returns have other income of less than $50,000. This statistic is misleading and appears, at first glance, to fly in the face of the joint committee's earlier statement that 80 percent of the benefit of a capital gains rate reduction goes to individuals who make $100,000 or more.

What's going on here?

I am told by the joint committee that there are two primary differences between these studies, and I hope they will forgive me if my explanation over-simplifies or does not use the most appropriate technical language. The first and most important difference is that one study measures the dollar value of the gain, while the other study merely counts the number of taxpayers in each income group who receive any capital gain income at all. Thus, the majority of the 74 percent of capital gains earners who make less than $50,000 in other income receive very little capital gain income in terms of dollar amounts. As the first study shows, the bulk of the dollar benefit goes to taxpayers with very high incomes.

A second difference between the two studies is that they use different definitions of income. According to the joint committee, the study that counts the number of taxpayers who receive any capital gains at all is based upon income including capital gains. The other study, which understates the income of taxpayers. This is because the income calculation for that study does not account for income earned through tax shelters. Thus, some of the 74 percent of taxpayers who are counted in the "less-than-$50,000" category may actually have more income than $50,000. Sheltered income wasn't included in the definition of income for purposes of that study.

What about the cost to the Treasury of reducing the rate of tax on capital gains? Virtually all estimates indicate that a reduction in the capital gains rate will result in an initial surge in capital gains income at all. Thus, per individual, the annual capital gains rate reduction is the 82 percent of all Federal taxes are currently paid by taxpayers who earn less than $100,000 a year. While these taxpayers would receive only 20 percent of the capital gains rate reduction, they would probably be expected to shoulder the bulk of any tax increase.

Proponents of a capital gains rate reduction argue that the revenue loss would be more than offset by an increase in business activity and economic expansion. They say a capital gains tax rate reduction would stimulate investment and encourage improvement in our national savings rate, and they point to the experiences of Japan and West Germany.

There is little evidence or consensus among economists that this is true. It is not at all clear that the economic growth of nations such as Japan or West Germany are the result of limited taxation of capital gains. In fact, there is a range of reasons why these countries have been successful. So many other factors explain their success, including culture, education policies, trade policies, and the role of government, that it would be folly to expect a mere reduction in capital gains taxation to recreate those countries' experiences here.

There is only one conclusion I can offer my colleagues regarding the issue of a capital gains tax reduction. If we are going to do it, we better know why we are doing it, and we better know to pay for it.

**NATIONAL ALCOHOL AND DRUG TREATMENT MONTH**

*Mr. SASSER. Mr. President, I rise today to thank my colleagues for their support of a joint resolution, Senate Joint Resolution 132, designating the month of September 1989 as "National Alcohol and Drug Treatment Month." This joint resolution was signed into public law by the President on September 29, 1989 with the support of 223 Members of the House of Representatives.

The designation of the month of September has encouraged a focus on the positive contributions alcohol and other drug abuse treatment services provide in assisting those suffering from alcoholism and other drug addiction to recover and rebuild their lives. Treatment service as the bridge from dependence to independence from alcohol and other drugs.

Because alcohol and other drug abuse are complex problems involving biological, psychological, and social factors, a variety of approaches are needed to break their grip on our society. Aggressive law enforcement can limit the availability of illicit drugs. Education and prevention efforts, including media campaigns, can help discourage people from trying drugs. Workplace programs and drug testing can motivate occasional users to stop using drugs. However, drug and alcohol treatment is the key to reaching those severely dependent abusers who have not responded to other approaches. A national alcohol and drug abuse treatment strategy can control the impact of these severe cases on society and reduce the demand for illicit drugs.

Dependence on alcohol or other drugs is a chronic relapsing disease. A 1985 National Household Survey on Drug Abuse showed that approximately 23 million Americans currently used...
illicit drugs. Of these, more than 6.5 million people are severely dependent on heroin, other opiates, amphet- amines, and alcoholism. The majority of these persons cease to function in legitimate social roles and often engage in criminal behavior as part of their drug-using lifestyle. This group accounts for the bulk of the social and economic problems commonly associated with drug abuse and provides a continuing market for the illicit drug distribution system.

