SENATE—*Friday, September 29, 1989*

(Legislative day of Monday, September 18, 1989)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the 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 lovingkindness 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, 1989, 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**]** *$28,250,000.*

Office of the 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 (5 U.S.C. App. 3 as amended by Public Law 100-504), **[**$14,045,000**]** *$13,500,000.*

Bureau 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, $1,322,967,000, *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, $194,482,000: Provided, That during fiscal year 1990 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal: Provided further, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly 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 designees 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, **[**$26,061,000**]** *$25,500,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, 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 Final Audit Report No. D-184-8-024 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 Com-*

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

merce, to delay or otherwise adversely affect any grant application for fiscal year 1990 by the State of Oregon, or to which the State of Oregon will contribute funds, on the basis that the contribution by the State of Oregon does not conform with law or regulation. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1990, and such positions shall be maintained in the various States within the approved organizational structure in place on December 1, 1987, and where possible, with these employees who filled those positions on that date.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, provided for by law, *and including demonstrating new alternatives to providing services domestically and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and implementation of section 406(b) of the U.S.-Canada Free-Trade Agreement Implementation Act of 1988, notwithstanding section 406(b)3 of said Act; full medical coverage for dependent members of immediate families of employees stationed overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; 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; 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 $300,000 for official representation expenses abroad; and purchase of passenger motor vehicles for official use abroad; obtain insurance on official motor vehicles, rent tie lines and teletype equipment;* [*$179,579,000*] *$181,296,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(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; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment of assessments for services provided as part of these activities: Provided further, That of the funds provided in this Act or any previous Acts for the International Trade Administration, including those amounts provided in advance to recipient organizations, not less than $10,877,000 shall be available for the Trade Adjustment Assistance Program during fiscal year 1990. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: Provided further, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed eight.*

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members 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 $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 requirement 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, including $775,000 previously appropriated, shall be available for additional regional export control assistance offices to be located in the Northern California area, in Portland, Oregon, and in the Boston/Nashua area: Provided, That the provisions of the first sentence of section 105(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

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, 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 $14,420,000 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 abroad for travel to the United States and its possessions without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts 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; and not to exceed $12,000 for representation expenses abroad; $14,300,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; *439 commissioned officers on the active list;* as authorized by 31 U.S.C. 1343 and 31 U.S.C. 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; and alteration, modernization, and relocation of facilities as authorized by 31 U.S.C. 883i *and acquisition of land for facilities;* [$966,932,000] *$1,216,830,000, to remain available until expended, of which $1,500,000 shall be available for construction and renovation of facilities at the Stuttgart Fish Farming Experimental Station, Stuttgart, Arkansas; and of which $550,000 shall be available for operational expenses at the Stuttgart Fish Farming Experimental Station, Stuttgart, Arkansas; and in addition, $30,000,000 shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. 2205(d); and in addition, $51,900,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"; and in addition, $4,500,000 shall be derived by transfer from the Coastal Energy Impact Fund: Provided, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $450,000: Provided further, That in addition to the sums appropriated elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for grant management and related activities.*

FISHERIES PROMOTIONAL FUND

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, $2,000,000, to remain available until expended, shall be made available as authorized by said Act.

FISHING VESSEL AND GEAR DAMAGE FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,000,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980(b) and 1980(f), *to remain available until expended.*

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $736,000, to be derived from receipts collected pursuant to that Act, *to remain available until expended.*

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94-265), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $1,986,000, *to remain available until expended.*

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, *and including defense of suits instituted against the Commissioner of Patents and Trademarks;* [$101,912,000] *$85,900,000* and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, *to remain available until expended.*

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration. $4,100,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $175,600,000, to remain available until expended, of which not to exceed $3,430,000 may be transferred to the "Working Capital Fund"; and of which not to exceed $1,300,000 shall be available for construction of research facilities.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $14,200,000 of which $700,000 shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, [$20,449,000] *$20,200,000*, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended: *Provided further, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That notwithstanding sections 391 and 392 of the Communications Act, as amended, up to $200,000 appropriated in this paragraph shall be available for the establishment and administration of the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT).*

NATIONAL ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For grants authorized by Sec. 394(a) of the Communications Act of 1934, as proposed in S. 797 or similar legislation, $2,500,000, to remain available until expended: Provided, That not to exceed $450,000 shall be available for program management and the expenses of the Advisory Council on Children's Educational Television.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, *and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.*

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. No funds in this title shall be used to sell to private 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 1965 or any loans made under section 254 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. 278d.

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 had 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 notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

SEC. 106. The Congress finds that failure to recognize natural resource depletion causes current systems of economic statistics to provide distorted representation of many nation's economic conditions.

(a) 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.

(b) 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.

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, $20,673,000; 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 without regard to the general purchase price limitation.

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, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $262,491,000, of which not to exceed $4,882,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1991: Provided, That of the funds available in this appropriation, not to exceed $6,474,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through Salaries and expenses, General Administration: Provided further, That for fiscal year 1990 and hereafter the Chief, United States National Central Bureau, INTERPOL, may establish and collect fees to process name checks and background records for noncriminal employment, licensing, and humanitarian purposes and, notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: Provided further, That for fiscal year 1990 and hereafter the Attorney General may establish and collect fees to cover the cost of identifying, copying and distributing copies of tax decisions rendered by the Federal Judiciary and that any such fees shall be credited to this appropriation notwithstanding the provisions of 31 U.S.C. 3302.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

For payments to eligible individuals as authorized by sections 105 and 106 of the Civil Liberties Act of 1988, $50,000,000, to remain available until expended as authorized by section 104(c) of said Act.

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 on October 1, 1990, and continuing each fiscal year thereafter, such sums as hereafter may be necessary are appropriated from money in the Treasury not otherwise appropriated, for payments to eligible individuals entitled to such payments under the provisions of the Civil Liberties Act of 1988 (Public Law 100-383).

SALARIES AND EXPENSES, ANTITRUST DIVISION

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

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, $444,862,000, 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) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, 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 protection of property and businesses, advertising and title search and surveying costs: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, $60,729,000, to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554): Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $440,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and aircraft; $217,027,000 as authorized in Public Law 100-690 (102 Stat. 4513): Provided, That notwithstanding the provisions of title 31 U.S.C. 3302, for fiscal year 1990 and hereafter the Director of the United States Marshals Service may collect fees and expenses for the services authorized by 28 U.S.C. 1921 as amended by Public Law 100-690, and credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, $137,034,000, to remain available until expended; of which not to exceed $5,000,000 shall be available under the Cooperative Agreement Program.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances; $56,784,000, to remain available until expended, of which not to exceed $1,690,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites: Provided, That for fiscal year 1990 and hereafter the Attorney General may enter into reimbursable agreements with other Federal Government agencies or components within the Department of Justice to pay expenses of private counsel to defend Federal Government employees sued for actions while performing their official duties: Provided further, That for fiscal year 1990 and hereafter the Attorney General, upon notification to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act, may authorize litigating components to reimburse this account for expert witness expenses when it appears current allocations will be exhausted for cases scheduled for trial in the current fiscal year.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $29,334,000, of which not to exceed $21,500,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: Provided, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F) and (G), as amended [$76,513,000] *$75,000,000* to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses of agencies of the Department of Justice, for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, $168,560,000, notwithstanding the reimbursements procedure contained in section 1055 of Public Law 100-690: Provided, That any amounts obligated from this appropriation may be used under authorities available to the organizations reimbursed in this Act: Provided further, That this appropriation may be used to reimburse Department of Justice agencies for any costs incurred by Organized Crime Drug Enforcement Task Forces between October 1, 1989 and the date of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,600 passenger motor vehicles of which 1,850 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 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; $1,423,340,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1991; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations: Provided, That for fiscal year 1990 and hereafter the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records and name checks for non-criminal justice, non-law enforcement employment and licensing purposes and for certain employees of private sector contractors with classified Government contracts, and notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services, and that the Director of the Federal Bureau of Investigation may establish such fees at a level to include an additional amount to establish a fund to remain available until expended to defray expenses for the automation of fingerprint identification services and associated costs: Provided further, That not to exceed $30,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $7,500,000 for a language translation system shall remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 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; expenses for conducting drug education programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 703 passenger motor vehicles of which 489 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $492,180,000, of which not to exceed $1,200,000 for research shall remain available until expended; and of which not to exceed $1,700,000 for purchase of evidence and payments for information, not to exceed $9,638,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment, shall remain available until September 30, 1991: Provided, That not to exceed $30,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 525, for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $823,486,000, of which not to exceed $400,000 for research shall remain available until expended: Provided, That none of the funds available to the Immigration and Naturalization Service shall be

available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That for fiscal year 1990 and hereafter capital assets acquired by the Immigration Legalization account may be made available for the general use of the Immigration and Naturalization Service after they are no longer needed for immigration legalization purposes: Provided further, That title 8, United States Code, section 1356(n) is amended by deleting "in excess of $50,000,000" after "Immigration Examinations Fee Account," and by deleting "At least annually, deposits in the amount of $50,000,000 shall be transmitted from the 'Immigration Examinations Fee Account' to the General Fund of the Treasury of the United States": Provided further, That not to exceed $5,000 shall be available 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, including purchase (not to exceed 159 of which 55 are for replacement only) and hire of law enforcement and passenger motor vehicles; $1,097,631,000: Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal 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 of new facilities; purchase, leasing and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $401,332,000, to remain available until expended: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act: Provided further, That of the amount appropriated under this heading, $14,000,000 shall be for the expansion of Oakdale II to 1,000 beds for the custody of criminal aliens.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (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 selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

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, and the Missing Children's Assistance Act, as amended by the Anti-Drug Abuse Act of 1988, including salaries and expenses in connection therewith, [$81,150,000] *$80,783,000,* to remain available until expended as authorized by section 6093 *and 7289* of Public Law 100-690 (102 Stat. 4339-4340 *and 4461*).

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including salaries and expenses in connection therewith, $150,000,000, to remain available until expended as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, [$69,693,000] *$69,193,000,* to remain available until expended as authorized by section [6093] *7625* of Public Law 100-690 (102 Stat. [4339-4340] *4448 and 4449*), of which $350,000 is for expenses authorized by section 241(f) of part C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and of which $2,000,000 is for expenses authorized by part D of title II of said Act.

[In addition, $5,000,000 for the purpose of reimbursement to States for costs of incarcerating illegal aliens and certain Cuban Nationals as authorized by section 501 of the Immigration Reform and Control Act of 1986 (Public Law 99-603).]

In addition, $5,000,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1989, through September 30, 1990, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: Provided, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1990, a listing of names of such Mariel Cubans incarcerated in their respective facilities: Provided further, That the Attorney General, not later than April 1, 1990, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: Provided further, That the amount of reimbursements per prisoner per annum shall not exceed $12,000.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, $25,000,000, to remain available until expended as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

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. 202. During fiscal year 1990 and hereafter, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

SEC. 203. For fiscal year 1990 and hereafter, appropriations for "Salaries and expenses, General Administration", "Salaries and expenses, United States Marshals Service", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Drug Enforcement Administration", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Federal Prison System", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

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 earlier.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation or 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—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1990, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the

United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" 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. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 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, for fiscal year 1990, may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1990, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(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, or the designee of the Director or 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 receipts.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1990—

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operations, the results obtained. With respect to each such closed undercover 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 operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are conducted, or

(ii) covert activities are concluded, whichever, occurs later,

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" means any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

SEC. 205. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 206. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 207. Nothing in the preceding section shall remove the obligation of the director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 206 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 208. Section 6077 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4324-25) is amended—

(1) in subsection (a) by striking "; and "(B) is not so transferred to circumvent any requirement of State law that prohibits forfeiture or limits use or disposition of property forfeited to State or local agencies.";

(2) in subsection (a) by striking "— "(A) has a value" and inserting "has a value"; and

(3) by striking subsection (c).

SEC. 209. The Civil Liberties Act of 1988 (Public Law 100-383) is amended by adding at the end thereof the following new section:

SEC. 110. 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).".

SEC. 210. Pursuant to the provisions of law set forth in 18 U.S.C. 3071-3077, not to exceed $100,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 211. Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 6091 of the Anti-Drug Abuse Act of 1988, is amended by striking "1989" and inserting in lieu thereof "1991".

SEC. 212. Section 506(a) of part D of title I of the Omnibus Crime Control and Safe Streets (42 U.S.C. 375(a)) is amended to read as follows:

"(2) of the total funds remaining after the allocation 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, 1990".

TITLE III—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service, not other-

wise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945) and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, 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. 481(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 not to exceed $500,000 in registration fees collected pursuant to section 38 of the Arms 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 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and Organization of American States, $4,600,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, 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 in accordance 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 Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), [$129,200,000] $348,100,000 to remain available until expended as authorized by 22 U.S.C. 2696(c): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

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. 3526(e), $4,700,000, to remain available until expended as authorized by 22 U.S.C. 2696(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

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress $668,011,000: Provided, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, including arrearages incurred through fiscal year 1989, $111,184,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations, including arrearages incurred through fiscal year 1989, and representation to such organizations as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $6,340,000, to remain available until expended as authorized by 22 U.S.C. 287(e), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 2269 and 4085.

INTERNATIONAL COMMISSIONS

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, operations and maintenance of the interceptor system to be constructed to intercept sewage flows from Tijuana and from selected canyon areas as currently planned, and the operation and maintenance upon completion of the proposed Environmental Protection Agency and Corps of Engineers pipeline and plant project to capture Tijuana sewage flows in the event of a major breakdown in Mexico's conveyance system, $10,460,000: Provided, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $11,500,000 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, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,500,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended, for necessary expenses for international fisheries commissions, not otherwise provided for, $12,300,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 529.

OTHER

U.S. BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, as authorized by section 105 of Public Law 100-204, $4,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT 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).

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98-164, $4,600,000.

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, $900,000 of which $450,000 shall be derived from the receipts collected pursuant to that Act, to remain available until expended.

OTHER

FISHERMEN'S PROTECTIVE FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, $1,000,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 301. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 302. Reprogrammings submitted by the Department of State to the Committees on Appropriations pursuant to the repro-

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 and/or positions are proposed for transfer.

SEC. 303. For fiscal year 1991, the Department of State shall 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, 1990".

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, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344 [$17,313,000] *$17,434,000, of which not to exceed $15,000 shall be available for the procurement of an oil portrait of former Chief Justice Warren E. Burger to be placed in the United States Supreme Court Building; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be 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 1990 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 snow removal by hire of men and equipment or under contract, and for the replacement of electrical transformers containing polychlorinated biphenyls both, without compliance with section 3709 of the Revised Statutes, as amended (41 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, $8,272,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (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, magistrates, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, [$1,349,803,000] *$1,289,924,000 (including the purchase of firearms and ammunition): Provided,* That such sums as may be available in the fund established pursuant to 28 U.S.C. 1931 may be credited to this appropriation as authorized by section 407(c) of the Judiciary Appropriation Act, 1987 (Public Law 99-591; 100 Stat. 3341-64)*: Provided further, That of 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 shall be reimbursed from the special fund established to pay judgements awarded under the Act.*

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), [$133,260,000] *$118,787,000, and the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, and the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences,* to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h))*; and refreshment of jurors;* [$58,700,000] *$54,700,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.*

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); $43,090,000 to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering 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), [$32,670,000] *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, $6,500,000.*

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. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

SEC. 403. For fiscal year 1990 and hereafter, the position of Trustee Coordinator in the Bankruptcy Courts of the United States 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, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. (b) The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. (c) The Director of the Administrative Office of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives.

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 prescribed by the Judicial Conference of the United States 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 other expenses incurred in providing these services.

SEC. 406. Pursuant to section 140 of Public Law 97-92, during fiscal year 1990, Justices and judges of the United States shall receive the same percentage increase in salary accorded to employees paid under the General Schedule (pursuant to 5 U.S.C. 5305).

SEC. 407. Appropriations made in this title which are available for salaries and expenses shall be available, notwithstanding the limitations in 31 U.S.C. section 1345, for the Judicial Conference of the United States to sponsor and host the Fifth International Appellate Judges Conference in the United States, provided that an amount shall be available only if the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of any obligation or expenditure. The Judicial Conference may supplement such appropriations with other funds made available by any department or agency for the purposes of technical foreign aid, educational and cultural programs with the people of foreign countries, or commemorating the bicentennial anniversary of the United States Constitution and the Bill of Rights, provided that any supplementation shall be only for the expenses of the Fifth International Appellate Judges Conference. The Director of the Administrative Office may also accept and utilize gifts of funds, to be deposited as a special deposit account in the Treasury, for the expenses of the Fifth International Appellate Judges Conference for reimbursement of appropriations or direct expenditure, provided that any unexpended balance of the special deposit account shall be returned to the donor or donors. For the purpose of the conference, the Director is authorized to pay for local travel and incidental expenses of foreign participants and dependent members of their immediate household, to pay for per diem to such persons in lieu of subsistence at rates prescribed by the Director, and to conduct and pay for the activities set forth in subsections (1), (2), (9), (15), and (18) of section 804 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. section 1474). Appropriations for commemorating the bicentennial or for salaries and expenses of the Judiciary shall not be made available by this section for the travel and incidental expenses of dependents. Nothing in this section precludes payment for the travel and other expenses of foreign participants and their dependents by any other department or agency, or by the Director on their behalf, as authorized by law.

SEC. 408. Section 1930(a)(1) of title 28, United States Code, is amended by striking out "$90" and inserting in lieu thereof "$120". Pursuant to section 1930(b) of title 28, the Judicial Conference of the United States shall prescribe a fee of $60 on motions seeking relief from the automatic stay under 11 U.S.C. section 362(b) and motions to abandon property of the estate. All fees as shall be hereafter collected for any service enumerated after item 18 of the bankruptcy miscellaneous fee schedule prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. section 1930(b) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and the Judicial Conference shall report to the Committees on Appropriations of the House of Representatives and the Senate on a quarterly basis beginning on the first day of each fiscal year regarding the sums deposited in said fund.

This title may be cited as "The Judiciary Appropriations Act, 1990".

TITLE V—RELATED AGENCIES

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $225,870,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $66,300,000, to remain available until expended, of which $2,250,000 shall be derived from unobligated balances of "Ship Construction": Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, $106,600,000, to remain available until expended: Provided, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

ADVISORY COMMISSION ON CONFERENCES IN OCEAN SHIPPING

SALARIES AND EXPENSES

For necessary expenses of the Advisory Commission on Conferences in Ocean Shipping, including services as authorized by section 18(d) of Public Law 98-237, $300,000.

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $55,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended et seq.), $33,876,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871-2883), $195,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses as authorized by section 304(a)(8) of the Board for International Broadcasting Act of 1973, as amended.

ISRAEL RELAY STATION

For an additional amount for the Board for International Broadcasting for the purpose of making and overseeing grants to Radio Free Europe/Radio Liberty, Incorporated, and its subsidiaries and of making payments as necessary in order to implement the agreement signed on June 18, 1987, between the United States Government and the Government of Israel to establish and operate a radio relay station in Israel for use by Radio Free Europe/Radio Liberty and the Voice of America, $183,500,000, to remain available until expended.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission as authorized by Public Law 98-375, $220,000, to remain available until December 31, 1993 as authorized by section 11(b) of said Act, as amended by section 8 of Public Law 100-94.

COMMISSION ON AGRICULTURAL WORKERS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Agricultural Workers as authorized by section 304 of Public Law 99-603 (100 Stat. 3431-3434), [$500,000] *$300,000, to remain available until expended.*

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution as authorized by Public Law 98-101 (97 Stat. 719-723), $14,300,000, *to remain available until expended, and in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301), of which $705,000 shall be available to the National Park Service to carry out provisions of Public Law 100-421, and* of which $7,500,000 is for carrying out the provisions of Public Law 99-194, including $3,142,000 for implementation of the National Bicentennial Competition on the Constitution and the Bill of Rights and $4,358,000 for educational programs about the Constitution and the Bill of Rights below the university level as authorized by such Act.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles $5,707,000, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities: Provided, That not to exceed $20,000 may be used to employ consultants: Provided further, That not to exceed $185,000 may be used to employ temporary or special needs appointees: Provided further, That none of the funds shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner whose compensation shall not exceed the equivalent of 150 billable days at the daily rate of a level 11 salary under the General Schedule: Provided further, That not to exceed $40,000 shall be available for new, continuing or modifications of contracts for performance of mission-related external services: Provided further, That none of the funds shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days. Provided further, That the General Accounting Office shall audit the Commission's use of this appropriation under such terms and conditions as deemed appropriate by the Comptroller General and shall report its findings to the Appropriations Committees of the Senate and House of Representatives.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary start-up costs for the Commission for the Preservation of America's Heritage Abroad, $200,000 as authorized by Public Law 99-83, section 1303.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $850,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

COMMISSION ON THE UKRAINE FAMINE

For necessary close out expenses of the Commission on the Ukraine Famine, $100,000.

COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Commission for the Study of International Migration and Cooperative Economic Development as authorized by title VI of Public Law 99-603, $1,290,000, *to remain available until expended.*

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by Sec. 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,000,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $20,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act; $184,926,000*: Provided, That the final rule regarding unsupervised waivers under the Age Discrimination in Employment Act, issued by the Commission on August 27, 1987 (29 CFR sections 1627.16(c)(1)-(3)), shall not have effect during fiscal year 1990: Provided further, That none of the funds may be obligated or expended by the Commission to give effect to any policy or practice pertaining to unsupervised waivers under the Age Discrimination in Employment Act, except that this proviso shall not preclude the Commission from investigating or processing claims of age discrimination, and pursuing appropriate relief in Federal court, regardless of whether an unsupervised waiver of rights has been sought or signed.*

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $300,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed fourteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $109,831,000, of which not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1991, for research and policy studies: Provided, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 60 F.C.C. 2d 607 Rev. Bd. (1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of 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 changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46, App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; $15,650,000*: Provided, That not to exceed $1,500 shall be available for official reception and representation expenses.*

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $64,580,000: Provided, that the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $39,000,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,350,000; and an 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

PAYMENT 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 $275,306,000 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, $650,000 is for regional training centers, $7,528,000 is for national support, $8,168,000 is for State support, $901,000 is for the Clearinghouse, $531,000 is for computer assisted legal research 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, $300,000, 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 U.S.C. 3109, $18,830,000, 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 secretariat for the International Organization of Securities Commissions: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-fortieth of 1 per centum 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 Admin-

istration as authorized by Public Law 100-590, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, [$240,045,000] *$239,136,000* of which [$50,000,000] *$45,000,000* is for grants for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended: *Provided,* That not more than $350,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act: *Provided further,* That none of the funds appropriated or made available by this Act to the Small Business Administration shall be used to adopt, implement, or enforce any rule or regulation with respect to the Small Business Development Center program authorized by section 21 of the Small Business Act, as amended (15 U.S.C. 648), nor may any of such funds be used to impose any restrictions, conditions or limitations on such program whether by standard operating procedure, audit guidelines or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987: *Provided further,* That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee: *Provided further,* That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased user fee or management assistance fee. In addition, [$96,160,000] *such sums as may be necessary* for disaster loan-making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster Loan Fund" as authorized by Public Law 100-590.

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 (5 U.S.C. App. 3 as amended by Public Law 100-504), [$7,400,000] *$7,552,000.*

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business Loan and Investment Fund", $77,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note; and for additional capital for new direct loan obligations to be incurred by the "Business Loan and Investment Fund", [$87,000,000] *$78,000,000,* to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note: *Provided,* That no funds appropriated under this Act may be used to sell direct loans which are held by the Small Business Administration or any loan guaranty or debenture guaranty made by the Small Business Administration under the authority contained in the Small Business Investment Act of 1958, and which was held by the Federal Financing Bank on September 30, 1987.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $11,000,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

[POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE REVOLVING FUND

[For additional capital for the "Pollution control equipment contract guarantee revolving fund" authorized by the Small Business Investment Act, as amended, $13,000,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.]

ADMINISTRATIVE PROVISIONS

(1) Section 405 of the Small Business Investment Act of 1958 (15 U.S.C. 694) is hereby repealed. Any monies remaining in the Pollution Control Equipment Contract Guarantee Revolving Fund on the date of enactment of this Act shall be transferred to the Small Business Administration's business loan and investment fund.