In addition, more than one-third of the families of the Nation and Tennessee are affected by alcoholism and an estimated 10 million Americans are problem drinkers or alcoholics. And alcohol abuse during pregnancy is one of the leading causes of mental retardation in infants and is the only preventable cause.

Acquired Immunodeficiency Syndrome (AIDS) has added new urgency to the need to address the Nation's critical intravenous (IV) drug abuse problems. Because shared needles can transmit the AIDS virus, IV drug users constitute a growing percentage of those at risk for the disease. More than 25 percent of the pediatric AIDS cases are related to IV drug use by one of both parents of the infant. Drug abuse treatment can reduce the rate of spread of AIDS to minimize the tragedy of lives lost and the immense national economic costs.

Alcohol and other drug abuse treatment provides an effective means toward dependence from substance dependence and is a necessary element in solving the problems associated with drug and alcohol abuse. Treatment can reduce criminality, as well as increase stable employment, progress in schools, health relationships, higher self-esteem and overall improvement in general health.

Education is equally an important component in preventing alcohol and drug abuse. Many groups—such as the "Toledo Day" Foundation in Nashville, TN—have proved successful in discouraging substance abuse by youth and young adults.

A broad coalition of constituency groups in the alcohol and drug field, including concerned citizens, individual service providers and program managers are encouraging alcohol and other drug treatment programs to open their doors and to hold community events during National Alcohol and Drug Treatment Month and invite the public to visit programs in their neighborhoods and learn more about treatment services.

Mr. President, I thank my colleagues for supporting National Alcohol and Drug Treatment Month which has helped to call attention to the positive contributions that substance abuse treatment can make to our Nation's efforts to decrease the demand for drugs and alcohol.

WASHINGTON CENTENNIAL DAY
Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 209, a joint resolution to designate November 11, 1989 as "Washington Centennial Day", and that the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 209) designating November 11, 1989 as "Washington Centennial Day":

There being no objection, the joint resolution (S.J. Res. 209) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and its preamble are as follows:

S.J. Res. 209

Whereas on November 11, 1989, at 5 o'clock and twenty-seven minutes, President Benjamin Harrison signed a proclamation declaring Washington a State;

Whereas Washington is known as the Evergreen State;

Whereas Washington State has become a national leader in aviation, computer software, education, health care, commerce, and trade;

Whereas Washington State's beautiful mountains, trees, waters, and fields are appreciated and preserved; and

Whereas on November 11, 1989, Washington State will see the dawn of a new century; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 11, 1989, is designated as "Washington Centennial Day", and the President is authorized and requested to issue a proclamation acknowledging the economic, social, and historic contributions of the people of Washington to the United States of America over the past century.

Mr. MITCHELL. I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

JOINT FEDERAL-STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES
Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate resolution No. 259, S. 1364, a bill to establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1364) to establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives:

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

FINDINGS AND PURPOSE
Section 1. (a) The Congress has conducted a preliminary review of the social and economic circumstances of Alaska Natives and of governmental policies and programs affecting Alaska Natives and finds that:

(1) in this period of rapid cultural change, there is, among Alaska Natives, a growing social and economic crisis characterized by, among other things, alcohol abuse and violence, grave health problems, low levels of educational achievement, joblessness, a lack of employment opportunities, and a growing dependency upon transfer payments;

(2) these conditions exist even though public policies and programs adopted in recent decades have been intended to assist Alaska Natives in protecting their traditional cultures and subsistence economies and in encouraging economic self-sufficiency and individual, group, village, and regional self-determination;

(3) Alaska Natives and the State of Alaska have expressed a need for a review of public policies and programs and a desire to make such policies and programs more effective in accomplishing their intentions.