(2) Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(2) In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration, except as provided in paragraph (6), shall be—

"(A) not less than 90 percent of the balance of the financing outstanding at the time of disbursement if such financing does not exceed $155,000: Provided, That the percentage of participation by the Administration may be reduced below 90 percent upon request of the participating lender; and

"(B) subject to the limitation in paragraph (3)—

"(i) not less than 70 percent nor more than 85 percent of the financing outstanding at the time of disbursement if such financing exceeds $155,000: Provided, That the participation by the Administration may be reduced below 70 percent upon request of the participating lender; and

"(ii) not less than 85 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (16);

The Administration shall not use the percent of guarantee requested as a criterion for establishing priorities in approving guarantee requests nor shall the Administration reduce the percent guaranteed to less than 85 percent under subparagraph (B) other than by determination made on each application. Notwithstanding subparagraphs (A) and (B), the Administration's participation under the Preferred Lenders Program or any successor thereto shall be not less than 80 percent, except upon request of the participating lender. As used in this subsection, the term 'Preferred Lenders Program' means a program under which a written agreement between the lender and the Administration delegates to the lender (I) complete authority to make and close loans with a guarantee from the Administration without obtaining the prior specific approval of the Administration, and (II) authority to service and liquidate such loans.".

(3) Section 7(a)(19) of the Small Business Act (15 U.S.C. 636(a)(19)) is amended to read as follows:

"(19)(A) In addition to the Preferred Lenders Program authorized by the proviso in section 5(b)(7), the Administration is authorized to establish a Certified Lenders Program for lenders who establish their knowledge of Administration laws and regulations concerning the guaranteed loan program and their proficiency in program requirements. The designation of a lender as a certified lender shall be suspended or revoked at any time that the Administration determines that the lender is not adhering to its rules and regulations or that the loss experience of the lender is excessive as compared to other lenders, but such suspension or revocation shall not effect any outstanding guarantee.

"(B) 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 fiscal years 1989, 1990, and 1991, the Administration shall (i) develop and allow participating lenders to solely utilize a uniform and simplified loan form for such loans, and (ii) allow such lenders to retain one-half of the fee collected pursuant to section (7)(a)(18) on such loans. A participating lender may not retain any fee 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.".

(4) The last sentence of subparagraph (A) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(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 of or give undue recognition to the public official or agency, and the Administration shall ensure that it receives appropriate recognition in all cosponsored printed materials, whether the participant is a profit making concern or a governmental agency or public official.".

(5) Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end thereof the following new subsections:

"(d) 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 of interest the company would be required to pay on debentures purchased by the Administration, as determined under section 317.

Amounts authorized for direct purchases of debentures and preferred securities under this title shall also be available for interest payments under this subsection, or to purchase capital notes from section 301(d) licensees.

"(e) Notwithstanding any other provision of law, amounts available 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 100-690 (102 Stat. 4466-4467)), [$11,233,000] *$12,000,000, to remain available until expended: Provided, That section 607 of the Judicial Improvements and Access to Justice Act, Public Law 100-702, amending section 215 of the State Justice Institute Act of 1984 is hereby repealed and section 7321(a) of the Anti-Drug Abuse Act of 1988, Public Law 100-690, is hereby revived.*

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by 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 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), 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 and classification 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 Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928 and 22 U.S.C. 287e-1; and entertainment, including official receptions, within the United States, not to exceed $20,000 as authorized by 22 U.S.C. 1474(3); $647,875,000, none of which shall be restricted from use for the purposes appropriated herein: Provided, That not to exceed $1,210,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: Provided further, That not to exceed $12,902,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: Provided further, That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477(b), for expenses (including those authorized by the Foreign Service Act of 1980) and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535-1536: Provided further, That not to exceed $6,000,000 may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion picture, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended:

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $3,675,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Private Sector, and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636) $160,300,000, including up to $1,500,000, to remain available until expended, for the Eisenhower Exchange Fellowship Program.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $85,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a), of which not to exceed $16,000,000 may be available for the completion of testing and first-year operations of television broadcasting to Cuba, including, but not limited to the purchase, rent, construction, improvement and equipping of facilities, operations, and staffing: Provided, That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable 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, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $12,700,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $20,700,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing 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.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $15,800,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. The Attorney General and the Commissioners of the Federal Trade Commission shall establish a fee schedule for filing premerger notification reports required by the Hart-Scott-Rodino Antitrust Improvement Act of 1976 within one hundred and eighty days after approval of this Act, such fees to be collected by the Federal Trade Commission and divided evenly between and credited to the appropriations Federal Trade Commission "Salaries and expenses" and Department of Justice "Salaries and expenses, Antitrust Division": Provided, That immediately following approval of this Act, a temporary fee of one-fiftieth of 1 per centum of the value of the transaction shall be levied pending the establishment of a fee schedule with proceeds distributed as shown above: Provided further, That fees in excess of $30,000,000 in fiscal year 1990 shall be deposited to the credit of the Treasury.

SEC. 606. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advances of such reprogramming of funds.

SEC. 607. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 608. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1990 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1990 at not less than $8.98 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which each grantee and contractor was funded in fiscal year 1989, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $16.68 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients:

except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(B) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill:

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: Provided further, That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is 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 the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)):

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: Provided further, That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including 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 adequate 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 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure 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, contractor, or person or entity receiving financial assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions—

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

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 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken and subject to all other conditions of the previous proviso: Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance, or, with regard to national support centers, the locality where the organization maintains its principal headquarters: Provided further, That none of the funds appropriated in this Act for the Cor-

poration shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984, unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 606 of this Act: Provided further, That none of the funds appropriated to the Legal Services Corporation for fiscal years prior to fiscal year 1986 and carried over into fiscal year 1990, either by the Corporation itself or by any recipient of such funds, may be expended, unless such funds are expended in accordance with the preceding restrictions and provisos, except that such funds may be expended for the continued representation of aliens prohibited by said provisos where such representation commenced prior to January 1, 1983, or as approved by the Corporation: Provided further, That if a Presidential Order pursuant to Public Law 100-119, the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, is issued for fiscal year 1990, funds provided to each grantee of the Legal Services Corporation shall be reduced by the percentage specified in the Presidential Order: Provided further, That if funds become available to the Legal Services Corporation because a national support center has been defunded or denied refunding pursuant to section 1011(2) of the Legal Services Corporation Act, as amended by this Act, such funds may be transferred to basic field programs to be distributed in the manner specified by this Act: Provided further, That none of the funds appropriated by this Act or prior Acts or any other funds available to the Corporation or a recipient may be used by an officer, board member, employee or consultant of the Corporation or by any recipient to implement or enforce the 1984 and 1986 regulations on legislative and administrative advocacy (part 1612) or to implement, enforce or keep in effect provisions in the regulation regarding legislative and administrative advocacy and training (part 1612, 52 FR 28434 (July 29, 1987)) which impose restrictions on private funds except to the extent that such restrictions are explicitly set forth in sections 1007 (a)(5), (b)(6), (b)(7), and 1010(c) of the Legal Services Corporation Act, as amended: Provided further, That the Corporation shall not impose requirements on governing bodies of the recipients that are additional to, or more restrictive than, the provisions of this Act and section 1007(c) of the Legal Services Corporation Act, as amended, including, but not limited to (1) the procedures of appointment, including the political affiliation and the length of terms of board members, (2) the size, quorum requirements and committee operations of such governing bodies, and (3) any requirements on appointment of board members of national support centers that would preclude the bar associations in the States in which the center's principal offices are located from making all appointments required to be made by bar associations: Provided further, That none of the funds appropriated under this Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion: Provided further, That the Corporation shall utilize the same formula for distribution of fiscal year 1990 migrant funds as was used in fiscal year 1989: Provided further, That the fourteenth and fifteenth provisos of this section (relating to parts 1607 and 1612 of the Corporation's regulations) shall expire if such action is directed by a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: Provided further, That none of the funds appropriated under this Act or under any prior Acts for the Legal Services Corporation shall be used to consider, develop, or implement any system for the competitive award of grants or contracts until such action is authorized pursuant to a majority vote of a Board of Directors of 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 the Corporation shall insure that all grants and contracts made for calendar year 1990 to all grantees receiving funds under sections 1006(a) (1)(A) and (3) of the Legal Services Corporation Act as of September 30, 1989, with funds appropriated by this Act or prior appropriations Acts, shall be made for a period of at least twelve months beginning on January 1, 1990, so as to insure that the total annual funding for each current grantee or contractor is no less than the amount provided pursuant to this Act: 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: Provided further, That any changes in procedures in operational effect as of September 1, 1989, that would have the effect of imposing timekeeping requirements on recipients must be adopted as rules or regulations in accordance with section 1008(e) of the Legal Services Corporation Act and all of the requirements of this Act: Provided further, That any new rules or regulations, or revisions to existing rules or regulations adopted by the Board of the Legal Services Corporation after October 1, 1989, shall not become effective until after October 1, 1990, or until authorized pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: Provided further, That, notwithstanding any decision or action of the President of the Corporation after September 7, 1989, funds appropriated under this Act or any prior Acts shall not be denied, for the period October 1, 1989 through December 31, 1990, to any grantee or contractor which in fiscal year 1989 received funding appropriated under any prior Act, as a result of activities which have been found by an independent hearing officer appointed by the President of the Corporation prior to October 1, 1989, not to constitute grounds for a denial of refunding, and any decisions or action of the President of the Corporation reversing or setting aside such decision of an independent hearing officer concerning section 1010(c) of the Act rendered in fiscal year 1989 shall be null and void.

SEC. 609. (a) Not more than $9,901,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Commerce; not more than $9,858,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of State; not more than $15,361,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Department of Justice; and not more than $1,500,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Small Business Administration.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the head of each department and agency named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department or agency during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such report.

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 the subject of 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) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which, as determined by the Secretary of Commerce, may affect adversely such species of sea turtles, for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species of sea turtles;

(3) encourage such other agreements to promote the purposes of this section with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of 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) provide to the Congress by not later than one year after the date of enactment of this section—

(A) a list of each nation which conducts commercial shrimp fishing operations within the geographic range of distribution of such sea turtles;

(B) 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.

(b)(1) IN GENERAL.—The importation of shrimp or products from shrimp which have 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).

(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, 1991, and annually thereafter that—

(A) the government of the harvesting nation has provided documentary evidence of the adoption of a regulatory program governing the incidental taking of such sea turtles in the course of such harvesting that is comparable to that of the United States; and

(B) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of sea turtles by United States vessels in the course of such harvesting.

SEC. 611. No monies appropriated by this Act may be used to review or approve any export license applications for the launch of United States-built satellites on Soviet- or Chinese-built launch vehicles.

SEC. 612. Any country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 shall cease to be considered designated a "beneficiary developing country" for purposes of receiving benefits under the Generalized System of Preferences [GSP].

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990".

The PRESIDENT pro tempore. The pending question is on the first committee amendment which will be found on page 2, line 5.

Mr. HOLLINGS addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. HOLLINGS] is recognized.

Mr. HOLLINGS. Mr. President, let me thank the distinguished President pro tempore. He has got us on course here and me on station here this morning, so we can complete all the appropriations bills on the Senate before the new fiscal year begins. That was a goal of the distingushed chairman of our Appropriations Committee, which I am confident we will have done—namely, pass both Houses, at least the U.S. Senate, every appropriations bill before the end of the fiscal year.

In order to do that, I will, as my ranking member comes to the floor, be highlighting my statement. I will make certain motions to correct some printing errors in the committee amendments and then put the bill in order, without anybody waiving any rights or points of order.

In that vein, Mr. President, let me thank Senator RUDMAN of New Hampshire. He chaired this subcommittee in a distinguished fashion. He knows it by heart. He is very, very cooperative. He affords the leadership when we get in these legislative snarls; he is brilliant of idea and just the best help anyone could possibly have.

I want to publicly thank my colleague, Senator BUMPERS, who worked until 2 o'clock this morning. He was going to manage this bill until I found all of these amendments, and then determined for the better order of business that I better stay on station here rather than go into the Hugo disaster area with the President of the United States. I regret that I was not able to do that.

The President will see first hand the extensive nature of that, and I am confident he will get at the bottleneck, get the Federal Emergency Management Administration on the ball. It is like a new organization hit the country, and it is totally inept.

Mr. President, H.R. 2991 is the last of the 13 appropriations bills for fiscal year 1990. I am reminded that it is also the 13th annual appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary and 27 related agencies that I have been privileged to present to the Senate either as chairman, or ranking minority member of the subcommittee. Over the years we have developed this bill in a completely bipartisan fashion with the other side, starting with former Senators Weicker and Laxalt, and over the last several years with the distinguished ranking minority member and former chairman, the junior Senator from New Hampshire [Mr. RUDMAN].

We have an outstanding subcommittee that includes Senators INOUYE, BUMPERS, LAUTENBERG, SASSER, ADAMS, STEVENS, HATFIELD, KASTEN and GRAMM. In fact, we startled the Attorney General at our opening hearing when he looked up from reading his statement to find he was faced with Gramm, Rudman, and Hollings.

Mentioning hearings reminds me that Senator Mansfield would be proud of us today. He always asked if the printed hearings were available and we can answer affirmatively. Both our volumes are printed, a claim no other Appropriations Subcommittee can make.

Mr. President, the Committee on Appropriations reported out the bill yesterday. The total new budget authority in the bill as reported is $17,384,263,000. This is $11,582,862,000 over what the House approved. I regret the large number of amendments but the House bill provided for only 30 percent of the requests for 1990. Fortunately the Senate takes a less stringent view, or otherwise a large part of this bill would be on the continuing resolution. I think it is very important that the Congressional Budget Office has certified that the bill is within the 302(b) allocation for both discretionary budget authority and outlays.

WAR ON DRUGS

The day before yesterday, the Senate approved the Byrd amendment to the Transportation Appropriations Act which adds $1,916,940,000 to the Department of Justice, the Judiciary, and the State Justice Institute to carry out the war on drugs. When we add that to the amounts in this bill for those agencies we have provided the following major programs in our commitment to save a generation from the deadly effect of drug abuse.

FEDERAL PRISON SYSTEM—BUILDINGS AND FACILITIES

The total for new prison construction is $1,401,332,000: 24,000 new prison beds; 7 complexes (maximum, medium, minimum); 3 medium security prisons; 4 metropolitan detention centers; 2 military acquisitions; lease/purchase of one medium prison; expansion of Oakdale II; and existing prison expansions.

FEDERAL PRISON SYSTEM—SALARIES AND EXPENSES

The total provided for staffing Federal prisons is $1,152,554,000—an increase of $199,542,000 over last year: Activation of one new prison (Three Rivers, TX); activation of six housing units (Milan, MI; Bastrop, TX, Lewisburg, PA, Sandstone, MN, Rochester, MN, Memphis, TN); acquisition of five prison camps; and acceleration of prison activations.

DRUG ENFORCEMENT ADMINISTRATION

The total of $556,481,000—an increase of $77,301,000—the same as the President's request. Some highlights: Additional State and local drug task forces; new intelligence computer for the El Paso Intelligence Center [EPIC]; cleanup of clandestine laboratories; and additional staff, including 164 agents.

FEDERAL BUREAU OF INVESTIGATION

That total of $1,550,385,000 is available for the FBI—an increase of $97,045,000 above base—which is the same as the President's request: 224 new FBI agents; $15,000,000 R&D of sophisticated surveillance equipment; and savings and loan initiative.

ORGANIZED CRIME DRUG ENFORCEMENT [OCDE]—$214,361,000

This is a new account created in the 1988 drug bill which all agencies involved in drug law enforcement have transferred moneys (FBI, DEA, U.S. attorneys, U.S. Marshals, Customs, ATF, and Coast Guard).

DEA	$68,366,000
FBI	51,589,000
U.S Marshals	1,014,000

U.S Attorneys	45,788,000
INS	8,000,000
Criminal Division	662,000
Tax Division	1,141
U.S. Customs	14,461,000
U.S. Coast Guard	662,000
IRS	14,413,000
BATF	8,612,000
Total OCDE	$214,361,000

STATE AND LOCAL LAW ENFORCEMENT GRANTS

A total of $450,000,000—an increase of $300,000,000 over last year. We went along with the Stevens initiative and included language to continue through 1991 the current 75-25 percent Federal-State match.

THE JUDICIARY

For the Judiciary, a total of $1,767,023,000 is provided—an increase of $310,723,000 over fiscal year 1989—for the drug-related accounts of the Judiciary—courts of appeals, district courts, and other judicial services; defender services; fees of jurors and commissioners; and, court security.

Later today Senator BENTSEN will offer an amendment that I am pleased to cosponsor. What it does is direct the President, Attorney General and drug czar to place an emphasis on providing adequate increased resources on drug enforcement programs in rural areas and smaller towns across the country.

Urban areas are not the only localities suffering under the siege of drugs. In my own State of South Carolina, a pilot study of drug use among public school students in 1989 reveals that South Carolinians are more likely to use drugs than the national average.

Mr. President, I submit for the record a chart detailing preliminary results of the South Carolina study as it compares to the 1988 survey of high school students conducted by the National Institute on Drug Abuse.

[In percent]

	South Carolina age 13 to 18, 1989 Public School	United States age 12 to 17, 1988 NIDA survey
Marijuana	9.2	6.4
Cocaine	1.5	1.1
Stimulants	3.5	1.2
Inhalants	3.0	2.0
Opiates	2.2	.9
Hallucinogens	2.1	.8
Tranquilizers	1.8	.2
Sedatives	1.7	.6

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 caseload, and to implement the unfair trade practice provisions of the Trade Act, are provided the International Trade Administration, as well as the full $6,000,000 increase of 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 additional 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 for Hurricane Hugo disaster 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 facilities such as the sewer treatment plant on Sullivan's Island that was completely eliminated.

We also increased Justice's emergency assistance funds by $5,000,000. This will make $6,000,000 available for the additional overtime and replacement of equipment of the law enforcement agencies impacted by Hugo. Mr. President, in this regard, there is a printing error in our report. The line for emergency assistance in the chart on page 53 shows no amount where the $5,000,000 should be indicated.

The Small Business Administration has indicated to me that there is approximately $1,050,000,000 in the disaster loan fund and that will be sufficient to get started on rebuilding the businesses and homes that fell in Hugo's horrible path. SBA estimates $1,000,000,000 in disaster loans to Hugo. We have also provided for sufficient SBA personnel to process the disaster loans.

Mr. President, those are three of the main themes of the bill. We have not lost track of the many other responsibilities of the agencies and I will take a few minutes to highlight the bill.

DEPARTMENT OF COMMERCE

For the Department of Commerce we recommend $3,547,326,000, an increase of $819,764,000 over 1989 which is primarily due to the $1,244,544,000 for the Decennial Census next April which is the same as the House—$57,000,000 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 trade practices by 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 $175,600,000, 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 premerger filing 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-

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 $1,792,597,000 increase 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 reparation payments for which the House appropriated $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 $367 million outlay reduction from the requests in international affairs spending. In the 302(b) allocations the committee directed that this bill take $167 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 $1,773,619,000. This includes: $16,465,000 for the telecommunications network [DOSTIN]; $9 million for the Beltsville Information Center; and $10,365,000 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 $668,011,000, the full amount required for the 1990 assessments. Due to the 302(b) outlay reduction we did not provide the $45,916,000 requested for U.S. arrearages 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 sea 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 underfunding of the Asia Foundation. Every United States Ambassador to an Asian nation that I have talked to over the last 13 years has praised the Asia Foundation. It does an outstanding job 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 effectively 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 Alaska.

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 drug-related accounts of 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 requests. The reduction mainly comes in the Ready Reserve Force appropriation where only $107,900,000 of the $239,030,000 is recommended. OMB transferred this account 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.

Civil Rights Commission: We have funded the Commission at last year's level of $5,707,000 and continued the restrictions in force.

FCC: Full budget request of $109,831,000 which includes restoration of 40 work years lost to inflation. Continues restrictions on minority ownership, swaps, and cross ownership.

FTC: We recommend the full budget of $69,580,000 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 program 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 $160,300,000 for the exchanges; and included $85 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 PRYOR 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

incidental 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 United States-satellite 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 36 percent over the 1989 enacted level and 56 percent over the 1988 enacted level. For the Federal judiciary, the increase is 10.5 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 law 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 the ocean, coastal, and fishery programs of the National Oceanic and Atmospheric Administration, with important enhancements for the global change program and the coastal ocean initiative; $10 million to initiate 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 NOAA, in the Commerce Department, the judiciary, the FBI, the State Department, and the Senator 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 rollcalls 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 section 1 of his instruction, 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 that himself or have me offer it on his behalf and that will take a rollcall 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

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 Klepec. 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 italics;.

On page 18 line-type all that appears on lines 4 through 7;

On page 31 line 6 change "7625" to "7265";

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;

On page 43 line 16 after "ings" insert "Abroad";

On page 43 line 19 change "therefore" to "therefor";

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 100-659," 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 "advance";

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 reason thereof.

Mr. RUDMAN. Right.

The PRESIDENT pro tempore. Without objection, the committee amendments will be considered and agreed to en bloc with the exceptions enumerated by the manager of the bill, Mr. HOLLINGS.

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 driftnets 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 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. GORTON, Mr. STEVENS, 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 is as follows:

At the appropriate place insert:

the marine life inhabiting the world's oceans is one of our plant'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 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. 1822 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.

Mr. ADAMS. Mr. President, I hope this amendment will be accepted by the managers on both sides and the rest of my colleagues. It is one that is of great importance to all of us that border on the Pacific Ocean. I think it will be of great importance in later years to those who border on all the oceans of the world.

Mr. President, this amendment is a resolution expressing the sense of the Senate on the worldwide crisis posed by drift net fishing on the high seas.

It encourages the Secretary of State to take immediate steps to secure an international moratorium on the use of driftnets 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.

This resolution is consistent with a letter sent by members of the National Ocean Policy Study Committee of the Senate Commerce Committee to our Ambassador to the United Nations, Thomas R. Pickering. As an at-large ex-officio member of NOPS, I signed that letter, and would like to express my gratitude for the leadership shown by 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 UNSOELD, 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. Driftnet fishing is not about harvesting a portion of a renewable resource; it is wanton massacre. Uncontrolled driftnet fishing will drain the world's oceans of fish, mammals, and seabirds in less than a generation. If we are to survive 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 a long time. In 1987 we passed the Driftnet Impact Monitoring, Assessment, and Control Act, and directed a reluctant administration to enter into agreements with the driftnetting nations of Japan, Korea, and Taiwan.

These agreements, which are of varying quality—and I stress varying quality—are now in place for the next year or so. As one who has followed this issue closely, it is clear that to me that pursuing bilateral piecemeal agreements will not adequately resolve this crisis. Even in the last year, driftnetting has spread to the Mediterranean Sea. If we take too long, our planet's fisheries resources will be decimated.

Instead, we must immediately seek a multilateral solution of worldwide scope to this issue, and the United Nations is the perfect forum for that effort. I urge all my fellow Senators to join me in adopting this resolution, and sending a message to the world that the United States means business on banning driftnets.

Mr. HOLLINGS. Mr. President, we are checking one important concern that we have, but momentarily we are prepared to accept the amendment if we can clear up that concern.

What the distinguished Senator from Washington does is provide for a moratorium that the Secretary is encouraged to support the U.N. resolution calling for a worldwide moratorium. The amendment does not affect present law and it goes right to 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 ensnarled, 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.

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 surely 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 conferees 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, homo-eroticism, the 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 subsidies don't go to exhibitions like Mapplethorpe's, 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 its 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. PRYOR, 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 conferees on H.R. 2788 should agree to an amendment in lieu of that in amendment numbered (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 obscene materials, including but not limited to obscene depiction of sadomasochism, homo-eroticism, 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 crafting 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 is authorized 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 underlying 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-

cided this year, 1989, which upheld the regulation of Dial-A-Porn. The second case is *FCC* v. *Pacifico* (438 U.S. 726), which was decided back in 1977 regarding indecent broadcast material.

The question occurs to me, Mr. President, that if the FCC can regulate indecent material, in a constitutional manner as upheld by the Court, why cannot this Congress say that the same thing applies to the NEA?

Mr. President, that is all I really need to say. The effect of the second-degree amendment will be to take the prohibition against Federal funding for indecent materials out of my amendment and that will create a giant loophole. If Senators want to permit funding of "indecent" (art), they vote for the second-degree amendment. If they want to leave the word "indecent" in and prohibit such so-called art, they need to vote against the second-degree amendment of the Senator from Georgia [Mr. FOWLER]. Otherwise, the amendments are virtually identical.

The fundamental difference will be whether or not Senators think the Congress should restrict indecent art in terms of receiving Federal funds appropriated via the National Endowment for the Arts. If you want indecent art funded, vote for the Fowler amendment. If you want to say no way, to such funding, then vote no on the Fowler amendment and then vote aye on the Helms amendment. I thank the Chair, and I yield the floor.

The PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished President. Mr. President, I have a comment in mind. I am also awaiting the attendance of my senior Senator who was down in South Carolina with the President. Air Force One landed at 10:25. I am confident he should be here momentarily. Maybe I should make the request to terminate debate and we set a time certain like 11:15 to vote. So both sides are on notice, I really want to wait on Senator THURMOND.

But pending that, let me say this. It was very interesting last evening to watch the dog chase its tail. First, the Supreme Court said, look, religious displays by a public body, like a nativity scene or a creche, that promote or endorse religion, are unconstitutional. Now, we are being told that when a public body; namely, the Congress, restricts funding for religious art, then the restriction on the funding itself is unconstitutional. So you are either in violation of the establishment clause or the freedom of speech clause. That cannot be the case, and is not the case. Clearly, Congress has the power, the right and the duty to regulate any taxpayer dollar spent on art or anything else.

I think the Senator from North Carolina is on target. Don't give this red herring about censorship, if this is censorship, then every vote cast in this body is a form of censorship.

When I vote for the B-1 bomber, I censor the lack of defense and, therefore, I vote for an additional weapon. Or, if I vote against the B-2, I censor the B-2 itself; I say it is not needed. If I vote for aid to the Contras, then I censor the lack of our initiative and policy in Central America. If I vote against it, I censor the policy itself and say we should not be involved. Every time you and I stand to vote yes or no, the vote is one of censorship.

In that vein, we really have to go right to what the Senator from North Carolina has provided. I was shocked when I saw that public funds were going for that filth, and I want to make sure that my name is not attached to that kind of nonsense. Do not give me the ethereal nonsense about censorship. We are required as a public servant in the legislative branch to provide or not to provide, to approve or to disapprove. When they are talking, they can go merrily along their way and have all the obscene art they want. Just do not ask this Senator to vote for the taxpayer to finance that smut and cry censorship when I refuse.

I understand the point my colleague from Georgia has made, and I commend my ranking member, Senator RUDMAN, for his eloquent statement about his trial experience in this area. So I will support Senator FOWLER and then, of course, one way or the other, I will support Senator HELMS. I commend them both for their understanding and cooperation this morning. Mr. President, to cut it short, I think the other Senator from Washington would like to say a word. Let me yield at this time.

Mr. GORTON. I thank the distinguished manager.

The PRESIDENT pro tempore. The Senator from Washington, [Mr. GORTON] is recognized.

Mr. GORTON. I wish to speak not on this amendment but on the amendment which has been set aside by my distinguished colleague from the State of Washington.

Do I understand correctly that the managers of the bill are prepared to accept that amendment at the end of these remarks?

Mr. HOLLINGS. Then I ask—the President pro tempore knows better than any of us—can we momentarily ask unanimous consent to set aside these two amendments to return to the amendment of the Senator from Washington so we can accept it?

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

AMENDMENT NO. 893

The PRESIDENT pro tempore. The Chair recognizes the distinguished junior Senator from Washington.

Mr. GORTON. Mr. President, I am pleased to join with my colleague, Senator ADAMS, in support of a resolution which calls on the Secretary of State to seek an immediate ban on the use of driftnets on the high seas.

I look forward to the day on which the piracy of salmon and the slaughter of innocent birds and marine mammals by these curtains of death comes to a halt. I am encouraged that this issue has begun to receive the high visibility it so rightly deserves. The country is waking up to the damage and destruction caused to our ocean ecosystems by the indiscriminate use of driftnets.

This summer, the United States successfully completed bilateral agreements with Japan, Taiwan, and Korea to monitor and collect data on driftnet fisheries 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. But, our ultimate goal must not be simply to monitor driftnets; it must be to rid the world of their use.

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 Nations a resolution seeking a moratorium on the use of driftnets on the high seas beyond the Exclusive Economic Zone of any nation.

Next month, I intend to work with my colleagues on the Commerce Committee—during the reauthorization of the Magnuson Act—to include a provision which will lead to the banning of driftnets on the high seas.

Mr. President, driftnet fishing must be stopped. The preservation of the world's fisheries and marine resources is at stake. I intend to work toward the goal of banning driftnets at every available opportunity. I am delighted to join my colleague in taking this opportunity to do so.

Mr. ADAMS. Mr. President, I thank my colleague from Washington [Mr. GORTON] for an excellent statement. I ask unanimous consent that Senator CRANSTON's name be added as a cosponsor of the amendment.

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

Mr. ADAMS. I have nothing further in the way of debate, Mr. President.

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

Mr. KERRY. Mr. President, I rise in support of the pending amendment calling on the Secretary of State to take immediate steps to secure an international moratorium on the use

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 pirating of our marine resources across 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 a depletion 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 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 ensnared in the net drop out and die before they are retrieved by the fishermen. Moreover, one-third of the fish that is brought aboard vessels does not even have any commercial value.

One of the most egregious aspects of driftnetting and its consequences on our marine environment is ghost fishing. Ghost fishing occurs when sections of driftnets lost or discarded float around the ocean indiscriminately killing anything in its path. These nets that can take decades to centuries to break down, float around the seas, entrapping marine mammals, sea birds, and fish. The nets then fall to the ocean floor from the weight of its prey, only upon decay of the animal to float back to the surface to resume its destructive annihilation.

Driftnetting is the consequence of serious greed displayed by the South Koreans, Taiwanese, and Japanese which far outweighs any conservation ethic. Fishermen from these nations are taking short term advantage of the bounty of the sea and must be stopped.

I recognize that under the Driftnet Impact Monitoring, Assessment and Control Act, a law that we passed 2 years ago, negotiations with these nations are occurring that have resulted in some bilateral agreements on fishing in the North Pacific. Although I appreciate the fact that discussions and agreements have taken place, they frankly do not go far enough.

Furthermore, discussions in the South Pacific have proven wholly inadequate. In the South Pacific for example the supposed concessions of the Japanese to cut back on their fleet by two-thirds represents nothing 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 driftnet vessels into its port and 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 then 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. 895 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. As I read the amendment it provides that:

> 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.

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 sado-masochism, 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 phrases?

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 draftsmanship 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 yielded 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—a subject of art going back 2,000, maybe 5,000 years, is not all obscene. The only limitation about 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 is not the issue. Certainly the Senator from North Carolina would not be standing on the floor saying that something that Michelangelo did, something that was done 2,000 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 PRESIDENT pro tempore. 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 galleries.]

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 most other Senators, I 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, but then argue against placing 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 have read 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 tax dollars 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 agrument 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 they want. 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 hard-working 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 Congress should not be in the business of setting artistic 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—along with 61 of my colleagues—to table Senator HELMS' amendment. The material which he sought to reach by this 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 troublesome to me and to a majority of my colleagues in the Senate.

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. FOWLER].

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. JEFFORDS] 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:

[Rollcall Vote No. 218 Leg.]

YEAS—65

Adams	Dodd	Lugar
Baucus	Durenberger	Metzenbaum
Bentsen	Ford	Mikulski
Biden	Fowler	Mitchell
Bingaman	Glenn	Nunn
Boren	Gore	Packwood
Boschwitz	Gorton	Pell
Bradley	Graham	Pryor
Breaux	Harkin	Reid
Bryan	Hatfield	Riegle
Bumpers	Heinz	Robb
Burdick	Hollings	Rockefeller
Byrd	Inouye	Rudman
Chafee	Johnston	Sanford
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Cranston	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Specter
Daschle	Leahy	Warner
DeConcini	Levin	Wirth
Dixon	Lieberman	

NAYS—31

Armstrong	Helms	Nickles
Bond	Humphrey	Pressler
Burns	Kassebaum	Roth
Coats	Kasten	Shelby
Cochran	Lott	Stevens
Dole	Mack	Symms
Domenici	McCain	Thurmond
Garn	McClure	Wallop
Grassley	McConnell	Wilson
Hatch	Moynihan	
Heflin	Murkowski	

NOT VOTING—4

Exon	Jeffords
Gramm	Matsunaga

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 vitiated.

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

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 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 would 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:

ADOPTION OF FOREIGN BORN ORPHANS

SEC. . (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. 2203).

AMENDMENT NO. 897

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.

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 a provision of the Immigration Reform and Control Act of 1986 [IRCA]. The effect of the memo was to apply a provision in IRCA clarifying the definition of an "illegitimate" child to the definition of "orphan."

This provision was not intended to affect the definition of "orphan." It was intended to extend the rights enjoyed by American mothers of illegitimate children born overseas to American fathers in similar circumstances. The mothers could bring their illegitimate children into the country; fathers could not. The IRCA provision gave American fathers of illegitimate children the right to bring their children to America.

INS expanded this articulation of the rights of American fathers to include foreign fathers. The problem regarding orphans arose since orphan eligibility for adoption purposes was based on one parent only—the mother. Even if a father joined a mother to relinquish their illegitimate child for adoption, an illegitimate child with two parents could no longer be considered an orphan for immigration purposes due to the INS interpretation.

Mr. President, this is a noncontroversial amendment that will permit loving parents in the United States to adopt foreign born orphans until a permanent change in the authorizing statute is signed into law.

I urge my colleagues to support the amendment.

Mr. MACK. Mr. President, I am pleased to cosponsor the amendment to appropriate section 113 of the Immigration Reform and Control Act [IRCA].

Section 113 is a provision which Congress designed for "immigration emergencies." Section 113 authorizes the Attorney General to release up to $35 million for the purposes of reimbursement to the State and localities in providing assistance for immigration emergencies.

The recent flood of Nicaraguans into this country has caused a severe drain on Florida's economy.

For example, in fiscal year 1988, Jackson Memorial Hospital wrote off $5.9 in health care costs for illegal aliens—$3.4 million was attributed to Nicaraguans. Another $1.5 has been written off for Nicaraguans during fiscal year 1989.

The impact on the education system is especially alarming; 17,000 Nicaraguan students are presently enrolled in the Dade County public schools. Nicaraguan students are enrolling at the rate of 418 per month; 51 percent of these are illegal. The estimated cost to accommodate Nicaraguan students arriving during 1987-88 and 1988-89 is nearly $15 million. Estimated long-range costs hit $104 million. This is the equivalent of two new teachers per day and one new school per month just for the Nicaraguan children.

The Federal Government's failure to reimburse Florida for costs incurred by this crisis is outrageous.

The States take no part in establishing the policy that contols 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 responsibiity. 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 (8 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 amounts 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 memo to my staff containing outlay estimates for this 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:

September 28, 1989.

MEMORANDUM

To: Bob Rogan, Sen. Bob Graham's Office.

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.

ESTIMATED COST OF EMERGENCY FUND AMENDMENT

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993
Budget authority	35			
Estimated outlays		21	14	

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 [BA], 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. "We know a hurricane or tornado will 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, Miami, 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. The city of Miami spent $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 1989. 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 believe 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 help 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 896 and 897.

The amendments (Nos. 896 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, I 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.

AMENDMENT NO. 898

(Purpose: To Redesignate the Federal Building/Courthouse Located in Baton Rouge, LA)

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

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

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

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 the U.S. Senate were some of the most illustrious years ever spent by anybody ever to grace this body. He served our State well. He served the Nation well. We all miss him and are delighted still with his company because he is in the area frequently. This is an appropriate honor for him, Mr. President.

I wish to emphasize that he did not come up with this idea. We did.

I called him this morning and said we were going to do this. He said, "Well, Bennett, that is awfully nice, but I didn't ask for this and I am a little bit embarrassed about it." I said, "Well, Russell, I think it is something we ought to do."

Mr. President, I know my colleagues will want to do this, as well, and I commend it to the body.

Mr. HOLLINGS. Mr. President, the real pleasure of serving could not be more highlighted than that service I have had with the distinguished former Senator, Russell Long, of Louisiana.

The fact of the matter is, when I first came to this body, I went to him and asked for the John C. Calhoun desk. He said, "My mama had this desk and so did my daddy." I said, "Excuse me. I didn't know anyone had served in the United States whose mother and father had served in the U.S. Senate."

He came over to me as a friend when he was going to leave, and he said: "I remembered you. I told the Sergeant at Arms to move it over right quick like." And I have it today.

That is the kind of friend I had in Russell Long.

Mr. President, we are delighted to accept this amendment.

The PRESIDENT pro tempore. The junior Senator from Louisiana [Mr. BREAUX].

Mr. BREAUX. Thank you, Mr. President, I am delighted to now know for the first time where Russell's desk went. I was delighted to find out where it went. I was looking for it. I am delighted to know the chairman of the Commerce Committee received the desk before I got here. I am delighted to join with my colleague, the senior Senator from Louisiana, in cosponsoring 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. It will come as no surprise when I share with my colleagues the personal note that Russell Long is about as

close as you can come to being a member of the Dodd family, and I am highly honored to be associated with this fitting gesture.

I will not recite Senator Long's many outstanding legislative and civic achievements, including his skillful guardianship of the Federal Tax Code in his many years as chairman of the Finance Committee. These achievements are well known to the Members of this body and the American public. On their own merits, they fully merit the honor we would accord our former colleague.

Let me also cite the friendship and encouragement Senator Long extended to me in my early days in this body. A great friend of my mother and father's, Russell Long was really a mentor to me when I arrived here. He has taught me more than any other colleague about the legislative process, the art of debate and the value of collegiality in the cause of good government.

Russell Long's knowledge, compassion and integrity made him a Senator of unusual gifts and accomplishments. They earned him a special place in my heart, and in the hearts of all who served with him. It is those qualities and accomplishments that we most appropriately honor by naming this courthouse after Senator Long, and I urge adoption of this amendment.

The PRESIDENT pro tempore. Without objection, the request is agreed to.

Mr. DODD. This is a fine tribute to a remarkable man. It will come as no surprise when I share with my colleagues the personal note that Russell Long is about as close as you can come to being a member of the Dodd family, and I am highly honored to be associated with this gesture.

The PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I only served with the Senator from Louisiana, Senator LONG, for 6 years. But I would say my contacts with him indicated to me this was truly a remarkable human being and a great U.S. Senator, and I am delighted to join with my colleagues.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I think some more folks on this side of the aisle will want to speak in favor of this. Russell Long is a favorite with all of us who ever served with him. In addition to all the other compliments paid to Russell here this morning, I would add the most important one: He is married to a North Carolina girl.

I thank the Chair.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by Mr. JOHNSTON.

The amendment (No. 898) was agreed to.

Mr. HOLLINGS. 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.

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 18, lines 4 through 16.

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 4 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 Senate 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 INOUYE 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 titles II and III is subject to the availability of appropriations.

As great an affection as we all have for our two distinguished Senators from Hawaii, I do not believe many Senators would have voted as they did in April 1988 if they had been aware that they were in the process of creating a new entitlement.

Senator RUDMAN, who is the distinguished ranking member of the Appropriations Committee, also made it clear at that time that these payments would have to be weighed among the other financial obligations. Let me quote Senator RUDMAN. He said:

> Mr. President, in an effort to comply with the terms of the Budget Act, the bill, as reported by the Government Affairs Committee, was amended to make the payments of compensation to Japanese Americans through a civil liberties public education fund subject to the availability of appropriations.

Then he went on to say:

> Realistically in the current budget climate, it is not possible to absorb a new $500 million within the allocation the Commerce, Justice, State Subcommittee will receive.

Then, Mr. President, my dear friend from South Carolina, the chairman of the Commerce, Justice, State Subcommittee put it quite succinctly, when he said back in 1988: "The Government is broke. We do not have money to finance this new program." That was Senator HOLLINGS.

Senator HOLLINGS and Senator RUDMAN were exactly right when they predicted that we cannot afford to make these payments. Their subcommittees, after carefully weighing all the priorities, were unable to find the funds within their allocation to make these discretionary payments. So what was the subcommittee's solution to all this? They totally avoided the issue for fiscal year 1990 and turned these payments back into an entitlement for 1991; an explicit contradiction of the commitment that was given, in my judgment, to the Senate and to the American people when the authorization was passed. In addition, the subcommittee and the committee created a permanent appropriation for fiscal year 1991 and subsequent years, so they will not have to deal with the issue again.

I ask myself: Have I missed something in the translation? Since April of 1988, did the U.S. Government come into a windfall of money that I am not aware of? I think the answer is no. And the result is that if we create this new entitlement today, we will be adding up to $500 million to the fiscal year 1991 deficit.

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, DANNY and SPARK.

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 raise that 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] wants to 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.

Mr. HOLLINGS. I know my distinguished colleague from North Carolina and I always have an understanding. It is my hope he would not make that point of order which is obvious. If the distinguished Senator makes his point of order, I would try to move under section 904 under the Budget Act to waive section 303(a). So the Senator from North Carolina would know my intent if he does make that point of order.

Mr. HELMS. I understand.

Mr. HOLLINGS. Let me just say this to the distinguished Senator, the senior member of our subcommittee, Senator INOUYE, knows we had a dickens of a time. We tried every twist, every turn but were limited by our allocation. The distinguished Presiding Officer knows about this because he has been chairing the drug matter.

It just so happens we have 27 different related agencies and the 3 departments, and the entire Judiciary. We have the trade representative, the Securities and Exchange Commission which has problems, the USIA, everyone has more and more problems. This one, of course, fits in our particular bill and right when you get some reparations under the section of the Department of Justice, we were presented with a summit agreement. That is why we cut short and had to provide this kind of language so we would not continue to delay the acknowledged act of the U.S. Government itself in making these reparations payments with the families waiting and diminishing each day and some will never see it. So we wanted to honor it and found out this was the best way to do it. We compromised on a tough situation. That is why we put this language in there as an entitlement commencing the next fiscal year.

Mr. HELMS. I thank the Senator. I suggest the absence of a quorum.

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.

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 residences 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 mainland men volunteered 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 with awe and disbelief that these 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 internment experiences. 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 had to incur. 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 those 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 found to have been wrongly jailed for 1 weekend. They spent 2 days and 1 night and we paid $10,000; no fuss.

More recently, in 1986, we appropriated sums to give each American hostage $22,000 for his or her bitter experience in Iran. We were not the ones who incarcerated these hostages, but we felt that they were entitled to $22,000.

Mr. President, the internment of most of the families of those with whom I served in combat was for over 3 years. My mainland buddies were silent because they could not bring themselves to share their humiliation with those of us from Hawaii.

Mr. President, as a footnote, I should 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 (Mr. LIEBERMAN). 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, 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 committee tried mightily to 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. He was awarded 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 slowly and not 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 Representatives 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

memory of those who died in those camps, and there were many who did. Many died because of the unspeakable conditions under which they lived; families, husbands, wives and children, many families in one barracks with scarcely a sheet hanging between them. No privacy. Unbelievable indignities suffered. And who were they? American citizens, not even aliens, picked up because they were easily defineable due to their physical characteristics.

There may have been people who were even sympathetic to the Japanese, but as long as they were not Oriental nobody bothered them.

It sort of reminds me of when Hitler sent word to Mussolini that he wanted Mussolini to start discriminating against Jews. This was very difficult. So they started trying to pick Jews out in Italy based on physical characteristics. They wound up jailing a lot of Italians. So they had to discontinue to some extent the programs against the Jews in Italy because they became confused. But here it was fairly easy to pick out people of Japanese descent in this country.

So there they were, American citizens. And many of the people in Senator INOUYE's unit suffered the highest number of casualties of any unit, I believe, in the European Theater. There they were dying, losing arms, and limbs and their families were interned in these unspeakable conditions all over the country—in California and in Arkansas.

Do you know my children know nothing about this? I am old enough to know it, but I did not know it at the time. It is one of the most shameful episodes in the history of our country.

My mail, unhappily, after the last vote on this, asked: "How can you vote for something for the people who bombed Pearl Harbor or killed my son?"

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 these 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.

So as the Senator from New Hampshire has correctly said, it is an issue widely misunderstood even by people who remember it. But it is a shame that I will be happy to do my very best to redress. And in the future when I get mail from my constituents on this issue, I intend to have copies of Senator INOUYE's speech printed, and say, "Enclosed is the reason I voted as I did."

Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

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 an 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 bodies of American citizens, American citizens 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 in the same circumstances, grew from this ordeal.

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.

So I just hope, before change, we can serve one of the purposes for which this body exists, and that is to educate our constiuency, 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 who went through the ordeal of what we have heard others speak on, we, in my view, would be obliged to summon the majesty of this government to speak to the injustice that was done and demonstrate to that one person that we understood and understand now what we had done; and most important, it seems to me, that in the future we will have learned from our lesson and we will never repeat what was done; it will not be repeated to Japanese Americans or Asian Americans. It may be repeated in a way that deals with other ethnic Americans and if we fail to acknowledge it now, if we fail to rectify it now, what record are we leaving for history?

So, although I would like to—and as you can tell, I am inclined to speak much more on this subject than I already have—let me close by saying that this country is better for the fact that there are so many Japanese American citizens. This body is enriched by the fact that two Japanese American citizens serve in it, and this Senator has been enriched, his life has been enriched by the fact that he has come to know and respect and understand one of them in a way that makes me realize how inadequate my contribution to my country has been.

I sincerely hope we get on with this quickly and do justice. It is time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I, too, would like to speak this morning. I understand we are trying to expedite this bill, so I will try to be brief.

First of all, I want to make it very clear that the Budget Act and the budget process are designed to have procedures to address unanticipated events or changed circumstances. There are very good procedures and precedents under the waiver provisions of the Budget Act.

Now, Mr. President, if there were not circumstances that prompted the waiver, we would not have put a provision in the act to waive. So right up front, I want the Senate to know that I have been, to the best of my ability, one who enforces the process; but I am going to vote to waive the Budget Act in this instance, because it appears to me that from time to time, occasions

arise which justify waiving the Budget Act. I think this is one such occasion.

Frankly, I have been very lucky 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 our loyalty was suspect.

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 quickly called the same lawyer who was a renowned New Mexican. He arrived simultaneously with my father before they took my mother away. 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 America's response to its injustice to 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. We passed a law. 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 civility. The United States of 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 exhilarating to hear our friend, 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 interned. If we do not, we will have made another act of incivility, 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 bill itself. To be for the bill 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. In high school, he was a great 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 a large midwestern city. 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.

Mr. President, 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 admitting those mistakes, 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 (Mr. REID). 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, my parents were active in what we then called race relations. I was 13 years old when I remember my father made a—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 friends shunning me.

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, I regret to say, 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 Hollocaust, 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—Shig Murao 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 emotionally injuring the pride and 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 officially and clearly. 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 express 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 American 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. MATSUNAGA. 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. 1009, which passed the Senate in April 1988 by a vote of 69 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 or hearing, 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 $500 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 any funding in 1990, but agreed to 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 amendment will result in the prompt payment of compensation to those internees who are still alive, starting next year.

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 bill.

It is significant to note that Canada, following our lead, enacted similar legislation to benefit Canadians of Japanese ancestry over 1 month after President Reagan signed the Civil Liberties Act into law last year. 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 follow through on that commitment. Therefore, I urge that this point of order be defeated, and that the Senate adopt the Appropriations Committee amendment.

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 rights 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. Other Japanese-Americans fought in other units including the 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 whatever group is unpopular at the 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.

JAPANESE INTERNMENT—A PIECE OF COLORADO'S PAST

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 fight 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, therefore, ask unanimous consent to have printed in the RECORD, a 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:

U.S. SENATE,
Washington, DC, July 4, 1989.

Hon. RICHARD THORNBURGH,
Attorney General, Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: I am writing to bring your attention to a case that has very special meaning for many Japanese Americans, and for the people of Colorado: the Minoru Yasui case.

Minoru Yasui died in November, 1986, after a very long and distinguished career as an attorney and community leader in Denver, Colorado. Min served as the Executive Director of the Denver Commission on Community Relations, was a founding member of many civic organizations, including the Urban League of Denver, Denver Native Americans United, the Japanese American Citizens League, and the Latin American Research and Service Agency. He was also Chairman of the Colorado State Advisory Committee to the U.S. Commission on Civil Rights.