(b) The Congress hereby declares that it is timely and essential to conduct, in cooperation with the State of Alaska and with the participation of Alaska Natives, a comprehensive review of Federal and State policies and programs affecting Alaska Natives in order to identify specific actions that may be taken by the United States and the State of Alaska to help assure that public policy goals are more fully realized among Alaska Natives.

ESTABLISHMENT OF THE COMMISSION
Sec. 2. (a) There is hereby established a commission to be known as the "Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives" (hereafter referred to in this Act as the "Commission").

(b)(1) The Commission shall consist of the following members:

(i) individuals appointed by the President, at least three of whom shall be Alaska Natives and not more than two of whom may be officers or employees of the Federal Government,
(B) seven individuals appointed by the Governor of the State of Alaska,

(c) any member of the Senate of the State of Alaska or a designated representative of such President,

(d) the Speaker of the House of Representatives or a designated representative of such Speaker,

(e) the chairman of the Select Committee on Indian Affairs of the Senate or a designated representative of such chairman,

(f) the ranking minority member of the Select Committee on Indian Affairs of the Senate or a designated representative of such member,

(g) the chairman of the Committee on Energy and Natural Resources of the Senate or a designated representative of such chairman,

(h) the ranking minority member of the Committee on Energy and Natural Resources of the Senate or a designated representative of such chairman,

(1) the chairman of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such chairman,

(2) the ranking minority member of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such member,

(3) a member of the Commission who is otherwise an officer or employee of the United States Government, who is appointed to the Commission shall serve on the Commission without additional compensation.

(4) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter (I) of chapter 57 of title 5, United States Code.

(b) Notwithstanding the other provisions of this Act, no compensation shall be paid to the members of the Commission for their performance of duties (including service on a task force) authorized by the Commission.

(c) A clause in the event that an agreement is not reached with the Commission described in subparagraph (C), the quorum for the transaction of the business of the Commission shall be four members of the Commission appointed under subsection (b)(1)(A).

(d) The principal office of the Commission shall be in the State of Alaska.

POWERS

Sec. 4. (a)(1) Subject to such rules and regulations as may be adopted by the Commission, the co-chairmen of the Commission shall have the power to—

(1) issue orders, rules, and regulations, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to subchapter III of chapter 53 of such title, or of any other provision of law, relating to the payment, classification, and General Schedule rates of an Executive Director of the Commission and of such other personnel as the co-chairmen deem advisable to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(b) Service of an individual as a member of the Commission shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise governing special interests or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with such services or matters involving the United States Service as a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 3344 of title 5, United States Code, or comparable provisions of Federal law.

(b)(1) The Commission is authorized to—

(A) hold such hearings and sit and act at such times as it may deem advisable.

(B) take such testimony.

(C) have such printing and binding done.

(D) enter into such contracts and other arrangements,

(E) make such expenditures, and

(F) take such other actions, as the Commission may deem advisable. Any member of the Commission may administer oaths to witnesses appearing before the Commission.

(b)(2) The Commission is authorized to establish task forces which include individuals appointed by the Commission who are not members of the Commission only for the purpose of gathering information on specific subjects identified by the Commission as requiring the knowledge and expertise of such individuals. Any task force established by the Commission shall be chaired by a voting member of the Commission who shall preside at any task force hearing authorized by the Commission. No compensation (other than compensation under section 2(a)(1) to a member of the Commission) may be paid to members of a task force solely for their service on the task force, but the Commission may authorize the reimbursement of travel and per diem in lieu of subsistence expenses during the performance of duties while away from the home, or regular place of business, of the member, in accordance with subchapter I of chapter 57 of title 5, United States Code. The Commission shall not authorize the appointment of any person other than a member of the Commission to perform the task force, but may permit the use of Com-
mission staff and resources by a task force for the purpose of compiling data and information. Such data and information shall be for the use of the Commission.

(e) The Commission is authorized to accept gifts of property, services, or funds and to expend funds derived from sources other than the United States Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are in the facilities of such department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the duties under this section.

(2) Upon the request of both co-chairmen of the Commission, the head of any Federal department, agency, or instrumentality is authorized and directed to furnish the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality available to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

TERMINATION

Sec. 6. The Commission shall cease to exist on the date that is 180 days after the date on which the Commission submits the report required under section 3(1). All records, documents, and materials of the Commission shall be transferred to the National Archives and Records Administration on the date on which the Commission ceases to exist.

AUTHORIZATION OF APPROPRIATIONS

Sec. 6. (a) There are authorized to be appropriated $70,000 to carry out the provisions of this Act. Such sum shall remain available, without fiscal year limitation, until expended.

(b) Until such funds are appropriated under the authority of subsection (a), salaries and other expenses incurred by the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairmen of the Commission. The total amount of funds paid from such contingent fund shall be reimbursed to such contingent fund from funds appropriated under the authority of subsection (a).

Mr. STEVENS. Mr. President, I take this opportunity to once again commend the Chairman of the Senate Select Committee on Indian Affairs, for his support and concern for my constituents in the Alaska Native community, and to the Commissioner MURKOWSKI for introducing the bill.

Over the last 20 years, the Federal Government and the State of Alaska have spent hundreds of millions of dollars on programs designed to address the health, education, and welfare needs of Alaska Natives. Progress has been made on many fronts, but serious problems remain.

The goals of this bill are to review the policies and programs through which both the State and Federal Governments have sought to improve the lives of the Alaska Native people. We have seen the impact of alcohol and substance abuse as well as the cause and effect of grim statistics detailed in the AFN report “A Call to Action.” I have been particularly concerned about the high rates of fetal alcohol syndrome in my State, which has the notoriety of being the highest in the world.

This joint Federal-State commission would review the successes and failures of the past 20 years and evaluate what steps should be taken by the Federal Government and Alaska to meet the challenges now faced by the Native peoples of Alaska. This bill would guarantee substantial Native participation in this important process.

This Commission has been patterned after the highly successful Indian Policy Review Commission of a decade ago. No such comprehensive review and analysis of this kind for Alaska Natives has been done since 1968, and I believe the outcome of this Commission will be improved coordination between Federal and State agencies and Native contractors. I would urge my fellow Senators to vote along with me for passage.

Mr. MURKOWSKI. Mr. President, S. 1364 would establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, a commission proposed by Alaska Natives to address critical economic and social conditions existing today among Alaska Natives, and endorsed and fully supported by the State of Alaska.

These conditions include high rates of suicide—especially among young Native males—alcohol-related deaths, joblessness, violent behavior, and poor health status, low levels of educational achievement, and sharply lower incomes than other Americans.

The Commission that would be established by this bill would undertake to address the critical needs of Alaska Natives by examining their social and economic status, by reviewing the effectiveness of current policies and programs affecting them, and by developing recommendations to the Congress and the State of Alaska for change.

The Commission would be funded jointly by the State of Alaska and the Federal Government, and accordingly, its voting members would be appointed by the Governor of Alaska and the President of the United States. Those members would include at least six Alaska Natives, so they would be full participants in the work of the Commission.

To help assure that the work of the Commission would become effectively an agenda for change, key U.S. Senators and Congressmen and Alaska Legislators would be ex-officio members of the joint commission.

This bill is widely supported by Alaska Native villages and other organizations and by the State of Alaska. Virtually all of the objections of the Bureau of Indian Affairs have been addressed in the amendment to the nature of a substitute unanimously approved by the select committee.

Enactment of S. 1364 into law and prompt appointment of members of the joint commission will give new impetus to Alaska Natives that changes in public policies and programs affecting their lives will be made. Its enactment will also assure that they are active participants in that process of change.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? So the bill (S. 1364) as amended, was passed.