A long standing champion of civil rights, Min is chiefly remembered outside of Colorado for the courageous stand he took in 1942 when he deliberately violated a military curfew in protest against the forced removal and incarceration of loyal Japanese American citizens during World War II. Min was arrested, tried and found guilty of violating the curfew. He spent nine months in an 8x10 cell in solitary confinement.

In 1943, the U.S. Supreme Court upheld Min's conviction, holding that racially discriminatory measures can be sustained when justified by expressions of "military necessity" or national security. The Court's rulings in Hirabayashi (1943) and Korematsu (1944) relied on the same reasoning.

Although many contemporary legal scholars have criticized the reasoning of the Yasui-Hirabayashi-Korematsu line of cases, they still represent the Court's last word on the constitutional questions raised by the internment of loyal Japanese Americans during World War II.

Min continued his fight to overturn his conviction. As late as 1981, Min and his lawyers uncovered evidence suggesting that his conviction was based on falsified information and fraudulent evidence. Min petitioned the federal court in Oregon to reopen his case in 1984.

The Justice Department reacted by retroactively dropping the criminal charges that had originally been filed against him, thus undercutting the foundation for Min's case. Consequently, the federal appeals court refused to reopen the case, and Min died before he could take his case to the U.S. Supreme Court.

Min's family—and a host of civil rights organizations—tried to get the Court to hear the merits of Min's case in order to reverse, or at least modify, the Yasui-Hirabayashi-Korematsu line of rulings. Min's untimely death, and the federal prosecutor's refusal to sanction the government's original criminal charges mooted the matter.

As you know, President Reagan and Congress acted in the 100th Congress to pass a reparations bill aimed at rectifying the ills associated with the internment of Japanese Americans during World War II. Both the Executive and the Legislative branches of our government have, therefore, acted to honor the memory of loyal citizens like Min, Americans who not only fought and died during World War II, but who worked tirelessly to preserve, protect and defend the constitutional freedoms we all enjoy today.

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.

I know 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.

I think the choice before us 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, record me, please, as voting in the affirmative. Nobody has more affection and respect for 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 farfetched.

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 during the war. 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 26,568 claims, many 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 losses. Congress specifically rejected the proposal because it "would substantially reopen the entire project." (H.R. Rept. 1809, 84th Cong., 2d sess., 9 (1956).)

Mr. President, nothing has changed since that time to justify this supplemental 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 Federal 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 FRENZEL 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 that we 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 FRENZEL 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?

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, Senator.

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 section 303(a). The yeas and nays have been ordered.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum. The chairman of the Budget Committee may wish to be heard. 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. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. There being no further debate, the question is on agreeing to the motion of the Senator from South Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Texas [Mr. GRAMM] are necessarily absent.

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

The result was announced, yeas 74, nays 22, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—74

Adams	Cochran	Fowler
Bentsen	Cohen	Glenn
Biden	Cranston	Gore
Bingaman	D'Amato	Gorton
Boren	Daschle	Graham
Boschwitz	DeConcini	Harkin
Bradley	Dixon	Hatch
Breaux	Dodd	Hatfield
Bryan	Dole	Heinz
Bumpers	Domenici	Hollings
Burdick	Durenberger	Inouye
Byrd	Exon	Johnston
Chafee	Ford	Kasten
Kennedy	Mitchell	Sanford
Kerrey	Moynihan	Sarbanes
Kerry	Murkowski	Sasser
Kohl	Nunn	Simon
Lautenberg	Packwood	Simpson
Leahy	Pell	Specter
Levin	Pryor	Stevens
Lieberman	Reid	Thurmond
Lugar	Riegle	Warner
McClure	Robb	Wilson
Metzenbaum	Rockefeller	Wirth
Mikulski	Rudman	

NAYS—22

Baucus	Heflin	Nickles
Bond	Helms	Pressler
Burns	Humphrey	Roth
Coats	Kassebaum	Shelby
Conrad	Lott	Symms
Danforth	Mack	Wallop
Garn	McCain	
Grassley	McConnell	

NOT VOTING—4

Armstrong	Jeffords
Gramm	Matsunaga

So the motion to waive the Budget Act with respect to consideration of the committee amendment on page 41 was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 41, 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 clear 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 will withhold, the question now is on agreeing to the amendment on page 18, lines 4 through 16. If there is no further debate, the question is on agreeing to the amendment.

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 conferring 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 3, strike "$137,034,000" and insert "$162,034,000";

On page 21, line 4, 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 $138 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 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 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 rollcall 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 $1.4 billion on prisons and part of it ought to go to pretrial detention so the Federal Government pays for Federal prisoners.

I reserve the remainder of my time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. The distinguished Senator from Pennsylvania is a member of our committee, a very valuable member, and certainly a leader on the Judiciary Committee itself with respect to Federal prisons. He has worked long and hard for State and local facilities, and we need them in South Carolina as well as Pennsylvania.

The fact of the matter is, though the Federal need for prison beds is even greater than the local and State. Federal prison facilities have what you call 165 percent oversaturation. The State systems have 135 percent. So the problem is great at the State level, but the amendment addresses not construction at all. It is a cooperative agreement program that we have with the States that is made with the U.S. Marshals Service. And to give you some idea and flavor for this, to keep prisoners who are awaiting trial, this is mainly in the county detention facilities. The CAP Program is designed to assist only those facilities that are essential to support the Federal courts. It is not to cover the cost of housing local and State prisoners.

Program funding and staff resources are limited and, accordingly, construction and expansion projects are restricted to areas where the Marshals Service is encountering difficulties in obtaining adequate detention space for Federal prisoners. And by fully funding the President's request for the Cooperative Agreement Program, we are supporting awards like Providence, RI, with $1 million; Akron, OH, $600,000; Columbus, $300,000; Grand Rapids, $1 million; Oxford, $500,0000; Louisville, KY, $500,000; Madison, WI, $250,000.

You see, in that cooperative agreement there are minimal amounts given. It is done based on greatest need by the U.S. Marshals Service. It is not any kind of $25 million for 750 beds in one State. Look what the Senator from Pennsylvania really does. We are trying our dead level best to leap forward in the construction of prison facilities so we can take care of our own and will not have to detain them in your county facilities.

Incidentially, there is a surprising coincidence here. This bill before us now has two Federal Prison complexes in it, which the Bureau of Prisons has requested, one complex in Colorado and one where? In eastern Pennsylvania, Montgomery, PA, at the Allenwood site. What would happen if this amendment passes? We would cut that Federal complex in eastern Pennsylvania, which is actually three prisons—a maximum, medium, and minimum—and which will hold 1,950 beds, in order for him to get his 720 beds for a State and local facility.

Another point about this is that it is not part of the drug agreement. Under the leadership agreement, we are going to be forced to table this amendment because it is not within the agreement. We put every dollar that was requested by the President under this cooperative agreement program—$5 million in this bill and $10 million more in the drug amendments. But, back to this amendment, I do not want to say you cut your nose off to spite your face, but I can tell you for 720 beds, much, much later you are going to lose what we are trying to do for Pennsylvania.

We recognize the problem there and in other parts of the country. The 1,950 bed complex has already been approved without an earmark in the Bureau of Prisons budget right this minute. But, that is where he is going to transfer all of that money out.

I reserve the balance of my time.

I yield to our ranking member before I move.

Mr. RUDMAN. I thank the chairman.

Mr. President, the Senator from South Carolina has said it all. But the real issue that we are faced with here—I am not saying we might have worked it out otherwise—the thing that really makes it impossible is the different spend-out rates.

Whether the Senator from Pennsylvania, my good friend, agrees or not, the Congressional Budget Office advises us to get this $25 million that he wants for, I am sure a very legitimate purpose, requires a transfer of $137 million of budget authority for the prison account.

People might wonder why that is. The why is very simple. We have to put a lot of budget authority in this prison account. But it spends out at a very low rate, about 10 percent, whereas the Cooperative Agreement Program spends out at a higher rate, roughly 50 percent. So we have to cancel 137 to get 25.

No. 2, to the extent that we can complete this enormous prison building program that the Senator from South Carolina and the Senator from New Hampshire have been working on now for 3 years, to the extent we can do that, we are going to take the pressure off local and State prisons to house Federal detainees.

For that reason, I must very regrettably—and I am not happy about it—but I am going to have to join my friend from South Carolina in moving to table this at the appropriate time.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. The Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. SPECTER. How much time do I have left?

The PRESIDING OFFICER. Six minutes thirty-two seconds.

Mr. SPECTER. Mr. President, I have listened to the argument—Mr. President, can we have order? We are trying to have a short time agreement, but it is very hard to make this argument if the Senate is not in order. We only have 10 minutes.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. Mr. President, I am at a loss to understand the arguments which have been advanced in opposition to this amendment. When the distinguished Senator from New Hampshire talks about the differences in spend-out, it just does not make any sense if they are Federal prisons to hold prisoners after conviction or if they are State prisons to hold Federal prisoners before conviction.

The spend-out is the same, and CBO cannot justify one at 55 percent and one at 10 percent. That is another part of the mysticism of CBO. But I think it is fair and accurate to say that the spend-out will in reality be about the same. Whatever the figures are, however, we have adjusted them so there is no budget difference.

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, thankfully.

What is really involved here is a Federal responsibility to hold Federal prisoners before trial. Right now in my State, and in the Senator's State from South Carolina, the Federal Government is not discharging that responsibility. We have many Federal prisoners awaiting trial in State facilities in Pennsylvania, and for every 150 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 measly 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, right 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 1,950 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-seven 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 will not be financed 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 that prison. All that there 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 problem of prisons, 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 ahead and use these 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 import 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 to 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 Pennsylvania has 1 minute, 20 seconds left. 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 Pennsylvania and all the several 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 drug agreement. 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 beds to hold 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 have to advise Senator HOLLINGS 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, is 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 local prisons, to counties, States, whatever, to house 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 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 States and local governments are paying for them. 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. He is incorrect in that we have an agreement which he thinks this would violate as part of the compromise.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Pennsylvania, 11 seconds.

Mr. SPECTER. I thank my friend from Delaware. Being correct on two out of three is not bad. I would submit that the weight of logic is on my side. It is a pleasure to debate with my colleagues, and I accept the compliment from one of the most distinguished debaters in this body, Senator HOLLINGS, when he, at least during the course of this time, has called attention to the status of a Philadelphia lawyer. I thank the Chair.

Mr. HOLLINGS. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

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

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Missouri [Mr. DANFORTH], the Senator from Texas [Mr. GRAMM], and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

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

The result was announced—yeas 74, nays 20, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—74

Adams	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Grassley	Murkowski
Boren	Harkin	Nunn
Bradley	Hatfield	Packwood
Breaux	Heflin	Pell
Bryan	Helms	Pressler
Burdick	Hollings	Pryor
Byrd	Inouye	Reid
Chafee	Johnston	Riegle
Coats	Kassebaum	Robb
Cochran	Kasten	Rockefeller
Cohen	Kennedy	Rudman
Conrad	Kerrey	Sanford
Cranston	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Lautenberg	Shelby
Dixon	Leahy	Simon
Dodd	Levin	Stevens
Exon	Lieberman	Thurmond
Ford	Lugar	Wilson
Fowler	McCain	Wirth
Garn	McConnell	

NAYS—20

Baucus	Hatch	Roth
Boschwitz	Heinz	Simpson
Burns	Humphrey	Specter
D'Amato	Lott	Symms
Dole	Mack	Wallop
Domenici	McClure	Warner
Durenberger	Nickles	

NOT VOTING—6

Armstrong	Danforth	Jeffords
Bumpers	Gramm	Matsunaga

So, the motion to lay on the table (amendment No. 899) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the motion 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. MITCHELL. Mr. President, if I could have the attention of the Members of the Senate. It is my understanding from the managers that there is one remaining amendment which will require a rollcall vote. That is an amendment by the Senator from Alabama [Mr. SHELBY].

I have discussed this with Mr. SHELBY and Mr. BINGAMAN and others who are interested in the issue.

I, therefore, ask unanimous consent that when the Shelby amendment is offered there by 30 minutes of debate on that amendment, equally divided between Senator SHELBY and Senator BINGAMAN.

Mr. SHELBY. If the leader will yield, could you make that 20 minutes apiece instead of 15 minutes? Did the leader say 30 minutes apiece?

Mr. MITCHELL. I said 30 minutes total.

Mr. SHELBY. Could you make it 40 minutes, because I have some other people who have told me that they wanted to speak on this. That would be 20 minutes apiece.

Mr. MITCHELL. Of course, the Senator could object to 30 minutes and insist on 40. I am trying to accommodate the interests of as many Senators as possible.

Does the Senator from New Mexico wish 40 minutes, as well?

Mr. BINGAMAN. We would defer to the majority leader. Obviously, the additional time would be helpful. We do have a few additional speakers. I do not object.

If the Senator from Alabama would wish additional time, I would like it, as well.

Mr. MITCHELL. Mr. President, I modify my request to request that there be 40 minutes of debate, equally divided, with the agreement in the usual form, the time to be controlled by Senator SHELBY and Senator BINGAMAN or their designees; that there be no second-degree amendment in order; and that upon the completion of the debate or yielding back of the time, the vote occur without any intervening further action on the Shelby amendment.

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

Mr. MITCHELL. Mr. President, if I might say to Senators, it is my understanding from the managers that no rollcall vote is required on final passage and there are no further amendments which require rollcall votes.

Accordingly, this will be—should be, unless someone acts in a manner contrary to that which we have been advised—this should be the last rollcall vote on this bill this afternoon. Mr. President, I modify my request to make sure the vote will be on or in relation to the amendment.

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

Mr. MITCHELL. There will be no rollcall votes on Monday. The Senate will be in session. We will be considering the nomination of Mr. Zappala to be Ambassador to Spain. It will be debated on Monday. The vote on that will occur on Tuesday in accordance with my previous discussions with the distinguished Republican leader.

I yield to the distinguished Republican leader.

Mr. DOLE. As far as I know, there are no requests for rollcall vote on final passage on this side. I will be in a position before the next vote to so state for certain.

Mr. RUDMAN. I just want to advise the majority leader I had understood the Senator from Utah, Senator HATCH, was considering offering an amendment which would require a rollcall vote.

I cannot say whether that is probable. I will say it probably is not. But if he is in the hearing of my voice, it would be nice to have the Senator

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. I hope very much we can 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 on that list 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, I might say a package, if I might use the word—literally.

I assume there is action not 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 about 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 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 sequestration 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 had been clarified, but evidently that is not the case.

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

Mr. MURKOWSKI. I understand what that means, Mr. Leader.

Mr. RUDMAN. I have now been told that Senator HATCH is not going to require a rollcall vote, but he is 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 adminstration's recently announced position on emigration from the Soviet Union.

I understand that prior to September 1988, Jews and other religious minorities in the Soviet Union seeking refugee satus were presumed to be persecuted or have a "well-founded fear of persecution." Many of these persons traveled on Israeli visas to Vienna, and then 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 Sovet 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 intends to require, 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 predicated on the recent developments in the Soviet Union regarding glasnost and perestroika and the assumption those developments are much more significant than they currently are. These very recent changes, although welcome, do not alter the essentially totalitarian nature of that regime. It is a regime that denies basic human rights to its own people, including even a semblance of true religious liberty.

Religious or ethnic persecution does not mean only physical harassment, the midnight knock on the door, and jailings. When a believer is unable to go to church or synagogue because government policy severely restricts 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, yarmulkees, because of government policy, that is persecution. The inability of Jewish parents to send their children to religious schools to learn Hebrew, to learn the ancient customs, traditions, and history of their people, because of government policy, that, too, is persecution. In short, the inability of people—Jews, Christians, and Moslems—not only to practice their religion freely but to live in an environment where they are free even to become aware of, and explore, their religion, because of cumulative government policies, is persecution. Moreover, private anti-semi groups, such as Pamyat, have become more active.

In my opinion, any believer in God is a persecuted person in the Soviet Union. Accordingly, I believe that Soviet Jews and other religious believers such as Evangelical Christians must continue to be presumed to be persecuted or have a well-founded fear of persecution and should be granted refugee status. The United States can still undertake a case-by-case review consistent with a presumption of refugee status—a presumption that is rebuttable. If a Soviet Jew is a relative of a government official and has had a privileged existence, perhaps the presumption 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. Moscow embassy officials say the number may even reach 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, Pentacostals, 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 50 years ago, the last time European Jews sought entry to the United States to escape from tyranny. But the existence of this other haven should not, in my view, affect American policy. That policy, based on our fundamental values, and our long-standing policy to elicit greater Soviet emigration, should be to accept those persecuted persons who currently wish to come here from the Soviet Union, including every Jew and other religious believer. I understand that the administration has been earnestly working in good faith to formulate a humane refugee policy for the next year. I am prepared to work with the administration to find the resources to absorb a larger increase from the Soviet Union.

Finally, while I understand the desire to save the cost of care and maintenance of processing Soviet nationals seeking refugee status in Vienna and Rome, I have serious reservations about processing all future applicants in Moscow. I believe there is a serious risk that many religious believers will be too fearful to come forward and make the case that they are persecuted or have a well-founded fear of persecution—right under the noses of Soviet authorities—especially if the administration does not reinstate the presumption that they are refugees. These people will have to wait in the Soviet Union for adjudication as to whether they are persecuted or have a well-founded fear of persecution—not a very comfortable position. Plus, the likely backlog in these applications could make the wait a long one. I might add that many applications are to be processed in a processing center in the Washington, DC, area. As the Washington Post aptly states, "Then Washington, relying on the erratic Soviet postal system, will mail notices to those who qualify for interviews in Moscow." This Senator would be uneasy if the system relied solely on the U.S. postal system; reliance on the Soviet postal system is even less reassuring.

According to the Associated Press story in yesterday's Washington Times, "(U.S. officials) said it is possible that people who face persecution in the Soviet Union and therefore qualify for refugee status may fall through the cracks." I think that is an understatement.

Moreover, I am concerned that private agencies that assist refugees will not have the same freedom to operate in Moscow as they do in Vienna and Rome. Further, I sincerely believe that we are proceeding far too hastily. The switch to processing future applications in Moscow will not be done in orderly fashion if the date is October 1. There are insufficient personnel and available space to process the applications. Further, has anyone had a chance to review the new forms being used in the proposed new process? Have any of the private groups had a chance to review it? More time is needed to let people in the Soviet Union know of the change. When we offered amnesty to illegal aliens in this country, there was a 6-month period before processing began. Advertising and outreach were undertaken. This is not available in the Soviet Union. The new policy was announced in Moscow earlier this week—less than 1 week from its actual implementation. Wednesday night, NBC news reported from Moscow: "In the visa line, confusion and fear." One Soviet Jew from Moldavia told the reporter that Moldavians had been telling the Jews to get out. The film clip showed brave people walking right past three or four burly persons in uniform in order to get into the Embassy.

So I was going to bring up an amendment that would address part of my concern.

This amendment addresses, in part, one element of my concern by delaying the closeout of the Vienna and Rome processing centers and the consolidation of refugee processing in Moscow. It requires that persons with refugee applications dated on or before November 30, 1989, must still be processed in Vienna and Rome. During that time, I would have hoped that the administration would give further consideration to this matter. I am not sure a mere delay is satisfactory; I believe maintaining at least one way out of the Soviet Union located in the free world may be desirable.

But I have run into a lot of obstacles in offering the amendment. A number of my colleagues who are as concerned about Soviet emigration as I am have asked me not to offer the amendment. So I have decided not to do so.

We then tried to come up with another amendment that would have facilitated additional resources to Israel for refugee resettlement. Such an amendment would have authorized the United States Government to guarantee private loans by financial institutions to the Government of Israel, not to exceed $1 billion to be used solely for the purpose of refugee resettlement. Such a guarantee would allow Israel to absorb adequately the additional flow of refugees.

But due to the late hour, and because it is the last day of the fiscal year, I do not want to inconvenience any colleague. But let me put the Senate on notice, and I would like to ask the majority leader, in the privacy of his Chamber to think about this.

I would like before the end of this year to resolve this problem one way or the other. This is not because of pressure of anybody within the Jewish community, but because I believe we have a moral obligation 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 that we have 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 wanted to explain my position.

Mr. RUDMAN. I thank my friend from Utah very much. We do appreciate his willingness to allow us to go forward. We certainly 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 wish to address a matter 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 persecution but do so in the very country that oppresses them.

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 cabable 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?

Inadequate notice has left Congress between a rock and a hard place. Frankly, 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 in expenses for 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 last 15 years of U.S. foreign policy deserve at least that much.

Mr. President, I rise to submit a statement that I would have made, in support of the amendment Senator HATCH considered offering to address the problems caused by the administration's changes in Soviet refugee policy for fiscal year 1990.

My Senate colleague from Utah, and I see very real problems in the administration's proposals as they represent a historic change in United States' policy concerning Soviet emigration. I intended to support his amendment and I was hopeful that we could make changes in those policies. I am sure that deciding not to offer the amendment was a very tough decision for the Senator from Utah to make. If he had offered it, and I urged him to do so up until the last minute, I would have spoken in favor of his amendment.

We are being very shortsighted in allowing these policies to be implemented. The reforms in the Soviet Union have not been tested or proven; we do not know how strong 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 emigation may be open, but they could close overnight.

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.

New developments are taking place in the Soviet Union. We can be very thankful of those and take pride in knowing that we have played an integral role in influencing these new developments.

However, though this may be seen as a new era of good feeling and a warming of relations with the Soviets, we cannot be certain how long this era and these good feelings will last. Therefore, we must not base long-term policy on unknowns, though I fear that is precisely what we have done.

AMENDMENT NO. 900

(Purpose: To prohibit use of certain funds to count illegal aliens in the United States for purposes of reapportionment)

Mr. SHELBY. Mr. President, I send an amendment to the desk on behalf of myself, Senator HELMS, Senator HEFLIN, Senator DOLE, Senator HEINZ, Senator GRASSLEY, Senator LOTT, Senator HATCH, and Senator COCHRAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, Mr. HELMS, Mr. HEFLIN, Mr. DOLE, Mr. HEINZ, Mr. GRASSLEY, Mr. LOTT, Mr. HATCH, and Mr. COCHRAN, 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. . 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 subsection (b) of section 141 of title 13, United States Code.

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 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 apportionment of the U.S. House of Representatives. This position has withstood a point of order 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 to exclude from census figures for purposes of reapportionment, or apportioment 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 because of the influx 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 Repesentatives apportionment purposes violates the notion of self-government and, Mr. President, eradicates 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. It upholds our form of government. 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 58 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.

Mr. President, 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 just because some bureaucrats at the Census Bureau think the Constitution requires them to count illegal aliens.

Mr. President, illegal aliens do not have the right to vote. So why should they have the right to determine the makeup of our Government?

If illegal aliens are counted, States like California will gain a seat at North Carolina's expense. Therefore, Californians will have proportionally more congressional representation than North Carolina. They will have more votes in Congress thanks to people breaking the law and entering as illegal aliens.

I simply do not believe that our Founding Fathers ever intended to let people who cannot vote and who break the law determine the political makeup of our Government. As Judge Noonan pointed out, if a foreign army invaded our country on census day, we would not count them in the census.

Nothing in the Constitution requires the counting of illegal aliens in the census.

As Senator HATCH explained during the debate in July, the Constitution speaks of "persons" in the sense of legal persons, not illegal. If the Constitution stands for anything it stands for legality—not illegality.

Mr. President, the amendment by the Senator from Alabama makes sense, it is fair and it should be adopted by the Senate.

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 distinguished colleague from North Carolina, Senator HELMS.

COMPOUNDING THE PROBLEM

Now, we are all familiar with the problem of illegal immigration. And we heard all 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 this problem. We do not have to compound this problem by mindlessly lumping 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 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 reapportionment. This is a sound solution that will restore some fairness to the census and reapportionment process.

OUR LAST CHANCE

Unfortunately, the House has not yet acted on the immigration bill—and time is running out. As the distinguished Senator from Alabama 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.

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.

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 Senator from Illinois, in opposition to this amendment.

Mr. President, the proposed amendment has numerous problems with it, but the first and foremost threshold problem is that it violates our Constitution.

The proposed amendment would require the Census Bureau to exclude illegal immigrants from the official census count for purposes of apportionment. On the surface, this amendment may seem very reasonable, and its implications benign. But, from both a constitutional and a practical standpoint, 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 amendment would create real hardships for many communities.

Article I, section 2, clause 3 of the U.S. Constitution, as amended by section 2 of the 14th amendment, requires 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 Constitution. 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 appeals courts have held that all persons should be included in the apportionment 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 apportionment 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 because 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 unconstitutional 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 put, it is infeasible to carry out such an exclusion. The Census Bureau does not have the ability to effectively determine the legal status of its respondents, nor I would suggest, should it. In fact, it would be virtually impossible for census enumerators to determine 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 residents. 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 collection efforts to a "best guess" endeavor. The resulting inaccuracy of the census figures would prove extremely detrimental to communities, States, and others who use the information collected for purposes other than apportionment. In other words, this amendment 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 created by enactment of the amendment concerns its effects on minority outreach programs. Changing policy relating to citizenship questions would undermine the outreach progams that are vital to ensure an accurate count of the minority communities throughout the United States. In addition, it would undermine the public's perception about the purpose and confidentiality of the census.

The outreach programs are designed to encourage minority groups to respond to the census and that would be jeopardized if the questionnaire included a citizenship question. It is widely acknowledged that these minority groups are already fearful of the Government, and do not trust the confidentiality policies of the Census Bureau. If a citizenship question was added it would serve to confirm some of these fears, confusing legal residents, and causing illegals to avoid responding at all. This could further reduce the number of people in minority groups counted, in effect, contributing to the growing problems experienced in these historically undercounted populations. Additionally, a positive public perception of the uses of the census information is vital to a complete, accurate count of all groups. Knowing of the confusion that would result from a citizenship question, raises more questions about the validity 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 assembled 106 million questionnaire packets. Those would no longer be usable. New questionnaires would have to be printed, and new packets assembled. To do this would be a huge additional 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 administration 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 administration'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 critical efforts being undertaken by the Bureau to assure an effective and complete count in 1990.

He further states:

> 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 excluding undocumented residents would be unconstitutional. I will ask that these letters be inserted in their entirety in the RECORD at the end of my remarks.

In conclusion, I believe the amendment to be extremely detrimental to States, municipalities, and other organizations and in individuals that rely on accurate census information. Fur-

ther, the feasibility of carrying out what the amendment would require is in serious question. Finally, it is our sworn duty, in the Senate, to uphold the Constitution. The amendment is clearly unconstitutional, and therefore, it is our duty to defeat this legislation. I strongly urge all of my colleagues to oppose this amendment.

The administration opposes the legislation for good and sufficient reason, Mr. President. I think many of us do. Clearly the Senate should refuse to add this amendment to this particular appropriations bill.

Mr. President, at this time, I yield 4 minutes to the Senator from Massachusetts to speak on this subject.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the Shelby amendment is flatly unconstitutional as a matter of law, totally unworkable as a matter of practice, and completely inappropriate for inclusion in this important appropriations bill.

The amendment is unconstitutional because both article I, section 2 and the 14th amendment require apportionment to be based on "the whole number of persons" regardless of their citizenship or immigration status.

That the framers intended to count all persons is clear from the express language of the Constitution. It uses the word "persons" rather than "citizens" in the census provisions. Elsewhere in the Constitution, the framers used the word "citizens" where that was intended.

For example, section 1 of the 14th amendment provides that:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States * * *.

And the apportionment clause, which is found in section 2 of that same 14th amendment, provides that:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

The drafters of the Constitution clearly meant to count every person in the apportionment base. No one had more to do with the drafting of the Constitution than James Madison. And in the Federalist Papers, No. 54, James Madison said that apportionment was to be "founded on the aggregate number of inhabitants." Inhabitants—not citizens—the intention to include everyone in the apportionment base could not be clearer.

The framers' intentions are also clear from the consistent practice of the Census Bureau for 190 years—since the Ratification of the Constitution. To quote the Congressional Research Service:

> The fact that every census since 1790 has included legal as well as illegal aliens in its count would seem to be indicative of the fact that the original intent of the Framers was to include such aliens.

I would like to hear from those who propose this particular amendment if they have been able to find anyone who was there at the time of the Constitutional Convention who challenged that particular understanding. It is difficult for me to believe that if the Census Bureau were running contrary to what the framers wanted at that time that it would have gone unnoticed. Of course it would not have.

The same conclusion has been reached by the Federal courts. In 1980, in FAIR versus Klutznick, a three-judge Federal court stated that the Constitution:

> * * * -7ERequires the counting of the "whole number of persons" for apportionment purposes, and while illegal aliens were not a component of the population at the time the Constitution was adopted, they are clearly "persons."

In other contexts, the Supreme Court has consistently held that the 14th amendment consistently held that the word "persons" in the 14th amendment includes illegal aliens. For example, in 1982 in Plyler versus Doe, the court held that the equal protection clause bars states from completely excluding illegal aliens from its schools. In so doing, the Court stated:

> Aliens, even aliens whose presence in this country is unlawful, have long been recognized as "persons" guaranteed due process of law by the 5th and 14th amendments.

The Congressional Research Service, after a thorough analysis, concluded that the Constitution requires that all persons, including illegal aliens, be counted in the apportionment base. The CRS study concluded that:

> A statutory exclusion of aliens from [the apportionment] base would seem to violate the "whole number of persons" requirement and thus be unconstitutional.

The Justice Department, under both Presidents Carter and Reagan, also recognized that the Constitution bars excluding illegal aliens from the census. And the Justice Department under the current administration has recently reiterated its view that proposed legislation like the pending amendment is unconstitutional.

The Shelby amendment is unworkable because it would require the Census Bureau to exclude illegal aliens from the apportionment counts. In 1988, the Director of the Census Bureau testified before a House subcommittee that the Census Bureau:

> has not found an acceptable method to exclude undocumented immigrants from the apportionment counts.

The reason is obvious. If census takers are required to ask people whether they are illegal aliens, that's going to provoke widespread fear and suspicion and noncooperation with the census.

The Census Bureau found that:

> 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 legal 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 respond.

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 deciding 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 will 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:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 22, 1989.

Hon. JEFF BINGAMAN,
Chairman, Subcommittee 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 SECRETARY OF COMMERCE,
Washington, DC, September 25, 1989.

Hon. JEFF BINGAMAN,
Chairman, Subcommittee on Government Information and Regulation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the inclusion of undocumented residents in the 1990 census. I would like to take this opportunity to reiterate this Department's long-held position that there are compelling legal and public policy grounds for counting in the census all persons irrespective of their citizenship. If Congress sends legislation such as S. 848 or S. 350 to the President which directs the Census Bureau to exclude undocumented residents, I will recommend to President Bush that he veto this legislation.

The Department of Justice has advised previous Congresses based on constitutional considerations that illegal aliens must be included within the census counts for purposes of apportioning congressional representation. The Department of Commerce has consistently concurred with this view.

The Census Bureau's enumeration procedure has been guided by the requirement in the 14th Amendment to the Constitution to count "the whole number of persons in each state." The Census Bureau has interpreted its constitutional charge and its statutory mandate to require counting every person who has a usual residence in any state. The concept of "usual residence" dates back to the Census Act of 1790 and, while the wording of various Census Acts has changed over the decades, the concept has remained the same—to enumerate all inhabitants.

Moreover, the Department of Commerce strongly believes that excluding undocumented aliens would be entirely infeasible and would considerably undermine critical efforts being undertaken by the Bureau to assure an effective and complete count in 1990.

First, we have no way of effectively determining the legal status of individual respondents. The methods proposed to exclude undocumented aliens have flaws that could seriously jeopardize the accuracy of the census. For example:

The determination of legal status among types of aliens, in many cases, requires administrative review by the Department of Justice. Many aliens do not know precisely what their legal status is. Neither the Census Bureau nor its enumerators in the field have the legal qualifications to assist respondents in answering such a question.

Estimating the number of undocumented aliens by using Immigration and Naturalization Service (INS) data and subtracting that number from the census totals also is seriously flawed. The INS does not have counts of legal aliens in the country now or on Census Day. They also do not know where most legal aliens reside. Such information would be absolutely necessary to implement this method.

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 legal residents in the census.

If large proportions of undocumented aliens avoid the census, the 1990 census counts will be lower than cities and states expect. The Census Bureau will not know at the time of apportionment whether this results from undercount of legal residents or from undocumented immigrants who avoided the census. Those who avoid the census would not be included in any counts, even for purposes other than apportionment.

Second, adoption of this policy would undermine far-reaching progress in the area of outreach directed at the minority community. Given the importance of these programs to achieve a full and accurate count, we oppose undertaking policies which are likely to disrupt our cooperation with community organizations which provide assistance to our efforts.

Finally, the Department is reluctant to undertake actions which would undermine the general public's perception of the confidentiality of census data. The absolute prohibition of any disclosure of confidential census data and the public's acceptance of these assurances are essential to the accuracy of census results.

In light of the foregoing, 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.

The Office of Management and Budget advises us that there is no objection to the submission of this letter to the Congress and that enactment legislation, such as S. 848 or S. 358 would not be in accord with the President's Program.

Sincerely,

ROBERT A. MOSBACHER.

Mr. CRANSTON. Mr. President, I rise to express my strong opposition to the amendment offered by the Senator from Alabama which would direct 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 debates in Congress, 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 appropriations 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 also practical reasons why it should be rejected.

Dr. John G. Keane, 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 should be rejected because it will only exacerbate the undercount of the Hispanic and other minority communities. 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 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 unconstitutional and the Senate should not be in the business of passing that kind of legislation. It does us no credit. If 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—not just a little bit—but completely undermine all of that preparation. 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 to make an administrative review to determine the 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 its premise as well.

Each time this amendment or some variation of it has come up, Congress has rejected it. It came up in the 71st, 76th, 96th, 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 in the census.

I urge the Senate to reject this amendment.

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 noninterpretist 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 I, 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 understoood. Under the opponents' argument, foreign diplomats living on embassy grounds and foreign tourists would have to be counted. Carried through to its logical extent, 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. *Klutznik*, 486 F. Supp. 564, 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 rationally based provision for them that 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 this 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. Because after all, if we go beyond 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 NICKLES, of Oklahoma, be added as a cosponsor of my amendment.

The PRESIDING 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. Of course, the controlling amendment is the 14th amendment. 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: "*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 5, 1845

STATUTE II. MARCH 1, 1790.

Chap. II.—An Act providing for the enumeration of the Inhabitants of the United States.[1]

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; omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing also the sexes and colours of free persons, and the free males of sixteen years and upwards from those under that age; for effecting which purpose the marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds of parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their assistants shall respectively take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal shall be, "I, A. B. marshal of the district of —— do solemnly swear (or affirm) that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, agreeably to the directions of an act of Congress, entitled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of —— and make due return thereof to the said marshal, agreeably to the directions of an act of Congress, intituled 'Act act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshals by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall be made in a schedule, distinguishing the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in manner following, that is to say:

The number of persons within my division, consisting of —— appears in a schedule hereto annexed, subscribed by me this day of —— 179—.

A. B. assistant to the marshal of ——.

Schedule of the Whole Number of Persons within the Division allotted to A. B.

Names of heads of families.

Free white males of sixteen years and upwards, including heads of families.

Free white males under sixteen years.

Free white females, including heads of families.

All other free persons.

Slaves.

SEC. 2. *And be it further enacted,* That every assistant failing to make return, or making a false return of the enumeration to the marshal, within the time by this act limited, shall forfeit the sum of two hundred dollars.

SEC. 3. *And be it further enacted,* That the marshals shall file the several returns aforesaid, with the clerks of their respective district courts, who are hereby directed to receive and carefully preserve the same: And the marshals respectively shall, on or before the first day of September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every marshal failing to file the returns of his assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from said returns, to the President of the United States, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the cirucuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the President of the United States, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

SEC. 4. *And be if further enacted,* That every assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country; and where such persons reside in a city, or town, containing more than five thousand persons, such assistant shall receive at the rate of one dollar for every three hundred person; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marshals shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

SEC. 5. *Be it enacted,* That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family; and the name of every person, who

[1]-1AThe acts providing for taking a census of the inhabitants of the United States, subsequent to this act, have been: 1800.—Act of February 28, 1800, chap. 12; act of April 12, 1800, chap. 23. 1810.—Act of March 26, 1810, chap. 17; act of May 1, 1810; act of March 2, 1811, chap. 34; act of March 3, 1811, chap. 44. 1820.—Act of March 14, 1820. 1830.—Act of March 23, 1830, chap. 39. 1840.—Act of March 3, 1839, chap. 79; act of February 26, 1840, chap. 3; act of Jan. 14, 1841, chap. 3; act of September 1, 1841, chap. 15; resolution September 1, 1841.

shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States.

SEC. 6. *And be it further enacted,* That each and every person more than sixteen years of age, whether heads of families or not, belonging to any family within any division of a district made or established within the United States, 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 forfeiting twenty dollars, to be used for and recovered by such assistant, the one half for his own use, and the other half for the use of the United States.

SEC. 7. *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 inhabitants within his 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 each of which copies 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:

"Two years later, Congress passed the Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (codified as amended at 42 U.S.C. §§-1A1971, 1973 to 1973bb-1 (1976))."

(b) Materially different language. If the language in the current code (including its supplement) 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 have been enacted into positive law appears in the preface to the latest edition or supplement of the United States Code. As of January 5, 1981, the titles so enacted were 1, 3-6, 9-11, 13, 14, 17, 18, 23, 28, 32, 35, 37-39, 44, and subtitle IV of 49. Similarly, state codes should indicate whether the titles contained therein have been enacted into positive law.

(c) Scattered statutes. Cite to the session laws if a statute appears in so many scattered sections or titles that no useful citation to the code is possible. Indicate parenthetically the general location of the codified sections.

Mr. MOYNIHAN. Mr. President, I make a second point. It did not arise to constitutional consequence, but it has consequences for this Nation. It happens that we are a country 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. We depended utterly on 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 who work at the Bureau, 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 appointed 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 it until 1848. If you were a man, a 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 live here, all inhabitants, to be counted. 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 excluded, and slaves were only counted as three-fifths of a person for reapportionment.

We cannot turn persons into nonpersons by senatorial legerdemaine. 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 American Jewish Committee.

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 exclude undocumented immigrants" from the count. Each proposed method presents the possibility of serious error, either by an overcount or an undercount of legal residents.

In addition, determining who is here illegally is sometimes a complicated legal matter. Persons may assert claims of political asylum; they may seek suspension of deportation or adjustment of status; or they may invoke a wide range of other defenses. This amendment would force the Census Bureau to find a way to make these legal determinations. The Census Bureau is not equipped to make those judgments. Indeed, only courts can determine who is here in violation of the law.

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 pressures.

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 potential shift in representation 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 unconstitution, 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. It is unfair to those States that have suffered an enormous impact of illegal immigration, massive illegal immigration. Those States, presumably, were taken care of by amendments to 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 reservoir, that would actually be drawn down until the latter years of that 7-year period as, in fact, the legalization occurred.

I must say that the costs to those States that are experiencing this surge in population, be it legal or illegal, has been enormous. In my State, health care alone has been impacted dramatically. The cost of uncompensated care has caused closing of trauma centers, 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. It reaches across the entire gamut of Federal programs, and when it comes time to measure and apply formulae in the law, to assist the States, what we find, of course, is that if we do not count those who are physically present, be they legal or illegal, those States like mine, like Florida, Illinois, New York, and New Mexico, simply are dealt an unfair short share.

So, 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 United States 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,

and for the enforcement of those standards.

What has happened, colleagues, is that that enforcement process has, in many areas, collapsed. In my community, Florida, 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 seconds remaining. The Senator from Alabama has 5 minutes 20 seconds remaining.

Mr. SHELBY. I yield 1 minute to the distinguished senior Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I thank the Senator for 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 1980 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 State and California.

This whole debate, really, is rather amusing, with all the talk about the technical reasons why this ought to be rejected. Do you know what the bottom line is? Illegal aliens ought to be deported. Illegal aliens ought not be entitled to representation in Congress just because it adds dollars to the pockets of some States and some 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 legal 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.

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 1789, nor were the framers of the 14th amendment familiar with such a phenomenom—we 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 want 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 on S. 358, to which the amendment is also attached. Let us go forward with this amendment, and let the courts make the ultimate decision 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.

Mr. BINGAMAN. 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. BINGAMAN. 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. BUMPERS], the Senator from Connecticut [Mr. DODD], and the Senator from Hawaii [Mr. MATSUNAGA] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Missouri [Mr. BOND], the Senator from Missouri [Mr. DANFORTH], the Senator from Texas [Mr. GRAMM] and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

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

The result was announced—yeas 41, nays 50, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—41

Adams	Graham	Mikulski
Bentsen	Hatfield	Mitchell
Biden	Inouye	Moynihan
Bingaman	Johnston	Pell
Breaux	Kennedy	Pryor
Bryan	Kerrey	Reid
Cranston	Kerry	Riegle
D'Amato	Kohl	Rudman
Daschle	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dixon	Lieberman	Simon
Domenici	Mack	Wilson
Glenn	McCain	Wirth
Gore	Metzenbaum	

NAYS—50

Baucus	Gorton	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Burdick	Hatch	Pressler
Burns	Heflin	Robb
Byrd	Heinz	Rockefeller
Chafee	Helms	Roth
Coats	Hollings	Sanford
Cochran	Humphrey	Shelby
Cohen	Kassebaum	Simpson
Conrad	Kasten	Specter
Dole	Levin	Stevens
Durenberger	Lott	Symms
Exon	Lugar	Thurmond
Ford	McClure	Wallop
Fowler	McConnell	Warner
Garn	Murkowski	

NOT VOTING—9

Armstrong	Bumpers	Gramm
Bond	Danforth	Jeffords
Bradley	Dodd	Matsunaga

So the motion to lay on the table was rejected.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, if there is no further debate on the amendment, I ask for the adoption of the amendment.

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

The amendment (No. 900) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SANFORD. Mr. President, I rise today to discuss the unfortunate economic situation facing Haywood County, NC, and to express my appre-

ciation to the Commerce, State, and Judiciary Appropriations Subcommittee, and particularly to Chairman HOLLINGS, for recognizing the severe dislocation that threatenes this small, North Carolina county.

Haywood County will lose 1,000 jobs due to a landmark decision by the Environmental Protection Agency. The Champion International 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 10 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 some $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 civic 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.

The committee has provided report language to the Commerce, State, and Judiciary appropriations bill which recognizes the unique and devastating situation facing Haywood County and urges the Economic Development Administration to address the severe problems facing the community. I am also pleased that the committee substantially increased funding for EDA's title IX program which includes funding for sudden and severe economic dislocation. It is my hope that through these actions Haywood County will receive the priority attention that it deserves from EDA.

HAYWOOD COUNTY, NORTH CAROLINA

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 or solve 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. Due to the severe nature of the economic dislocation in Haywood County, and the correlation between the problem and the purpose of the EDA title IX program, I hope that EDA will provide priority attention to Haywood County.

Mr. HOLLINGS. I certainly believe that Haywood County deserves careful consideration by EDA.

Mr. SANFORD. I thank my good friend, the distinguished Senator from South Carolina, for his remarks and for his assistance on this matter. I thank the Chair.

NOAA-UNIVERSITY OF MIAMI

Mr. GRAHAM. In fiscal year 1988, a collaborative NOAA-University of Miami project was initiated to focus on critical fish populations in the Southeastern United States. The Southeastern United States Caribbean fisheries investigation project, known as Sefcar, has tracked the viability, migration, and development of fish in the tropical waters of the Southeast United States, Latin American, and the Caribbean regions.

Sefcar is operated by the University of Miami Rosenstiel School of Marine and Atmospheric Studies. The Rosenstiel School has its own fishery, oceangoing research vessels, and land-based remote sensoring satellite capacity. The Rosenstiel School has developed extensive joint research, education and training efforts with both NOAA and the Caribbean regions and is considered uniquely qualified to undertake this sort of research.

Through the generous assistance of the Senator from South Carolina, funding for this project was first provided in fiscal year 1988 and again in fiscal year 1989 under the Ocean and Atmospheric Research account of NOAA. I realize how exceedingly strained the subcommittee's resources are at this time, but I am concerned that there is no funding for the next phases of this project as planned. I do hope that this issue can be reviewed in the conference with the House as this is a very valuable program.

Mr. HOLLINGS. The Senator from Florida is correct that this subcommittee does not have sufficient resources to provide third-phase funding 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 for 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

Bureau of the Census will conduct the 1990 decennial census as mandated by the Constitution. This marks the bicentennial of census taking in the United States. The decennial census is one of the largest single undertakings of the Federal Government. This is also an extremely important undertaking, as census data is used to determine the representation in the U.S. House of Representatives, in State legislatures and in county and municipal governments. Census figures are also used to distribute Federal and State assistance funds to our communities. Thus, a quality count is of great importance.

In this bill, the amount appropriated for the Bureau of the Census is $57.6 million below the requested level for periodic censuses. I am deeply concerned as to whether this level of funding will be adequate to carry out the 1990 census. I wonder if the chairman shares that concern.

Mr. HOLLINGS. I will assure the Senator that I do share his concern and agree with him as to the importance of the 1990 census. However, as the Senator knows, we are in a very difficult budgetary situation and face difficult choices. I can assure the Senator that the subcommittee will be following the situation closely and will review the funding of the Census Bureau in the future if that should become appropriate.

Mr. BINGAMAN. I appreciate the chairman's difficult task in crafting this bill and thank him for his assurances.

On another matter, language in this bill provides funding to the International Trade Administration for "demonstrating new alternatives to providing services domestically and engaging in trade promotion activities abroad." Section 2307 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4726) authorized the Secretary of Commerce to provide assistance to promote the export of American Indian arts and crafts. It has been estimated that existing exports of American Indian arts and crafts could be tripled with modest promotion activities, providing increased economic opportunity for many Native Americans. However, to the best of my knowledge, the Commerce Department has never implemented this section.

I would like to ask the distinguished chairman whether he believes that this program would fall under the bill's definition of new alternatives.

Mr. HOLLINGS. The Senator is correct. I believe that the programs he describes to promote the export of American Indian arts and crafts is aptly characterized as a new alternative and therefore would fall under the language included in this bill. I commend the Senator for his efforts in this area and hope that this program will move forward.

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 my State, 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 Tom Clark, for resident education and training courses for judges of all types from all the 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 American Bar Association 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 for operations. However, 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 negotiations to allocate $1 million 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 an 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 are up to the budget agreement 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 SIMPSON 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 appropriate 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 persons based on their legal immigration status.

This new basis for discrimination complaints was a response to the potential for a new form of discrimination emerging from the employer sanctions established by 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 that office 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 pieced 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 work authorization documents or hiring U.S. citizens only—actions which violate the 1986 act.

And other reports, such as from the New York State Inter-Agency Task Force on Immigration Affairs, confirm the GAO finding.

Mr. President, our amendment sought to offer the Office of Special Counsel with $3 million to conduct the public education campaign that is needed to avert this discrimination. But I will not be offering it to this bill.

Mr. President, I ask unanimous consent that our correspondence on this subject be included in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 11, 1989.

Hon. RICHARD L. THORNBURGH,
Attorney General, Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: In less than a year, Congress will be reviewing the effects of the employer sanctions program established by the Immigration Reform and Control Act of 1986. One of the key issues to be examined is whether the implementation of sanctions has created new employment discrimination.

At this point, while we have not witnessed a widespread pattern of discrimination, the verdict is still out on the extent to which discrimination may or may not be occurring. The General Accounting Office last year found one in six employers surveyed reported that they engaged in potentially discriminatory practices in violation of the law, such as asking only "foreign-looking" applicants to verify their work authorization or hiring only U.S. citizens.

The recent GAO finding, along with the upcoming deadline for Congressional debate, suggest the need to devote more resources and attention to public education. The Department of Justice has recognized the importance of public education, and, over the past two years, has requested additional funds for the Office of Special Counsel for that purpose—a request which Congress failed to fulfill.

We are prepared to work with you toward that end and urge you to consider in particular:

Providing additional resources through the Office of Special Counsel. Public education is that office's best tool for preventing discrimination, and it has been provided no funds to do it (from either Congress or the Executive Branch) other than a small amount from the Immigration Service.

Strengthening inter-agency cooperation (including INS, EEOC, Department of Labor, and other relevant federal agencies).