Mr. MITCHELL. I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

THE 75TH ANNIVERSARY OF AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS

Mr. MITCHELL. Mr. President, on behalf of Senators BURDICK, CHAFEE, MOYNIHAN, and SYMS, I send a resolution to the desk commending the American Association of State Highway and Transportation Officials on its 75th anniversary and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

A resolution (S. Res. 189) honoring the American Association of State Highway and Transportation Officials on their 75th anniversary.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceed to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.
The resolution (S. Res. 189) was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

EXTENSION OF DEPARTMENT OF VETERANS AFFAIRS PROGRAMS

Mr. MITCHELL. Mr. President, on behalf of Senators CRANSTON and MUKOWSKI I send a bill to the desk and I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The Assistant legislative clerk read as follows:

A bill (S. 1709) to provide interim extensions of Department of Veterans Affairs programs of respite care for certain veterans, the authority to conduct a leave-transfer program for certain health-care professionals, and of Department of Veterans Affairs home-loan fees.

The Senate proceeded to consider the bill.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing, along with the ranking minority member of the Committee, Mr. MUKOWSKI, legislation to provide interim extensions of five Department of Veterans Affairs (VA) authorities due to expire on September 30, 1989. Our bill would: First, extend through November 30, 1989, the authority to furnish respite care to certain veterans; second, extend through November 30, 1989, the authority to furnish community-based residential care to homeless and certain other chronically mentally ill veterans; third, extend through November 30, 1989, VA's authority to conduct a leave-transfer program for its title 38 health-care personnel; fourth, extend for 1 year, fiscal year 1989, the vesting of appropriations for the program of matching fund construction grants for State veterans home health-care facilities; and fifth, provide for the collection of VA home-loan fees on loans closed before December 1, 1989.

Longer term extensions of each of these provisions has already been passed by the House, proposed by our Committee on Veterans' Affairs. An interim extension of one has already been passed by the Senate in another vehicle. All are totally noncontroversial.

Specifically, the administration has requested legislation, which I have introduced by request, to extend each of the foregoing, as follows: Sections 3 and 4 of S. 748 propose to extend the respite-care authority and the authorization of appropriations for the State veterans home program; section 8 of S. 1004 proposes to extend the program of care for homeless chronically mentally ill veterans; S. 899 proposes to extend the leave-transfer program; an amendment to the report of the Senate Committee on Veterans' Affairs reported legislation to extend the loan fee. Also, our committee reported to the Budget Committee, in order to comply with the reconciliation instructions contained in the fiscal year 1990 budget resolution (H. Con. Res. 106), a provision to extend the current one-percent loan fee through fiscal year 1990.

On June 27, 1989, the House of Representatives passed legislation, in sections 106 and 201 (a), (b), and (c) of H.R. 901, to extend, respectively, the leave-transfer program, the respite-care authority, the program of care for homeless chronically mentally ill veterans, and the State home authorization of appropriations. On September 13, the Senate Committee on Veterans' Affairs reported legislation to extend those same programs, in sections 203—care for chronically mentally ill veterans, 215; respite care, 218; State homes, and 262 leave transfers—of S. 13, a comprehensive veterans' bill.

In section 402 of S. 13, our committee has proposed a permanent 1.25-percent fee as part of a restructuring of the loan guaranty program, including the indemnification of veteran home buyers who lose their homes through foreclosure. H.R. 1415 as passed by the House on June 6, 1989, would also provide for a 1.25-percent fee and for indemnification.

However, Mr. President, it is now clear that the final legislation making the foregoing extensions will not be enacted before October 1.

Mr. President, with respect to the program relating to homeless chronically mentally ill veterans, I am assured that the VA General Counsel's Office has taken the position that, despite the provision in section 801 of the 1988 McKinney Act amendments—Public Law 100-526—authorizing appropriations for the program for fiscal year 1990, the provision in the law establishing the program—section 114 of Public Law 100-322—which provides that the authority expires on September 30, 1989, requires that no new patients be furnished contract care after September 30. I feel strongly that VA's authority to meet the needs of these unfortunate, impoverished mentally ill veterans should be continued without interruption.