Promoting public education efforts regarding the anti-discrimination provisions of the Immigration Reform and Control Act at the state and local levels.

Issuing a policy statement from your office on the employer sanctions provisions of the new immigration law—both on the need to ensure that all new hire are eligible to work in the U.S. and on complying with the anti-discrimination provisions of the 1986 law.

We appreciate your consideration of this matter, and would be grateful for any further suggestions you might have regarding cost-effective ways to enhance public awareness of the new law.

Best wishes.

Sincerely,

ALAN K. SIMPSON,
Ranking Member.
EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs.

WASHINGTON, DC,
December 8, 1988.

Hon. RICHARD L. THORNBURGH,
U.S. Attorney General, Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: We are writing to you with some urgency regarding the Department of Justice's enforcement of the employer sanctions and anti-discrimination provisions of the Immigration Reform and Control Act of 1986 (IRCA).

We are writing to you in your supervisory capacity as Director of the Immigration and Naturalization Service and the Office of Special Counsel, both of which are given significant enforcement responsibilities for the employer sanctions component and anti-discrimination provisions of IRCA.

Our concern is prompted by the release of a recent General Accounting Office study on sanctions enforcement, "IMMIGRATION REFORM: Status of Implementing Employer Sanctions After Second Year".

GAO REPORT

As you are aware, IRCA requires the GAO to review annually for three years the implementation and enforcement of employer sanctions for the purpose of determining if such provisions, among other things, have caused a pattern of discrimination against U.S. citizens or other eligible workers. In the second annual report the GAO found that:

Of the estimated 4.2 million employers in the survey population, 22% 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;

Of the 3.3 million employers 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 59% 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 anticipated 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 such a pattern for purposes of their three annual reports.

The survey shows that employers are indeed 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 verification requirements. In other words, the businesses that did not fully understand IRCA were the same ones most likely to discriminate. Since

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 is now evident that significant loopholes remain. For example, IRCA's citizenship status protections apply only to those aliens who qualify as "intending citizens." This is a narrowly defined category under IRCA that only extends to legal permanent residents, political refugees, asylees, and certain persons who obtained legalization 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 IRCA's protections against discrimination. Because this group and others are not protected by the citizenship status antidiscrimination provisions, the methodology employed by the GAO will underreport the extent to which they will suffer unlawful discrimination.

We should emphasize that, in our belief, the full discriminatory impact of employer sanctions has yet to be realized. This is so simply because employer sanctions went fully into effect only recently (June, 1988) and for agricultural employers only in December 1988. Until that time, employers in violation of the sanctions law were subject to a citation—not a fine—only if they had first been visited by a representative of the INS who explained the law to them.

RECOMMENDATIONS

In light of the GAO's findings, we recommend the following courses of action:

A supplemental request for additional appropriations for the Office of Special Counsel. These funds should be used for the following purposes:

Additional attorney personnel as well as for the establishment of regional offices of the Office of Special Counsel to assist in outreach and processing of claims made by victims of discrimination. To maximize scarce resources, OSC should establish a presence within EEOC offices.

The development of a comprehensive public education campaign on the antidiscrimination provisions of IRCA. 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 budget process.

In addition, the report indicates that a more coordinated federal effort would make employers less likely to engage in unfair employment practices. Clearly, a public information effort aimed at both employers and the potential victims of discrimination is vital to the prevention of unfair employment practices.

Support for legislation to amend and expand the coverage of the antidiscrimination provisions of IRCA to include Special Agricultural Workers.

In conjunction with the development of a comprehensive public education campaign, we strongly suggest a return to the citation and education phase of employer sanctions/antidiscrimination implementation.

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 responsibility not to discriminate, more public education 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 now 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 substantially simply through the continuation of current policies and practices. We believe strongly that all persons should be protected from unlawful discrimination in the workplace. Continuation of policies and practices, which both stimulate unlawful discrimination and fail to adequately address such discrimination, is intolerable in a pluralistic society committed to the goal of equal opportunity.

For the foregoing reasons, we respectfully urge your immediate attention to the urgent matter of discrimination under IRCA. We would welcome the opportunity to meet with you, at your convenience, to discuss these concerns more fully.

Sincerely,

American Civil Liberties Union,

American Council for Nationalities Service,

League of United Latin American Citizens,

Lutheran Immigration & Refugee Services,

Mexican American Legal Defense and Educational Fund,

National Council of La Raza, and

United States Catholic Conference.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, January 19, 1989.

Mr. CHARLES KAMASAKI,
Ms. CECILIA MUNOZ,
National Council of La Raza, Washington, DC

DEAR MR. KAMASAKI AND MS. MUNOZ: Thank you for your letter of December 8, 1988 to the Attorney General. He has asked us to respond in his behalf. All of us share your concerns about the anti-discrimination provisions of the Immigration Reform and Control Act (IRCA) of 1986: enforcement of employer sanctions need not and must not lead to discrimination against anyone authorized to work in this country.

The findings of the Second Annual General Accounting Office (GAO) Report that there is no widespread pattern of discrimination will not lead the United States government to lessen its efforts in this area. Our policy is not to argue over what threshold constitutes a widespread pattern of discrimination but to flatly state that one case of discrimination is one case too many.

It is our belief that continued and increased education of employers, employees, and the general public is the best bulwark against discrimination. Long before the GAO Report, the Department was addressing that need.

The Immigration and Naturalization Service (INS) and the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) have undertaken a number of measures to get the word out. Together we produced a pamphlet entitled "Immigration Reform and Control Act (IRCA) of 1986: Your Job and Your Rights." Over 1,400,000 copies of this easy to read, informative brochure have been distributed, and an additional printing of one million copies is in the works. A Spanish Language version is also being produced. The OSC provides a copy to every alien who files a "Declaration of Intending Citizen" (INS Form I-772). The INS plans to distribute this brochure to every alien who is granted permanent resident status, granted asylum, or admitted as a refugee. In addition, they will be made available to all immigrants at U.S. ports of entry. Our goal is to make the brochure available to every alien eligible for protection from citizenship status discrimination.

Both the INS and OSC have enlisted the aid of other governmental entities with responsibilities under IRCA such as the Equal Employment Opportunity Commission and the Department of Labor to help distribute "Your Job and Your Rights". Hundreds of public interest organizations (including your own) have also been given supplies of the brochure.

The INS has reached out to Task Forces such as those in New York State and public interest studies such as The Program for Research on Immigration Policy of the Rand Corporation and The Urban Institute. It is our desire to contribute to a better understanding of potential 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 "Fuentes" 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 all across 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 and Spanish. 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 and the Department of Labor during educational visits and I-9 inspections. The OSC's toll free 800 number has been included in INS education 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 them with information about IRCA's anti-discrimination prohibitions and forms for filing charges with the Office.

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 developed between those two offices, under which each serves as the other's agent for receiving charges. This agency relationship eliminates the danger of loss of rights by deserving charging parties who file with the wrong office and miss the filing deadlines.

We also found 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. Is 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 continued balanced approach to sanctions in 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 to invite your suggestions on how to better educate employers and the general public on the anti-discrimination message and to insure that all incidents of discrimination reach the proper forum.

Both of us look forward to the meeting scheduled with you and your colleagues on January 26, 1989 to explore 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 our commitment to eliminating employment discrimination.

Sincerely,

ALAN C. NELSON,
Commissioner, Immigration and Naturalization Service.

LAWRENCE J. SISKIND,
Special Counsel, Office of Special Counsel, Department of Justice.

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 provision of the Immigration Reform and Control Act of 1986 (IRCA).

On January 26, 1989, representatives of our respective organizations met with Alan C. Nelson, Commissioner, Immigration and Naturalization Service; Lawrence J. Siskind, Special Counsel, Office of Special Counsel; John R. Schroeder, Assistant Commissioner of the INS, Employer and Labor Relations; and representatives from the Equal Employment Opportunity Commission, the Department of Labor, and the General Accounting Office. The meeting was a very useful beginning in what we hope will be an ongoing 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 3.3 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 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.

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 is intolerable. The results of the GAO report clearly indicate to us that discrimination is occurring on a massive scale. We continue to feel strongly that immediate steps must be taken to alleviate this very serious problem.

The Nelson-Siskind letter was particularly helpful in setting out activities 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. We look forward to our continued work with Mr. Schroeder in the development of a meaningful public education campaign. However, we also believe that additional initiatives are needed.

RECOMMENDATIONS

At the conclusion of the meeting, we offered several recommendations which are designed to complement the outreach activities which are currently underway:

Attorney General's Policy Statement Opposing Employment Discrimination.—We urge the Attorney General to issue a policy statement on behalf of DOJ that deplores employment discrimination in all of its forms. The statement should focus particular concern on recent reports of discrimination against individuals authorized to work in the United States, which some attribute to employer sanctions. The purpose of the statement is to raise public consciousness about IRCA-related employment discrimination. Employers should be as concerned about violating antidiscrimination prohibitions under IRCA as they are with complying with employer sanctions. We urge the Department of Justice to state explicitly that it places equal importance on the enforcement of both elements of the law;

Regional Offices for the Office of Special Counsel.—We urge the Office of Special Counsel to establish regional offices in areas with high concentrations of immigrants. At a minimum, this would mean opening offices in Chicago, Dallas, Los Angeles, Miami and New York City, locations identified by the GAO report as "high alien popualtion cities." This would increase the visibility of the OSC to potential victims of discrimination, and should facilitate the filing of discrimination claims under IRCA;

Special Counsel Task Force on Public Education.—We recommend that the Attorney General direct the Special Counsel to develop a task force in conjunction with other federal agencies, including 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 antidiscrimination provision and develop a plan for carrying out the strategy, including a budget. OSC should submit this information to the Director of OMB 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.

In addition, we believe that the responsibility of such a task force should include the implementation of a public education campaign containing the following elements:

The continued use of public service announcements which feature media personalities; according to the INS and the OSC, one such announcement has already proven to be effective in informing the public about national origin and citizenship status discrimination; and

The development of a media campaign focused on ethnic media in cooperation with local community-based organizations. This campaign should follow the model used in the final phase of the outreach campaign implemented by the INS and community agencies for the closing months of the legalization 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 are eager to assist in resolving problems associated with IRCA-related employment discrimination. Thank you for your consideration of these views.

Sincerely,

American Civil Liberties Union; American Council for Nationalities Service; League of United Latin American Citizens; Lutheran Immigration and Refugee Services; Mexican American Legal Defense and Educational Fund; National Council of La Raza; United States Catholic Conference

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U.S. DEPARTMENT OF JUSTICE, SPECIAL COUNSEL FOR IMMIGRATION RELATED UNFAIR EMPLOYMENT PRACTICES,
Washington, DC, April 4, 1989.

CHARLES KAMASAKI,
National Council of La Raza, 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. The Department has already taken actions effecting many of them.

You urge that the Attorney General issue a statement deploring employment discrimination. The Attorney General has gone on record many times deploring discrimination of every kind, and pledging vigorous enforcement of the statutes designed to prevent it. He believes that actions are a better way to combat IRCA-related discrimination than words.

For that reason, the Attorney General has recently endorsed one of your other recommendations. On March 23, 1989, he directed me to chair a task force of Federal agencies to conduct a concerted public education campaign. He has requested that the Immigration and Naturalization Service, the Equal Employment Opportunity Commission, the Department of Labor, and the Small Business Administration participate. He has directed me to report directly to him on the task force's progress.

The Attorney General believes that the best way to eradicate discrimination is to educate employees so that they know their rights and how to protect them, and to educate employers so that they don't discriminate in the first place. The task force will be the Government's vehicle for implementing a coordinated and sustained educational effort. We will rely on mass media advertising, as well as more specialized outreach activities. We will also work closely with private organizations, such as yours, to communicate our message to the public. Please consider this letter an invitation to you to share your thoughts on how we can best publicize our message.

You recommended that the Office of Special Counsel establish regional offices. In the current budget climate, 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. For example, pursuant to an agreement between OSC and EEOC, it is possible to file IRCA discrimination charges with any EEOC field office. We are 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 within 24 hours. Finally, the Department of Labor has established a procedure for informing OSC of potential discrimination discovered during its audits. The net effect of all these measures is to project an OSC presence in cities all over the country.

Finally, you urge that the Legal Services Corporation be allowed to fund legal representation for newly legalized persons. As you know, there are regulations pending that would prohibit this. The Attorney General has not yet reached a conclusion on whether these regulations should issue. I can assure you that he has been made aware of the many powerful arguments that support your position on this issue. I hope to be able to report to you on his final decision in the very near future.

I look forward to continuing our dialogue. Please continue to bring your concerns and recommendations to the attention of the Department and this Office. We may occasionally differ on tactics but we are one on the basic goal: to counter IRCA-related discrimination without pause or respite.

Sincerely,

LAWRENCE J. SISKIND,
Special Counsel.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, February 16, 1989.

Mr. ALAN C. NELSON,
Commissioner, U.S. Immigration and Naturalization Service, Washington, DC.

Mr. LAWRENCE J. SISKIND,
Special Counsel, Office of the Special Counsel, U.S. Department of Justice, Washington, DC

Dear MESSRS. NELSON AND SISKIND: The purpose of this letter is to urge the Government both to expand its education and enforcement efforts with respect to IRCA's discrimination prohibitions and to focus those efforts where recent studies show that education is most needed.

It is a critical first step in this regard that potential job applicants understand their rights and obligations. We therefore continue to believe that a presence by the Office of Special Counsel around the country is essential to that end. (In saying this, we do not mean to imply that new and separate offices must be established in every instance or to preclude taking advantage of current Justice Department and INS facilities.) We would be pleased to work with you and your staff people in designing the least expensive ways of achieving this end.

Equally to the point the Government has an urgent obligation to begin a major education effort targeted at those parts of the employer community where the evidence suggests it is most needed. This means both geographical targeting and a focus upon smaller employers. This is not the occasion to detail our thoughts on how such a program might operate; suffice it to say that, again, we are willing and anxious to work with you and your staff people.

The AFL-CIO is, and I believe you know, committed to ensuring that IRCA's employer sanctions provisions do not produce discrimination against persons who are legally authorized to work in the United States. It was out of this concern that, during consideration of the bills that became the 1986 Act, we urged Congress to adopt provisions prohibiting such discrimination and then endorsed the Frank provisions that were enacted.

Against this backgound, 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 Frank 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,

LANE KIRKLAND,
President.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,

Washington, DC, March 9, 1989.

Hon. RICHARD L. THORNBURGH,
U.S. Attorney General, Department of Justice, Washington, DC.

Dear MR. ATTORNEY GENERAL: We appreciate the willingness you expressed to the Executive Committee of the Leadership Conference on Civil Rights when we met with you some weeks ago, to continue a dialogue with the civil rights community. We write now to pursue one of the subjects that was raised at that meeting, namely, enforcement of the anti-discrimination provisions of the 1986 Immigration Reform and Control Act (IRCA).

Shortly after enactment of IRCA, the Leadership Conference, which had taken no position on the legislation but which, of course, regularly monitors enforcement of federal civil rights statutes, established an Ad Hoc Task Force to monitor enforcement of the new law's anti-discrimination provisions. That Task Force has now reported to the Executive Committee on recent developments including the November, 1988, findings of the General Accounting Office. As reported by the GAO and others looking at these matters, there is today both ignorance and misunderstanding of IRCA's requirements and alarming employer discrimination against those who look or sound "foreign". Thus, GAO tells us that:

"Since November 1986 an estimated 528,000, or 16 percent, of the 3.3 million employers who were aware of the law reported beginning or increasing policies or practices that may not be permitted under the law."

The Executive Committee believes that substantial and focused new Executive Branch effort must now be directed to clarifying public understanding and to effective prevention of such discrimination. We are aware of the efforts heretofore by the office of Special Counsel and by the INS, and likewise aware of the present budget constraints. Nonetheless, such discrimination is intolerable (as we are sure you agree). The Justice Department, as the enforcement agency for the relevant IRCA provisions, is the appropriate agency to take the least in the additional activities that are so clearly needed.

To that end, we urge the following actions, which we know have already been recommended to you by others:

1. That the Attorney General issue a policy statement on IRCA-related discrimination. We recommend that the statement deplore such discrimination, point out its illegality, commit the INS as well as the Office of Special Counsel (OSC) to enforcement of the legal prohibitions, and emphasize that enforcing the anti-discrimination provisions is as important as enforcing employer sanctions. Such a statement could go far to improve general public awareness of the IRCA prohibition, and to improve employer appreciation of the behavior the Government will insist upon.

2. That the OSC establish a physical presence in areas with high concentrations of immigrants, i.e., Chicago, Dallas, Los Angeles, Miami and New York City. The LCR has long urged that such a presence is essential if the discrimination provisions of IRCA are to be made meaningful, and we believe that the 1988 GAO Report now puts the matter beyond debate. Such a presence need not entail free-standing new government offices, but could build upon and work within existing federal offices such as those of the EEOC, the Department of Labor, the

Social Security Administration and others. The critical ingredient is the presence of OSC personnel who can speak and educate within the community and provide an accessible 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 IRCA. Both the Department of Justice and the Legal Services Corporation (LSC) have proposed regulations that would include legal services as one of the federal financial assistance programs from which 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 IRCA. Many of those subject to this sort of discrimination would be eligible for and in need of the kinds of services that LSC-funded organizations provide. An Executive Branch effort to curtail the discrimination that is occurring under IRCA must include support and encouragement for institutions that assist the victims of unfair hiring practices in filing 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 IRCA; 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 IRCA requires and, equally important, what it forbids them to do. The first element is directed to the populace generally, the second to those who are immigrants or who have 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 the most likely to hire persons in the second category and most likely to discriminate against some among them. The EEOC would seem 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. HOOKS,
Chairperson.

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. HOLLINGS. 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 they emit only a minimum of 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 this Senator's hope and expectation 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 have a significant immediate benefit. I would think that the Commission could find at least that much in its fiscal year 1990 budget to devote to urgently needed laboratory equipment without inhibiting the Commission'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. HOLLINGS. I thank the Senator for his comments. I share his concerns 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 examining this situation further and, 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 commendation 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

careful look at the need for new equipment to make them even more productive.

TRADE ADJUSTMENT ASSISTANCE CENTER FUNDING

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 [TAAC's] in the Department of Commerce trade adjustment for firms 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 TAAC to develop an adjustment plan, which generally involves assistance on management, better manufacturing techniques, new marketing plans, et cetera. The TAAC's use the money to fund plan development and the actual assistance provided. There are no longer 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 TAAC 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 also 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 TAAC'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 TAAC's as they presently are would take an amount in the range I mentioned. The Department of Commerce makes that estimate. The TAAC's agree, and I am prepared to go along with it.

Second, we all agree that the amount of the fiscal year 1990 appropriation ought to be the current services level minus the unobligated balances.

Obviously, therefore, determining the amount of these balances is critical to determining the proper level of appropriation. Earlier this year, the Department of Commerce submitted to the Appropriations Committee an estimate of those balances of somewhat more than $9 million. That was a reestimate from the figures submitted to the House committee. On that basis, the Senate committee settled on an appropriation of $4.6 million, an amount sufficient to cover TAAC expenses plus the other activities of this program when added to the unobligated balances.

Now, however, some of us are hearing directly from the TAAC's that the Commerce estimate was wrong, that little if any of those balances are, in fact, unobligated. If that assertion is correct, then it is a virtual certainty that the TAAC'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 benign and some of them quite critical of the Commerce Department'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 occured.

Unfortunately, it appears that we may not be able to answer that question until next week. The TACC's will be submitting to the Commerce Department an accounting of their unobligated balances as of the end of fiscal year 1989 after this weekend. 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 should they discover next week that Commerce's estimates were erroneous.

I would, however, like to understand the attitude of the managers of the bill on this matter. I would hope that the managers remain committed to funding the TAAC's at a level sufficient to allow them to continue their current level of activities, and that the managers will act in conference consistent with that commitment. Specifically, I would welcome their assurance that if the actual level of unobligated balances is significantly below the Commerce Department's estimate submitted to the Senate committee, they will agree to a level of funding sufficient to keep the TAAC's operating at current levels. Can the managers reassure me on that point?

Mr. HOLLINGS. I agree with the Senator from Pennsylvania. The subcommittee supports continued funding of the TAAC's at the level necessary to maintain their current level of activity. We will examine the new data expected next week, and if it indicates a likely shortage of available funds in fiscal year 1990, we will be prepared to 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 an adjustment is necessary to maintain the TAAC's at the agreed-upon level, then I will also consider it in conference.

Mr. HEINZ. I thank the managers for their consideration and support.

TIDE MEASURING STATIONS IN THE CHESAPEAKE BAY

Ms. MIKULSKI. 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.

Mr. RUDMAN. Yes.

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 measurement stations in the Chesapeake Bay. It has come to my attention that the National Oceanic and Atmospheric Administration is under the impression 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 erroniously 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 six stations 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 best sources of physical 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 this 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. INOUYE. 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. 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, proposes an amendment numbered 901.

Mr. INOUYE. 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 PRYOR, 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. Drug-related killings here in Washington have soared, workers on Wall Street are promised drugs as an incentive to boost their output, and street gangs in Los Angeles have developed a nationwide—and ruthless—drug network.

But the drug problem is not limited to our big cities. In recent years, particularly with the emergence of the highly addictive drug known as crack cocaine, there has been an alarming increase in drug abuse and drug-related crimes in small towns and rural areas across this Nation. Recent DEA reports provide dramatic evidence of this spread.

In 1986, the DEA surveyed its field offices and found crack cocaine to be available in 28 States and in the District of Columbia. When the DEA conducted another survey in December 1987, that number had jumped to 45 States. And while the DEA noted that crack cocaine was a more serious problem in the inner cities, it went on to report—and I quote—that:

Recent seizures indicate that crack has appeared in rural parts of Georgia, Mississippi, Louisiana, Florida, Alabama, North Carolina, Delaware, Maryland, New York, and California. This rapid appearance of the drug in rural areas highlights the easy marketability and speed with which it is capable of spreading through society.

Crack cocaine seems to have made its way into rural areas of my home State only recently—Texas was not one of the 10 States listed by the DEA as having a crack cocaine problem in rural areas as of December 1987. But by early this year, the DEA was reporting substantial crack abuse and drug-related crime in widespread areas of rural Texas. There is no doubt that crack cocaine has established strongholds in rural areas of my State.

Our Texas law enforcement officers are working hard to fight the crack cocaine problem in these areas. And they are having some success. Last December, 54 suspected crack dealers were arrested in Marshall, TX. In June of this year, 31 persons involved in a crack cocaine ring active in San Augustine, TX were also arrested. Unfortunately, the list goes on.

Mr. President, when we are seeing crack houses in the rural areas of Texas, in small Texas towns like Gladewater (population 6,500) and San Augustine (3,000), and in cities like Marshall (25,000), Amarillo (150,000), and Lubbock (175,000), we have solid evidence of a serious drug problem in rural America and in our smaller towns and cities. We cannot ignore that problem; we must fight it.

I know that our national drug control strategy must include strong measures aimed at our major cities. But the urban problem must not be the exclusive focus of our effort if we are to make real progress. If we focus solely on the big cities and don't attack the drug problem in rural areas, all we are doing is buying ourselves a bigger drug problem in rural America. I for one don't think that is a good idea.

That's why I contacted Secretary Bennett back on July 14 to urge him to give real thought and attention to our rural drug problem in the President's drug control strategy. And I was pleased when he promptly responded "we understand that drugs and the problems they cause are not confined to our urban areas" and that "rural and suburban areas will not be forgotten" in the President's strategy.

After Secretary Bennett's assurances, I was dismayed when September 5 rolled around and the President unveiled his drug control strategy without any call for action on the rural drug problem. That's a big mistake.

That's why I'm offering this amendment today. It's a simple, straightforward amendment. It doesn't increase our spending in the war on drugs; and its sole aim is to ensure that we don't overlook an important aspect of the problem. The amendment states that the President, through the Attorney General and the National Drug Control Policy Director, shall ensure that appropriate emphasis is given, and adequate Federal resources are committed, to the drug problem in the small towns and rural areas of the country.

Mr. President, this amendment does not get into specifics. But it does lay a foundation for a comprehensive program aimed at stopping the spread of crack cocaine into rural America, and it fills a glaring gap in President Bush's drug control strategy. When we turn to the authorization bill, which I understand may happen as soon as next week, I will be working with Mr.

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.