Regarding the leave-transfer extension, I note that, under section 618 of Public Law 100-440, the fiscal year 1989 Treasury-Postal Service Appropriations Act, VA has temporary authority, during fiscal year 1989, to conduct a leave-transfer program which allows VA title 38 employees—primarily physicians, dentists, and nurses—to leave their employment with VA and leave to other title 38 VA employees who need such leave due to a personal emergency. Such a temporary authority had also been available to title 5 employees of all Government agencies, including VA. On June 31, 1988, Congress enacted, in Public Law 100-566, a 5-year leave-transfer program for title 5 employees. However, due to an oversight, VA title 38 employees were not included in this 5-year program and the temporary authority for them is due to expire on September 30, 1989. On September 18, the Senate adopted an interim extension of the title 38 leave-transfer authority that was included in an amendment—No. 757—that I offered to H.R. 2196, the fiscal year 1990 VA, HUD, and Independent Agencies Appropriations Act as passed by the Senate on September 28.

The 1-percent fee on VA-guaranteed loans and on the loans—known as vendee loans—that VA extends to the purchasers of homes acquired by VA upon the foreclosure of VA-guaranteed loans, it is important to note that these fees produce receipts of approximately $14 million per month for VA's loan guaranty revolving fund, which funds the operations of VA's home-loan guaranty program.

Mr. President, I have discussed this legislation with the distinguished chairman of the House of Representatives Committee on Veterans' Affairs, Mr. MORTON, and he has assured me that he will seek House action on this measure as soon as possible after Senate passage.

Mr. President, the provisions of this bill would prevent a hiatus in these important programs pending Senate and final congressional action on the legislation to make long-term extensions. I urge my colleagues to support this measure.

Mr. MUKOWSKI. Mr. President, I am pleased to join with the chairman of the Senate Veterans' Affairs Committee in introducing this interim VA program extension bill. I rise in strong support of this bill which would extend important VA program authorities which have expired on September 30, 1989. I regret that we are in this position where we must introduce and quickly pass this legislation. However, in all cases the Senate Veterans' Affairs Committee, on which I serve as the ranking minority member, has favorably reported legislation to extend the three authorities which we seek to temporarily extend.

EXTENSION OF RESPITE CARE PROGRAM

Mr. President, section 1(a) of this bill amends section 620B of title 38 to extend, until November 30, 1989, VA's authority to provide respite care. VA's
respite care program is defined as hospital or nursing home care of a limited duration which is furnished in a VA facility to assist in caring for a veteran with a chronic illness who resides primarily at home. It provides a rest for the patient's caregiver. The goal of the program is to maintain the veteran at home for as long as possible by allowing the caregiver to have scheduled breaks from caring for the patient. This is an important and useful program. S. 13 as reported by the Veterans' Committee would provide for a 2-year extension of this program.

EXTENSION OF HOMELESS CHRONICALLY MENTALLY ILL PROGRAM

Mr. President, section 1(b) of this bill amends section 115(d) of Public Law 100-322 the Veterans' Benefits and Services Act of 1988, to extend the Homeless Chronically Mentally Ill (HCMII) Program until October 30, 1990. According to VA's general counsel, without this extension authority, VA would lack the authority to speculate on its contract with community-based halfway houses.

Mr. President, I have had an established interest in this VA program. In fact, on January 27, 1987, I offered an amendment to House Joint Resolution 102 to earmark $5 million for the VA's halfway house program in fiscal year 1988.

In May 1988, the authority for this program was changed from a general authority to a pilot program in Public Law 100-628—authorized by the Veterans Affairs and General Government Appropriations Act, 1989, Public Law 100-440—to operate a leave transfer program for medical emergencies of VA employees. Under such a program, leave earned by a Federal employee may be transferred to the annual leave account of any other employee in order to assist the receiving employee during a period of medical emergencies.

EXTENSION OF HOME-LOAN FEES

Mr. President, section 6 of the bill would extend the requirement that VA shall collect a loan fee from veterans receiving a VA-guaranteed loan. The amount of the fee is 1 percent of the total loan amount. This is a temporary extension—and would apply to loans which are closed before December 1, 1989. Again, the Veterans' Affairs approved legislation to extend this loan fee.

I urge my colleagues to support this measure.

The PRESIDENT OF THE UNITED STATES. The motion to lay on the table was disagreed to. It now has passed the Senate and is on its way to the House of Representatives.

SEC. 1. EXTENSIONS OF DEPARTMENT OF VETERANS AFFAIRS HEALTHCARE PROGRAMS.

(a) RESpite Care.—Notwithstanding the provisions of subsection (b) of section 1829 of title 38, United States Code, the authority provided by such section shall terminate on November 30, 1989.

(b) COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS.—Notwithstanding the provisions of subsection (d) of section 115 of the Veterans Benefits and Services Act of 1988 (Public Law 100-322), the authority for the pilot program authorized by such section shall expire on November 30, 1989.
tions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

William Andress Brown, of New Hampshire, a career member of the Senior Foreign Service class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel, to which position he was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

John E. Frohmayer, of Oregon, to be Chairperson of the National Endowment for the Arts for a term of 4 years.

DEPARTMENT OF JUSTICE

Margaret P. Currin, of North Carolina, to be U.S. attorney for the Eastern District of North Carolina for the term of 4 years.

EXECUTIVE OFFICE OF THE PRESIDENT

Stanley E. Morris, of the District of Columbia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE NAVY

Navy nominations beginning Warren V. Ayers, and ending Mary Arlen Southurer, which nominations appeared in the CONGRESSIONAL RECORD April 4, 1989. (List reported and confirmed minus one name: Paul B. Thompson.)

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. MITCHELL. Mr. President, I note for the record that I have previously stated that there are six remaining ambassadorial nominations: Richard Wood Boehm, to be Ambassador to the Sultanate of Oman; Warren A. Lavorel, to be Coordinator of the Bilateral Trade Negotiations; Johnny Young to be Ambassador to the Republic of Sierra Leone; Lannon Walker, to be Ambassador to the Republic of Nigeria; Mark Gregory Hambly, to be Ambassador to the State of Qatar; and James R. Cheek, to be Ambassador to the Republic of Sudan.

These were among a group of nominations reported by the Senate Foreign Relations Committee on Tuesday, September 19. This cleared for approval on the Democratic side of the Senate on Wednesday, September 20. I presented them at that time for action by the full Senate but that action was denied because of a hold placed by a Republican Senator. I presented them again on Friday, September 22, with a request that they be approved by the Senate.

Consent was not given for their approval again at the request of a Republican Senator. I present them again today and understand that they are still not able to gain clearance on the Republican side. I have discussed this twice before. We are trying to expedite these Presidential nominations at the request of the President. These are six individuals who are, of course, waiting to take their positions.

I just want the record to show that we are prepared to do them, we want to do them, but we are prevented from doing so because of a hold placed by a Republican Senator.

I hope very much that we will be able to get them cleared in the near future. I know the distinguished Republican leader has been making an effort in that regard. I appreciate his effort in that regard.

Mr. DOLE. I appreciate the statement by the majority leader. I certainly share the views he has just expressed. I know of no reason these nominations are being held except they are being held. I do not think there is any question about their qualifications. There is no question that they have been approved, and they have been on the calendar for 16 days. In my view they would like to make plans. With their families. Most are going overseas. They are not going to be here in Washington, DC. They will be going to Sudan, and other countries, Sierra Leone, the Republic of Nigeria, the State of Qatar; very important assignments.

I certainly underscore the majority leader's hope that by early next week these nominations can be confirmed, and that the nominees can get on with their work.

I regret that there is a hold on the Republican side. I can understand from time to time because of qualifications or some reason there might be a hold. I have not yet been able to determine why there is a hold on these particular nominees but there is a hold. I know we do not honor holds but it is a question of timing, how much time we have to move on different nominees. I appreciate the comments of the majority leader and hopefully we can wrap these nominations up early next week.