Mr. BUMPERS. 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 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 interdiction, 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 found 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 State 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 authorizes matching grant 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 as serious 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 question is on agreeing to the amendment.

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 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.

First, I would like to compliment the distinguished Senator from South Carolina, Senator HOLLINGS, and the distinguished Senator from New Hampshire, Senator RUDMAN, for their effective handling of this very important legislation. They are very experienced; Senator HOLLINGS having been a Governor before a long-term Senator, and Senator RUDMAN having been an attorney general before coming to the Senate in the fabled class of 1980.

They have handled the difficult bill very effectively, even though they did not see it exactly my way on the prison issue. But that matter, I think, will be revisited and I intend to move forward in the Judiciary Committee with authorizing legislation to try to have a larger Federal role on the issue of pretrial detention.

Mr. President, I had considered offering an amendment on issues relating to the strike force but have decided not to do so, after having had extensive conversations with the managers of the bill and with other Senators. That matter relates to a proposal by the Attorney General to abandon the strike forces over the considerable opposition of many of us in the Senate who have felt that the strike forces have been effective.

It was considered for a time to offer an amendment to restrain any expenditures under the justices appropriations bill for that purpose, but that has not proceeded.

The thought, instead, by a number of us, is to deal with this issue on the crimes bill, on the authorizing legislation. This Senator had considered an alternative to the strike forces by having some more extensive congressional oversight on the question of Justice Department activity. I had circulated the idea of having an amendment to the Federal Rules of Criminal Procedure 6(e) which would have given the Congress more access to closed Justice Department files.

That, Mr. President, is a subject which I think ought to be considered, but not on this bill. The essence of the matter boils down to this: If the Justice Department is going to abandon the strike forces then there ought to be greater congressional oversight as to what the Justice Department is doing without the strike forces. Beyond the strike forces, it is my view there ought to be more extensive oversight generally.

I believe the rule of secrecy in the grand jury, while important for many, many purposes, ought to have a limitation when it comes to the critical function of congressional oversight. Many of our colleagues, if not most of our colleagues, have been troubled by their inability to have effective oversight and to find out what the Justice Department has done. It is a legiti-

mate congressional function to have the oversight.

One case is illustrative. That is the case, the so-called MOVE case in Philadelphia where a bomb was dropped, where a fire raged without any efforts made by public authorities to put it out, where an entire block was burned up, where 11 people were killed, where there were serious questions of violations of the U.S. Civil Rights Act.

After that file was closed, after some 3 years of investigation, this Senator sought to find out why no action was taken and it was a closed file. This Senator was told that the matter could not be discussed because of grand jury secrecy rules.

Many of my colleagues have had similar problms with the Justice Department. The distinguished Senator 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 procurement cases.

Notwithstanding his very extensive, diligent, even valiant efforts, he could not 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, because 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 craft 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 Senators only. And maybe limited to the staff of the chairman or the staff of the ranking member, as those two staff members now have access to FBI files on judicial nominees. Or maybe it should be limited just to the discretion of the chairman and ranking member on the application 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 sharper focus.

There is one other matter, Mr. President, 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 area, the 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 because 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 appropriation has been made by the Congress, that the congressional views are entitled to some weight.

I have made recommendations in these three locales, not because someone 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 from 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 they 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 made a compelling case to have a full-time DEA agent in Erie to carry on the Federal work and also to be of assistance to State and local enforcement agents.

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 Philadelphia. They, too, have demonstrated a need for extra Federal help on drug enforcement.

There again, I sat down with the U.S. Attorney from the middle district and with the local district attorneys and with local police officials and I think they have a very strong case to be made for a full-time DEA agent.

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-founded requests, like the ones this Senator has made and is making today, for these three particular locales. 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 Senate response or 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 although 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 Pennsylvania I do agree it is not our role to decide how agents are assigned. But I do believe in our responsibility in overseeing 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 Pennylvania to assure those considerations are brought to the attention of the DEA, and that areas such as the ones the Senator has mentioned are certainly looked at closely to assure that, in fact, if they meet those criteria they do receive new personnel.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from New Hampshire for those comments. 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-Barre, 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 colleague, 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 Congress that the international drug summit should include several items on its agenda, including consideration of measures to remove from power the drug trafficker, Manuel Noriega)

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.

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 new section:

SEC. . The Congress finds that—

(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 effect on the fabric of our society and citizens;

(3) It is take a multi-faceted approach, both domestically and internationally, to successfully address the multi-faceted problem of illegal drugs;

(4) Manuel Noriega's continued exercise of power in Panama 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 in order to reduce the drug flow and increase democracy;

(5) Public law 100-690, the Anti-Drug Abuse Act of 1983, enacted on November 18, 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, 1989, states that "priority consideration should be given to convening at an early date a drug summit:"

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, education and prevention, and the international sharing of intelligence;

(2) The President should consult with the leaders of participating countries at the international drug summit on ways to achieve international cooperation and coordination in support of measures directed at removing Manuel Noriega from any position of power in Panama; and

(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 in their battle against drugs 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 expresses the American people's and Congress' determination to confront international drug traffickers, and free our country and hemisphere from drugs and the drug traffickers who parasitically profit from the suffering and destruction caused by illegal drugs. Congress last year passed legislation which said that the President should convene an international conference on illegal drugs as soon as possible. This resolution reemphasizes that intent, and encourages international cooperation.

My amendment also expresses our revulsion at, and ongoing determination to end, Manuel Noriega's outlaw regime, and the other powers, both governmental and extra-governmental, that profit from drugs at the expense of civilization itself.

Mr. President, this amendment expresses our conviction that the resources and power of the greatest nation on Earth should be marshaled to intensify unilateral, bilateral, and international efforts to free our Nation and the world from the grip of the tyranny of drugs, and despicable characters such as Noriega. This amendment states that we should seek "international cooperation and coordination in support of measures directed at removing Manuel Noriega from any position of power in Panama." This expresses administration policy, 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 to the desk an 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. . (a) 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 Defense Agency on Cooperation in the Development of the FS-X 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), have been and are being complied with; and

(4) the Comptroller General should continue to submit such reports and interim memorandums so long as 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 FSX 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 FSX fighter deal with Japan. That resolution originally 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, directly to 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 concerned. By staying informed 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 to a group of reporters in Japan. Mr. President, it does not help matters to have this country's highest commercial officer quoted in this context. It is doubly distressing that these remarks were made to a Japanese audience. This kind of report certainly doesn't do much to calm my fears about the FSX deal, but it does reinforce my desire to stay informed as the project progresses.

Mr. President, I introduced the legislation which eventually became Senate Joint Resolution 113 out of concern for America's economic future. I felt that once again the narrow parochial Defense Department view had prevailed within the administration. That view ignores the vital linkage between America's economic health and national security. Like the French who built the Maginot Line after World War I, we continue to prepare for the war we just won. The Bush administration continues to fight the cold war when we should be preparing for the economic competition of the 1990's and beyond. They ignore the changing realities of the world situation, preferring to focus solely on military might to the exclusion of U.S. economic security. The distinguished majority leader, Mr. MITCHELL, was right on the mark when he said the administration seems almost misty-eyed, almost nostalgic for the simple good old days of the cold war.

The ground is shifting rapidly in the world today, on the continent of Europe and on the Pacific Rim. The Soviets have recognized this—what does perestroika mean if not that economic reality is setting in in Moscow. Missiles or not, without computers, without fiber optics, without inventiveness, without economic and technological progress, the Soviets are going to be left out and they know it. It is about time we recognize this lesson too. It is America's economic vitality which will keep us great in the coming decades and I will continue to do everything within my power to insure that we maintain that vitality.

[From Investor's Daily, Sept. 15, 1989]

MOSBACHER SAYS U.S. IS GETTING RAW DEAL ON THE FSX FIGHTER

TOKYO.—Japan will benefit more than the U.S. from technology swapped under an agreement to jointly develop the FSX jet fighter, U.S. Commerce Secretary Robert Mosbacher said yesterday.

The U.S. Senate Wednesday sustained a presidential veto, allowing the U.S. and Japan to proceed with joint development of the FSX fighter under terms set earlier this year by President Bush.

A White House spokesman said the administration is pleased with the result of the Senate FSX vote.

A spokesman for Japan's Defense Agency said the vote represented the end of the conflict between the U.S. and Japan over the FSX. Full-scale development of the new fighter should now begin, he said.

Mosbacher said he was not completely satisfied with the deal and would rather see Japan fill its defense needs by buying F-16 fighters from the U.S. instead of developing the new fighter, which is based on the F-16.

The commerce secretary said that in terms of advanced technology, the Japanese will be the greater beneficiaries of the FSX program.

"In most cases, the vast majority of cases, the technology flow has been one way from us to Japan," Mosbacher told reporters on the third day of a four-day visit to Japan.

In a related development, Mosbacher reached an agreement with Japan's major domestic telecommunications company, Nippon Telephone and Telegraph, to cooperate on research and development in computer and telecommunication related fields.

The agreement is an extension and expansion of research cooperation that began in 1984 between the Japanese company and the National Institute of Standards and Technology of the U.S. Commerce Department.

"This agreement allows both Japan and the United States to enrich their technical capability without duplicating basic research in costly and time-consuming areas," Mosbacher said in a written statement announcing the agreement.

The Senate voted 66-34 to sustain a Bush veto of legislation that would have required the president to set tougher terms for the FSX agreement. Opponents of Bush's FSX deal fell one vote shy of the two-thirds margin needed to force Bush to accept a different version.

The vetoed legislation had asked that the U.S. get no less than 40% of the production work, barred the transfer of sensitive jet engine technology to Japan, directed the General Accounting Office to monitor the deal, ordered the Commerce Department to review production agreements and required that the president consider the agency's views on the production pact.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 903) 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. 904

(Purpose: To amend the provision regarding the retirement age of the Director of the Federal Judicial Center)

Mr. INOUYE. Mr. President, I send an amendment to the desk 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 904.

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. . Section 627(a) of title 28, United States Code, is amended by striking out "seventy" and inserting in lieu thereof "seventy-five".

Mr. INOUYE. Mr. President, 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: Expressing the support of the Senate for additional designations of new international gateways to foster increased export trade opportunities for nontraditional international gateway cities)

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 Senator from Hawaii [Mr. INOUYE], for Mr. DECONCINI (for himself and Mr. MCCAIN) proposes an amendment numbered 905.

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:

SEC. . (a) The Senate finds that—

(1) officials representing eight United States airports recently met with Secretary Skinner to discuss the need for more airport gateways for United States cities for international service;

(2) these officials believe that the United States Government must place greater emphasis in United States international aviation negotiations on maximizing the new international trade opportunities;

(3) direct nonstop air service to foreign destinations facilitates international business for our country's industries, attracts

foreign investment, makes travel abroad more convenient for United States citizens and increasees foreign tourism;

(4) direct international air transport is especially important to tourism and the high-tech industries on the cutting edge of our Nation's drive for international competitiveness, both of which tend to be located away from traditional air service gateways;

(5) a single nonstop air service to a previously unserved foreign point can result in economic benefits to the United States community alone of up to a quarter of a billion dollars or more in the first year, with the benefits compounding thereafter; and

(6) the time savings to United States travelers alone from such a service are greater than profits United States airlines would lose, if any, from traffic diversion.

(b) It is the sense of the Senate that the United States Senate support the designation of markets previously without nonstop international air international 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 for all U.S. communities and to revive 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 expansive 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 without an overriding and compelling national interest. I have been told that the Department of Transportation and State Department have traditionally insisted that new international gateways have not been approved because of compelling U.S. interests to protect U.S.-based carriers from competition from foreign-based carriers. It is argued that such protection is indispensable to provide for 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 what amounts to unlimited access to provide direct air service into the same foreign country markets as those desired by many non-traditional gateway U.S. communities, but have deliberately not taken advantage of those rights. And lastly, I am advised that more than one foreign air carrier has 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 when other airlines, 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 air international 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 higher 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 bridle 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 FORD, and the ranking members of full committee and Subcommittee on Aviation of the Senate Committee on Commerce, Science and Transportation, Senator DANFORTH, 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 Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 906.

Mr. MURKOWSKI. 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:

The Senate finds that in 1984, 140 Japanese Construction firms formed an association known as "United States Military Construction Safety Technical Research Association" which engaged in widespread bidding activity on contracts funded by the U.S. 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 Fair Trade Commission for bidrigging activities at the U.S. Naval facility in Yokosuka, Japan.

The Senate finds that 70 of these construction firms were fined by the Japan Fair 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 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 increased construction costs at the facility, and hindered efforts to ensure the efficient use of funds appropriated for military construction associated with United States security commitments in the Pacific.

The Senate finds that the United States Department of Justice has formally requested full compensation from the 140 firms 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 bidrigging 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 bidrigging activities at United States military facilities in Japan.

The Senate urges the United States Department of Justice and the United States Department of State to work with the Japanese government to insure that the United States government receives full compensation for overpayments for construction services and goods at Yokosuka Naval base in Japan that occurred as a result of anticompetitive bidding 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 1988 that some 70 Japanese firms were in violation and fined by the Federal Japan Fair Trade Commission for serious 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 State to work with the Japanese Government to ensure the U.S. Government receives full compensation.

I conclude by adding that the Japanese Embassy has been most cooperative in this regard, and I want to commend the Government of Japan for assisting in this effort. It is my understanding that the sense-of-the-Senate resolution has been approved by both sides.

Mr. President, I ask unanimous consent that a letter from Assistant Secretary Pyatt, a letter to the Secretary of Defense from me, a letter from the Deputy Secretary of Defense to me, and an article be printed in the RECORD:

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC.

Hon. FRANK H. MURKOWSKI,
U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: This is in response to your letter of April 14, 1989, expressing concern regarding evidence of bidrigging by Japanese construction firms at U.S. bases in Japan. I am responding for the Secretary of Defense.

As you know, a Naval Investigative Service (NIS) investigation uncovered collusive bidding among some 160 Japanese contractors, organized as an association, known as the Star Friendship Association. The Japan Fair Trade Commission has also investigated the activities of the Star Friendship Association in relation to bid-rigging on construction projects ordered by the U.S. Navy.

To date, the Navy proposed eight companies, twenty corporate officials and four subsidiary firms for debarment, based on the evidence produced in these investigations. The parties proposed for debarment have thirty days after receipt of notice to submit arguments in opposition to debarment. The Navy Debarment Committee is reviewing additional cases at the present time and will be making a recommendation concerning their disposition in the near future.

As always, if the Department can be of further assistance, please do not hesitate to contact us.

Sincerely,

D.J. ATWOOD.

U.S. SENATE,
Washington, DC, April 14, 1989.

Hon. DICK CHENEY,
Secretary of Defense, the Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am contacting you to convey my concerns regarding evidence of bid-rigging by Japanese construction firms at U.S. bases in Japan.

Late last year, after reading reports in the Japanese press that the Japan Fair Trade Commission was investigating allegations of bid-rigging at Yokosuka Naval Base in Japan, I contacted our Embassy in Tokyo to request that they inform me of the U.S. response to the investigation. In December, the Fair Trade Commission issued warnings to 70 of the firms under investigation and fined 70 others for bid-rigging activities.

Upon learning of the JFTC'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 Shipbuilding 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 Everett Pyatt, which I have also enclosed. In his letter, Assistant Secretary Pyatt informed me that while the Navy had been informed of the JFTC'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, lax 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 bid-rigging among Japanese construction firms is 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 therefore considering introducing legislation that would require that the procurement offices at the bases overseas be staffed by U.S. citizens.

In the interim, 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.

I look forward to hearing from you in the near future.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.

U.S. SENATE,
Washington, DC, February 27, 1989.

Hon. EVERETT PYATT,
Assistant Secretary for Shipbuilding and Logistics, Department of the Navy, the Pentagon, Washington, DC.

DEAR MR. PYATT: In May of last year, the Japanese Fair Trade Commission began an investigation of 144 firms alleged to be involved in bid-rigging activities at Yokosuka Naval Base in Japan. In December, the Japanese press reported that the JFTC had fined 70 of the firms for illegal activities associated with bids at the base.

I have followed this case with great interest because of my efforts to open up the Japanese construction market to U.S. firms. In my discussions with U.S. construction firms attempting to do business 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. To my knowledge, the Yokosuka 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 which 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.

DEPARTMENT OF THE NAVY,
Washington, DC, April 10, 1989.

Hon. FRANK H. MURKOWSKI,
U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: This is in response to your letter of February 27, 1989, requesting information concerning bid-rigging activities at Yokosuka Naval Base, Japan. A Naval Investigative Service (NIS) investigation uncovered collusive bidding among some 160 contractors, organized as an association, officially known as the "U.S. Military Construction Safety Technical Research Association". The unofficial title was the "Star Friendship Association". The NIS investigation concentrated on the larger or more active contractors involved in the conspiracy.

The Japan Fair Trade Commission has also investigated the activities of the Star Friendship Association in relation to bid-rigging on construction projects ordered by the U.S. Navy. Based on this investigation, enclosure (1) notified the Officer in Charge of Construction, FAR EAST (OICC-FE), that the Japan Fair Trade Commission was issu-

ing warnings and mischarge payments against seventy (70) companies involved in collusive bidding in the Star Friendship Association, in violation of the Japanese Antimonopoly Act. The list of seventy companies, which you requested, is contained in enclosure (1). This list has now been publicly released in Japan.

The Commander-in-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 recommended for debarment are included in the list of seventy 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 can be of further assistance, please let me know.

Sincerely,

EVERETT PYATT,
Assistant Secretary of the Navy (Shipbuilding and Logistics).

FAIR TRADE COMMISSION,
Tokyo 100, Japan, December 8, 1988.

Mr. J.B. GREEN, Jr.,
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 rigging on construction projects ordered by the U.S. Navy's OICCFE. In addition to this, I am enclosing a list of the 70 companies which the Fair Trade Commission (FTC) ordered to pay a surcharge under Section 48-2 of the Antimonopoly Act. I would be very grateful if you would keep this list confidential, because the FTC will not disclose the names of the companies involved except for those listed in the Tokyo Stock Exchange.

I would like to thank you very much for your cooperation during the course of our investigation.

Sincerely,

MITSURU SUZUKI,
Director, First Investigation Division.

WARNING AND SURCHARGE PAYMENT ORDERS AGAINST THE BID RIGGING ON CONSTRUCTION PROJECTS ORDERED BY THE UNITED STATES NAVY'S OFFICER IN CHARGE OF CONSTRUCTION FAR EAST

DECEMBER 8, 1988.

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 Officer in Charge of Construction Far East (hereinafter referred to as OICCFE), the Fair Trade Commission (FTC) has today issued a warning and surcharge payment orders as described below.

1. PARTIES SUBJECT TO THE WARNING AND TO THE SURCHARGE PAYMENTS ORDERS

Warning: 139 members of the former US Military Construction Safety Technology Research Group and Kajima Corporation.

Surcharge payment order: 69 members among the members of the former US Military Construction Safety Technology Research Group—the members who received orders for the aforementioned construction projects (excluding those who face a surcharge payment of less than 200,000 yen) and Kajima Corporation.

Note: The former United States Military Construction Safety Technology Research Group had its office in Yokosuka City, Kanagawa Prefecture. Its membership consisted of entrepreneurs who submit bids on construction projects, etc. for which orders had been placed by the OICCFE. Voluntarily established on March 27, 1984, it was ultimately dissolved on October 8, 1987.

2. OUTLINE OF THE ILLEGAL ACT AND APPLICATION OF THE LAW THERETO

The former United States Military Construction Safety Technology Research Group (hereinafter referred to as the Group), substantially restricted competition in the field of transactions involving construction projects ordered by the OICCFE (hereinafter referred to as U.S. Navy-ordered projects) by having its members designate expected order recipients from among its members for construction projects ordered during the period March 27, 1984 to October 8, 1987. This act constitutes a violation of Section 11, Clause 1, Article 8 of the Antimonopoly Act.

Kajima Corporation (hereinafter referred to as Kajima), in collaboration with members of the Group, also designated expected order recipients, thereby substantially restricting competition, against public interests in the field of transactions involving US Navy-ordered projects. This act constitutes an undue trade restriction as stipulated in Clause 6, Article 2 of the Antimonopoly Act and a violation of Article 3 of the Act (see the appendix "Background Information and Application of the Law").

3. OUTLINE OF THE MEASURES TAKEN

(1) Warning: As described above, the Group and Kajima had been engaging in illegal acts. The FTC issued a strong warning to Kajima and the former members of the Group as the Group had been dissolved in the interim. The warning obliged the parties involved to refrain from further such activity and instructed that necessary measures be taken to prevent a recurrence of illegal acts.

(2) Surcharge payment order: Since the aforementioned illegal acts fall under Clause 1, Article 7-2 of the Antimonopoly Act, the FTC ordered 69 former members of the Group and Kajima to pay a surcharge amounting to 1.5 percent of the sales generated from US Navy-ordered projects that had been undertaken during the period of illegal activity as described below.

(A) The period during which the illegal acts were committed:

(i) Commencement date.—The date of first bidding on or after March 27, 1984, when the Group was established.

(ii) Termination date.—October 8, 1987, on which date the Group was dissolved.

(B) Surcharge.—The total amount is set at 289,890,000 yen

(C) Payment deadline.—February 9, 1989

Appendix:

Background Information and Application of the Law.

1. BACKGROUND INFORMATION

(1)(A) The United States Military Construction Safety Technology Research Group (hereinafter referred to as the Group) had its office at 4-banchi, 3-chome, Wakamatsu-cho, Yokosuka City, Kanagawa Prefecture. Its membership consisted of enterpreneurs who submit bids on construction projects, etc. that had been ordered by the Officer in Charge of Construction Far East (hereinafter referred to as OICCFE), under authority of the United States Navy. The Group was voluntarily established on March 27, 1984, set up its bylaws, instituted the post of chairman, secretary general, etc., and had 145 members as of October 8, 1987.

Though its bylaws stipulated that the Group's purpose was to conduct research into safety technology relating to the aforementioned construction projects, the Group was actually attempting to designate order recipients of the construction work projects.

(B) 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).

(C) Kajima Corporation (hereinafter referred to as Kajima) is headquartered at 2-ban 7-go, 1-chome, Motoakasaka, Minato-ku, Tokyo, and engages in the construction business. Although it did not become a member of the Group, Kajima has participated in bidding on US Navy-ordered projects.

(D) The OICCFE offered the majority of the construction projects via the tendering process.

(2) (A) Prior to the establishment of the Group, entrepreneurs participating in the bidding for US Navy-ordered projects formed an organization called Yokakai which attempted, among other things, to prevent the prices of the projects from falling. However, because the number of non-Yokakai bidders increased after 1983, the organization began to experience difficulties in achieving its objectives.

Therefore, the directors and officers of Yokakai decided to set up the Group as a new entity to replace Yokakai. 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 Yokakai and others held a general assembly to establish the Group at the Yokosuka Kenko Kaikan on March 27, 1984.

(B) At the aforementioned general assembly, the following matters relating to US Navy-ordered projects, were decided by the Group:

(i) 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), (a) members of the Group, upon receiving tendering information, would report the project number and project name to the secretariat of the Group; (b) the secretariat and directors of the Group, by taking part in meetings to get instructions at projects sites, etc., would endeavor to obtain information concerning those who would be expected to participate in the bid; and (c) the secretariat of the Group would notify expected bid participants of the date, time and venue of the meeting where expected order recipients would be determined (hereinafter referred to as an arrangement meeting).

(C) The Group, by holding arrangement meetings on the basis of the aforementioned criterion, had its members who received tendering documents for US Navy-ordered projects determine expected order recipients. In addition, matters were arranged in such a way that the bid price of the expect-

ed order recipients would be the lowest by arranging the bid prices of other participants.

(3) Kajima attended both the meeting to explain objectives and the general assembly 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 Centraza, located in Yokosuka 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 1, Clause 1, Article 8 of the Antimonopoly Act.

(2) As described in the above items (1), (2), (3), 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 trade as set forth in Clause 6, Article 2, of the Antimonopoly Act, and constitute a violation of the regulations in Article 3, of the Act.

LIST OF 70 COMPANIES

Ikeda Kensetsu, Ishimoto Kensetsu, Inyue Kogyo, Usuko Sangyo, Umemura Gumi, Ohiwa Gumi, Okayama Komuten, Ebara Plant Kensetsu, Gakunan Kensetsu, Kajima Road, Kato Tokoten, Kaishin Kogyo, Kitamura Shokai, Kinnou Kensetsu, Kuribayashi Kensetsu, Keihin Densetsu, Kouka Plant.