Mr. MITCHELL. I thank the distinguished Republican leader for his comments, and I share the view which he has previously expressed, for it makes no sense for a Republican Senator to prevent approval of nominations of Republicans made by a Republican President, particularly since the President has consistently urged prompt action on his nominees, and we are trying to accommodate him. So I hope we will be able to act on these next week.

Mr. President, I want to extend my thanks to the Republican leader for his usual cooperation during what has been a very long and difficult week.

I think there will be a few more actions, and I think we are all grateful that we have reached the end of a difficult week and have made progress.

I note for the record that we were able, thanks in part, and due to the distinguished Republican leader's cooperation, to complete action on all of the 13 appropriations bills in the Senate prior to the end of the fiscal year. I am deeply disappointed that we were not able to proceed to the point that we could have completed final action on conference reports, but I hope we are going to be able to do that in the very near future as conferees meet and send the reports to the respective committees.

Mr. DOLE. If I might add, I certainly want to commend Senator Byrd, the chairman of the Appropriations Committee, and Senator HATFIELD, the ranking member, for their work, and the members of the their staff and other members of the Appropriations Committee.

It is not very often that we complete action on all 13 appropriations bills. Some will be coming back to us, I assume, next week, some conference reports. We might have quite a few out of the way before October 1.

In addition, I think we demonstrated we can move very quickly in response to calamities in this country. We acted very quickly on the continuing resolution, which contained $1.1 billion to help those in North and South Carolina, Puerto Rico, and the Virgin Islands, and the President signed that measure this morning.

I think, again, the Congress did respond. There was a need to respond, and I thank the majority leader for his leadership and his willingness to persist, sometimes against rather formidable odds, particularly in late evening, but we have the appropriations bills behind us, and there is still as much to do. I hope we can still complete action by Veterans Day of this year.

Mr. MITCHELL. That remains my goal, hope, and intention.

RECESS UNIT MONDAY

OCTOBER 2, 1989, at 2 P.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate now stand in recess, under the previous order, until 2 p.m. on Monday, October 2, 1989.

There being no objection, the Senate, at 4:51 p.m., recessed until Monday, October 2, 1989, at 2 p.m.
NOMINATIONS

Executive nominations received by the Senate September 29, 1989:

DEPARTMENT OF STATE

William Clark, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

THE JUDICIARY

Hart T. Mankin, of Delaware, to be an Associate Judge of the United States Court of Veterans Appeals for the term of 15 years. (New Position–Public Law 100-687.)

Zinora M. Mitchell, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of 15 years, vice Reggie Barnett Walton, resigned.

DEPARTMENT OF ENERGY

William H. Young, of New Jersey, to be an Assistant Secretary of Energy (Nuclear Energy), vice Theodore J. Garrish, resigned.

NATIONAL LABOR RELATIONS BOARD

Dennis M. Devaney, of Maryland, to be a Member of the National Labor Relations Board for the term of 5 years expiring December 16, 1994. (Reappointment.)

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Ronald L. Watts

U.S. Army.

IN THE NAVY

The following named captain in the Staff Corps of the United States Navy for appointment to the permanent grade of rear admiral (lower half), pursuant to Title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

DENTAL CORPS

To be rear admiral (lower half)

Capt. Carmen A. Ciardello, Jr.

U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1989:

DEPARTMENT OF STATE

William Andreas Brown, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

EXECUTIVE OFFICE OF THE PRESIDENT

Stanley E. Morris, of the District of Columbia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

John E. Frohnmayer, of Oregon, to be Chairperson of the National Endowment for the Arts for a term of 4 years.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Margaret P. Currin, of North Carolina, to be U.S. Attorney for the Eastern District of North Carolina for the term of 4 years.

IN THE NAVY

Navy nominations beginning Warren V. Ayers, and ending Mary Allen Southland, which nominations appeared in the Congressional Record of April 4, 1989. (Listed reported and confirmed minus one name: Paul B. Thompson.)