Koudensya, Goyo Kensetsu, Kitashio Industrial, Saito Denki Syokai, Sakakura Toso, Sanei Kohji, Sanwa Daiei Denki Kogyo, Shimizu Kensetsu, Shinyo, Shinwa Biso, Swan Shokai, Seibu Sogo Setsubi, Sogo Kensetsu Kogyo, Taisei Kensetsu, Taiken Kogyo, Taihei Denki, Takenori, Chuo Kensetsu.

Chiyoda Chemical Engineering & Construction, Denki Kogyo, Toa Kensetsu Kogyo, Toho Inc., Toho Densetsu Kogyo, Toyo Kensetsu, Toyoko, Nagasaki Jyotaki Kensetsu, Nagisa Kogyo, Nishimatsu Kensetsu, Nippi Kosan, Nihon Kigyo, Nihon Kokan Koji, Nihon Tatemono, Nihon Tsushin Kensetsu, Nihon Denki Shijyo Kaihatsu, Nihon Nekka Kogyo, Nohmi Bosai Kogyo.

Hanasaki Sangyo, Fuji Sogyo, Fuso Denki, Howa Sangyo, Hokuto Kensetsu Kogyo, Hosaka Kensetsu, Maeda Road, Mabushi Kensetsu, Mamoru Kensetsu, Mikawa Toso Kogyo, Mitaka Kogyosyo, Miyuki Gumi, Yokoso, Wakachiku Kensetsu, Hitachi Zosen, Fuji Kensetsu, Kajima Corporation.

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 alleged price-fixing in connection with 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 United Staters criticized 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 Yokasuka 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.

Taisei Corp., which had a 100-million-yen contract in 1987 also is monitoring the issue closely before taking any action, according to a company spokesman, who refused to disclose the nature of the contract.

An official at the Construction Ministry said the government did not intend to intervene in the matter because it was a civil case.

Mr. INOUYE. Mr. President, we have reviewed the amendment. We find no objection.

The PRESIDING OFFICER. Is there further debate? If not the question is no agreeing to amendment 906.

The amendment (No. 906) was agreed to.

Mr. MURKOWSKI. 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. 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 DODD 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. DODD) proposes an amendment numbered 907.

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

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

The amendment is as follows:

At the end of title III, add the following:

"SEC. . 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. The people of Argentina 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, the economic system of Argentina 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.

The reason for this change was the aggressive action that President Menem took to make major changes in the economic system, including legislation and steps to privatize state industries, the increase of public utility rates to realistic levels, the elimination of subsidies and restrictions to foreign investment, and currency devaluation. These measures have not only restored vitality to the stock market and stability to the exchange rate. It is not surprising, therefore, that these and other measures have led to an IMF commitment this week of $1.5 billion.

Moreover, President Menem, who was himself jailed by the military government for 5 years, has taken steps to work for national reconciliation, particularly with the military. Most observers believe that these are constructive steps which will strengthen the foundation for the enjoyment of human rights by all citizens of that country.

In this regard, Mr. President, it is timely to reconsider section 725 of the

International Security and Development Cooperation Act of 1981 which placed restrictions upon 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 appropriate 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 the repeal of section 725 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-Argentina relations. One of those issue 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 serious record of 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 in the Casa Rosada.

Argentina 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 cooperation.

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, 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. More than a decade ago, 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 Raul 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. Respect for 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 revitalize 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 is on agreeing to the amendment.

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 thereof the following:

"4046. 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 legitimate religious needs which has not been satisfactori-

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 appointed by the President, after seeking the recommendations of the Majority and Minority leaders 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 leaders 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 six years; provided, however, that per diem and expenses shall be made available to the Members of the Board to defray Members 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 made by the Board.

"(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 title 18, United States Code, is amended by adding at the end thereof the following: "4046. Religious Issues Oversight Board."

"(b) Not to exceed $100,000 shall be available for carrying out this section from Federal Prison System, Salaries and Expenses.".

Mr. RUDMAN. Mr. President, this amendment is entitled "Religious Issues Oversight Board." It has been cleared on both sides. This amendment assures that the freedom of inmates in Federal penal institutions to exercise their religious rights is not unduly infringed upon nor unintentionally discouraged by employees of the Federal penal system. The original legislation had some problems. I believe they have been straightened out. It is cleared on both sides.

Mr. HELMS. Mr. President, this amendment will assure that the freedom of inmates in Federal penal institutions to exercise their religious rights is not unduly infringed upon or unintentionally discouraged by bureaucrats in the Federal penal system.

At the same time, this amendment will help lessen the burden upon the Federal court system created by endless controversies over the religious rights of prisoners.

Specifically, 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 their legitimate 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—one's 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.

There are people in Washington, 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 grants 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 that these regulations allow Federal officials almost total discretion to determine when a prisoner may be denied the right to attend religious services, and that the regulations governing religious diets do not resolve the most prevalent issues.

Nowhere is there any requirement that clergy or religious representatives oversee the process or even be consulted to help determine the validity or importance of the prisoner's claim.

By leaving questions of religious rights of inmates entirely to the whims of Federal bureaucrats, prisoners have often been left with no choice but to pursue their claim in the Federal court system. This, in turn, has created additional and unnecessary work for this already overburdened system. At the same time, the complexity of the process can only have an intimidating effect upon inmates who would like to exercise religious rights.

Mr. President, this amendment poses a clear-cut question: Should we help inmates to follow their religions when practicable, or should we leave this basic constitutional right almost totally to the whims of a bunch of bureaucrats?

If we are to assure that those prisoners who wish to find the Lord are not unnecessarily impeded from doing so, a Board needs to be created to oversee the actions of the Federal Bureau of Prisons. This amendment will create such a Board, and I encourage my colleagues to lend it their support.

DUE PROCESS CALLS FOR RELIGIOUS ISSUES OVERSIGHT BOARD

Mr. President, some time ago, I asked my staff to prepare for me a legal brief outlining the issues involved in restrictions upon the exercise of religion by prisoners.

My staff discovered that the 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.

All of 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 nor 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 FREEDOM

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 First Amendment. (*Abington School District* v. *Schempp*, 374 U.S. 203 [1963]; *Cruz* v. *Beto*, 405 U.S. 319 [1972]; *Turner* v. *Safley*, 482 U.S. 78 [1987])

In *Abington*, the Court found the employment of prison chaplains as essential to avoid violating the rights of prisoners to practice religion. In addition, it determined that the hiring of such chaplains does not violate the establishment clause. As Justice Brennan wrote:

"[W]here the government has total control over people's lives, as in prisons, a niche has been carved into the establishment clause to require the government to afford opportunities for worship * * *. The government, in its control of prisons, is precluded from denying religious observance to inmates * * *-1A"

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 religion and declared it a duty of the Federal Courts to "enforce the rights of all persons, including prisoners."

COURTS MAY RESTRICT RELIGIOUS RIGHTS FOR SECURITY REASONS, BUT MUST CHOOSE THE LESS RESTRICTIVE METHODS OF SO DOING

It is true that the religious rights of prisoners is not absolute. Rather, prison officials are accorded some latitude in providing for the religious rights of prisoners in those instances where security or practical imperatives justifiably require. But in such instances, officials must meet these imperatives in a fashion least restrictive of the prisoner's rights.

In *Sweet* v. *South Carolina D.O.C.*, 529 F.2d 854 (4th Cir. 1975), the prisoner in question was segregated from the rest of the prison population because of the threat posed to his safety by other inmates. While the prisoner did not contest his segregated confinement, he did protest his inability to attend religious services.

In refusing to provide for the prisoners rights in this instance, the Court found that the prisoner's safety at common services could not be sufficiently guaranted by prison guards, and that the provision of services to the prisoner alone in his cellblock would be an unjustified strain upon the administration of the prison.

In *O'Lone* v. *Estate of Shabazz*, 482 U.S. 342, 1987, prisoners of the Islamic faith brought suit to require prison officials to permit religious services on Friday afternoons. In finding for the prison officials, the court found that "on difficult and sensitive matters of institutional administration" regarding security concerns, the religious liberties of prisons may be overruled.

Prison officials are charged with providing for the security of prisons, and prisoners. But when so doing, such officials must choose means which are less restrictive of the legitimate religious right of prisoners.

In *Rodgers* v. *Clark*, 410 F.2d 995 (D.C. Cir. 1969), Muslim prisoners in the District of Columbia sued jail 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 only gravest situations, endangering paramount interests, can engender permissible limitations upon the free exercise of religion.

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 certain length so as to prevent inmates from shrouding their features or hiding contraband.

In holding for the inmate, the court noted that there were less restrictive alternatives available to prison officials, who could have met their security concerns by simply requiring that the inmate's hair be worn in a pony tail.

DUE PROCESS CALLS FOR A PROCEDURE BY WHICH INMATES MAY PRESS CLAIMS OF RELIGIOUS INFRINGEMENT

Whether or not a prisoner's religious liberty should be infringed upon for the sake of security or other compelling need is no easy question. If often requires a weighing of the alternative methods by which such need may be met against the religious liberty in question.

In *Schlesinger* v. *Carlson*, 489 U.S. 612 (1980), a Jewish prisoner pressed for the food and facilities necessary for him to observe the dietary laws of his religion. In holding for the prisoner, the Court affirmed that a restriction on a religious right must be reasonably necessary in support of an important or substantial interest." Thus, the standard by which a religious right may be infringed calls for a number of judgments.

At this point, the only option available to a prisoner seeking to preserve a religious liberty—short of entering the judicial process—it to have these judgments considered by prison officials. However, such officials cannot be expected to appreciate nor properly evaluate the importance or substance of a particular religious practice.

Due process requires that some procedure be available to a prisoner whereby he or she may receive a fair consideration of his or her rights—without having to resort to the courts.

In *Procunier* v. *Martinez*, 416 U.S. 396 (1974), prison inmates challenged prison regulations permitting the censorship of mail. In holding such censorship to be unconstitutional, the Court held that First Amendment rights may only be curtailed if necessary for order or security, and then only if the prisoner to be denied such rights is granted procedural safeguards.

As in *Procunier*, controversies over the religious rights of prisoners involves First Amendment questions. As such, prisoners should be provided with some procedural safeguards to assure that their religious needs may be addressed in a fair manner before these rights are restricted and without having to go through the time and expense of the judicial system.

Mr. RUDMAN. I understand the Republican leader has a question on this amendment.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I have an interest in the amendment. I think it is a good amendment. I think the goals are admirable. I was trying to determine whether or not the Justice Department had an opportunity to look at it and to give its views on the legislation. I have asked them to do that in response to a request, but I am not certain they have made a report.

Mr. RUDMAN. I give this answer to the Republican leader. The Justice Department did not like this amendment at all. They did not like it for several key reasons. We addressed, I believe, those reasons. They still do not like it.

Mr. DOLE. That is their report?

Mr. RUDMAN. That is their report.

Mr. DOLE. I thank the Senator.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 908.

The amendment (No. 908) was agreed to.

Mr. RUDMAN. 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. 909

(Purpose: To assist with efforts to rid public housing and schools of drug dealers)

Mr. RUDMAN. Mr. President, I send an amendment to the desk on behalf of Senator GRAMM 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. GRAMM, proposes an amendment numbered 909.

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 appropriate place, add the following:

"*Provided*, That not less than $5,000,000 of the amounts provided for basic field programs of the Legal Services Corporation shall be used directly or indirectly to assist public housing tenants, public housing authorities, tenant associations, tenant management associations and state and local school boards and officials with efforts to expel from public housing or school areas any individual engaged in drug-related criminal activity. For purposes of this paragraph, the term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))."

Mr. RUDMAN. Mr. President, this is a very interesting amendment. The Senator from Texas came to Senator HOLLINGS and myself a while ago and said he thought with a war on drugs and with all the problems in public housing we might earmark some money from the Legal Services Corporation to allow Legal Services lawyers in high drug-impact communities to go into those housing projects and help bring writs of eviction against drug dealers and drug users living in those public housing projects. It is a very novel idea. We do not know how it will work. We are going to take it to con-

ference and discuss it with the House, but I certainly believe it is worth discussing. That is what this amendment accomplishes.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 909.

The amendment (No. 909) was agreed to.

Mr. RUDMAN. 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.

EXPRESSION OF APPRECIATION

Mr. ADAMS. Mr. President, I rise as a member of the Senate Appropriations Committee to speak to the passage of this very important funding bill. Important, not only to the Nation at large, but to my State in particular.

I want to extend my special appreciation to Chairman HOLLINGS, for working with me to ensure that the needs of Washington State were met. This bill provides for a vast assortment of funding resources to support programs and local industries vitally important to the social, environmental, and economic welfare of my State.

In particular, I am most proud of the fact that we have provided $1 million over the administration request for the National Marine Sanctuaries Program. The need for this money is critical. Last year I passed legislation creating a National Marine Sanctuary off of the western coast of Washington, and set up a study of a possible sanctuary in the San Juan islands. These additional funds will help ensure that these projects are completed on time.

A special concern of mine has been to secure funding for important research programs that support our State's fishing industry. I am pleased that this bill includes funds for programs like the Pacific Fishery Information Network, Bering Sea and Gulf of Alaska groundfish and crab research, Columbia River Fisheries Development Program, the Pacific Salmon Treaty, Domestic Observer Program, Regional Fisheries Councils and Salmon Interception Program. Without the dollars to support the ongoing Federal research, the fishing industry and Washington State's overall economy would suffer.

I am also particularly pleased that this bill includes $3 million for implementing the recent driftnet agreements between the United States, Korea, Japan, and Taiwan. Without this funding, these agreements would be rendered essentially meaningless, and I deeply appreciate the committee's assistance on this issue.

In addition, I also want to thank the chairman for his support of two very special program funding requests. 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 Program. This is an item that I have supported for a very long time. A permanent solution has finally been found.

I would like to again thank the chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee for working with me to ensure that the needs of Washington State are met.

PLACING A CAP ON CONSULTANT SPENDING

Mr. PRYOR. Mr. President, I rise today to thank and commend Senators HOLLINGS and RUDMAN. They have included in the appropriations bill for the Departments of Commerce, Justice, and State my amendment to cap the amount of money which the Departments 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 underreported their spending on consultant services in fiscal year 1987 by roughly $50 million. This problem exists throughout Government. I believe we owe it to the taxpayers to 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 contractors 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 contractors doing the work. Whatever the reasons, 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 reports to Congress, implements Government programs, evaluates Government programs, drafts regulations, and comments on GAO reports.

Furthermore, in this time of great concern over ethics, it is essential to realize that contractors and consultants 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 a role to play in making our Government 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 Department's own figures to cap their 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 justification the amount of money which 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 provided by the Office of Management and Budget's Circular A-120.

To give the agency an accurate idea of what it is actually spending on consultant services, the amendment also requires the Secretary of each Department 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 services we are buying. Furthermore, the report will contain the reason the agency felt that no Federal worker could perform these jobs. The Comptroller General is then requested to review the reports submitted by the Secretary and make any recommendations that he sees fit.

Mr. President, let me emphasize that this year I am proposing to use the figures on consulting services the agencies themselves sent up to the Congress. This amendment is another step in my quest to pin down exactly how much the Government spends on consultants and what the consultants do for us. I believe this simple approach will enable us to assure the taxpayers that the Federal Government is carefully monitoring the way we are spending 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 appropriations 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 enforcement, 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

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 residents to ensure 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 fortify 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 work with and 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 by many 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 have for so long, and at 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, particularly in the Soviet Union 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 much 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 common values and humanity that we share with the 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 PELL and my colleagues on 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—returns on investment 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—ranking the United States 45th in 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 Hungary.

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 national tourism administrations are vying for the business of 20 principal tourism-generating countries. The United States must expand its national promotional efforts.

I would match 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 colleague 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, 2.6 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 Appropria-

tions Subcommittee, for his support of the tourism industry and for including funding for USTTA in this bill. I know he will champion the effort in a conference with the House—which has not provided any funding for the USTTA—and I pledge my support in this effort.

JUDICIAL PAY RAISES

Mr. HATCH. Mr. President, earlier this year I introduced S. 696, the Federal Judges Pay Act. The purpose of that bill is threefold. First, the bill 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.

As we prepared to bring up the Commerce, Justice, State appropriations bill I once again reflected on the judicial crisis that I believe has already begun. While I believe that S. 696, the Federal Judge Pay Act is an equitable method for maintaining the independence of this important branch of the Government, and as such deserves careful consideration by the Governmental Affairs Committee, I want to let my colleagues know that I have been giving serious consideration to offering an amendment today to provide a 30-percent pay raise for all Federal judges as my bill would provide, or a 25-percent pay raise, as the President has recommended.

To provide the funding necessary to pay for this increase, my amendment would make an across-the-board reduction in all other appropriations in this bill, except for the appropriations for judicial salaries. Such a reduction would amount to less than three-tenths of 1 percent of each appropriation. This amendment would provide pay raises to the Supreme Court Justices, the courts of appeals judges, the district court judges, the U.S. claims court judges, the international trade court judges, the bankruptcy judges, and all full-time magistrates.

Mr. President, while I believe that this appropriations bill would be an appropriate piece of legislation to propose such a pay raise, I also understand that an increase in judicial salaries will be a primary component of the ethics legislation that we will be considering later this year. It is my sincere belief that we must adjust Federal judicial pay levels if we are to maintain the quality in the judiciary to which we have become accustomed. I have therefore decided not to offer my amendment at this time. I do wish to make it known to my colleagues, however, that if we fail to deal with judicial salaries during our consideration of the ethics bill, I do intend to bring the issue directly to the floor.

Mr. President, on March 15, Chief Justice Rehnquist held a highly unusual press conference during which he called for an increase in Federal judicial salaries. Citing the cost of inflation over the last 20 years, the difficulty in recruiting and retaining highly qualified people on the Federal bench, the threat to the concept of lifetime service, and the disparity between the salaries of the judges and attorneys in private practice, the Chief Justice, on behalf of the Judicial Conference, recommended that the members of the Federal judiciary receive a 30-percent pay raise.

Not long after that press conference, another interesting item appeared in the media. In an op-ed piece, David S. Broder related the interesting situation of George Kazen, a Federal district court judge in Laredo, TX. I would like to read a few excerpts from that article.

> Kazen is 49. He grew up in Laredo and was first in his class when he graduated, at age 21, from the University of Texas law school. Married and the father of four, he was making about $120,000 a year in private practice when President Carter appointed him to the bench ten years ago. Today, he's making $89,500 in inflation-shrunk dollars, * * *
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> On behalf of the public, Judge Kazen administers justice in a vast expanse of south Texas. By all reports, he does it very well. In the last two years, as efforts to halt the flow of narcotics have intensified, his felony calendar has increased 48 percent and may be the longest of any federal judge.

In a telephone interview with the author of the editorial, Judge Kazen had this to say:

> I was in pretty good financial shape when I started here. But I have put three children through college; my son is still in law school. Another son will graduate from high school this year and wants to go to Trinity in San Antonio, where tuition, room and board is $13,000 a year, without a nickel for books or clothes or anything else.
>
> I have liquidated every bit of stock I owned and every investment except two pieces of real estate that are dead ducks and can't be sold. My debt has probably doubled. This year, I promised my wife, my family, my banker and myself that this would either be the year I finally got a handle on my finances, or I was going to get out. The pay raise (to $135,000, recommended late last year by President Reagan and a bipartisan commission but killed by Congress) was all going to go to reducing the debt. With it, I could see how I would be out of debt by the time I was 60. But without it, I just can't go on.
>
> I feel a tremendous amount of loyalty to my colleagues, to the court personnel, but there's only so much I can do for my country. I honestly feel that serving my country for 10 years has cost my family $1 million. And what really hurts is when you're told [by critics of the pay raise], "You're in a fat, cushy job. * * * You're a dime a dozen. * * * If you leave, there's a dozen others could fill your job."
>
> Well, I haven't looked on it as just a job. I work [hard] on this endless narcotic docket because I think it's important. But the minute I said to a reporter for a Texas legal magazine I might have to leave the bench, I started getting feelers for jobs starting around $200,000. * * * I tell you, we're the lost battalion out here, and I'll admit it, I'm very frustrated, very bitter.

Mr. President, this situation, and several others like it, are very troubling to me. When our Founding Fathers created the Federal courts, they envisioned an independent judiciary whose members would serve under lifetime appointments. Under article III, section 1 of the Constitution, "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office." The 1989 Commission on Executive, Legislative, and Judicial Salaries, chaired by Lloyd N. Cutler, noted in its report that, "[t]he concept of lifetime service with undiminished compensation was designed to protect the independence of judges by removing any concern that the President or Congress would curtail their time in office or reduce their salaries."

This concept is also largely responsible for the high quality of justice found in our judicial system. To be sure, the system may have some problems, but the caliber of people who serve as justices and judges has always been at a level that engenders the trust of the American people. As the Chief Justice stated during his press conference:

> The federal judiciary has not been thought of as a stepping stone to something else. It's kind of the place where you end, not an interim step that you take in pursuing a career in public office. And I think those who were acquainted with both the state judiciary * * * and the federal judiciary realize that it does make a difference. If you have judges who are there for a lifetime career, it gives you a different kind of judge, someone who is simply devoted to judging rather than always looking out of one corner of his eye for the next political opportunity that comes along.

But, Mr. President, I fear that given the current situation involving judicial salaries, we are, in fact, encouraging many of our judges to look with more than just the corners of their eyes. The Los Angeles Times recently reported about the case of another Federal judge, Jim R. Carrigan, who confided that he would be stepping down from the bench because of the defeat of the proposed judiciary pay raise. Like Judge Kazen, Judge Carrigan has just about exhausted all of the funds and assets he had accumulated before sitting on the Federal bench in order to pay college tuition for his six children. According to the Times, although Judge Carrigan expressed a strong desire for public service, "the intangible rewards of sitting on the Federal bench were no longer enough

to compensate for the prospect of going at least another 4 years without an increase in his $89,500-a-year salary."

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 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 increase in 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 to six each year in the late 1980's. It 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 November 11, 1988:

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 agonizing. 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. It is clear in my mind that the quantum increase in compensation was a strong inducement for me to leave the bench. In 1985, at age 57, 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 earnings are somewhat comparable to the income earned by a number of law school classmates and many of the lawyers I have trained.

On the other hand, being a United States District Judge, in my view, is being at the tip-top of the legal profession. I miss the honor and privilege of doing my best to provide extremely valuable public service to our country. I miss the Court.

In a related survey the American Bar Foundation found that 95 percent of the responding active judges felt that their compensation is inappropriate and that in the absence of a significant salary increase, 30 percent plan to leave the Federal bench before retirement. Perhaps evern more significant, because of the large number of judges who responded, are the findings of the Judicial Conference. The conference reports:

[J]udges were asked how seriously they 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; and retiring from office . . . 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 they had given 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 office if their salaries were adequately protected from inflation.

In addition to the financial burden placed on current judges, the failure to keep judicial salaries somewhat apace 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. Time and time again, I and others at the Department of Justice were told by highly qualified lawyers that they simply 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 survey found these results:

[W]hen 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 salary reasons. More than half of the judges 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 no 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' salaries has been eroded to less than 70% of what it was in 1969. At the same time, the workload of judges has increased dramatically. Despite increases in the number of authorized judgeships in the last twenty years, caseloads per 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 more than a 100% increase, 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 HATCH about the need to increase Federal judges' salaries.

Historically, Federal judges' 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-

diciary should consist of our finest legal minds. Whether the matter at issue is interpretation of our Federal statutes, resolution of important property or injury claims among our citizens, or protection 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 law firms pay 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 abandon, or not seek appointment to, the judiciary if salaries are not higher relative to private sector salaries, 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 FHA mess is not an isolated example. The FSLIC 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 Board 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 concurrent 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 prepared to wait to see if the ethics 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, but once we 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.

EXPRESSION OF APPRECIATION

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—actually, international—concern. And I'd say 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, U.R.I. was designated as a NOAA "Center of Excellence in Coastal Marine Studies." It is my hope that the excellent work being done at U.R.I. 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 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 of 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 taggant 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 requested $6 million for fiscal year 1990, the same requested 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 free 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 as part 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 for proceeding with the fiscal year 1990 Commerce, Justice, State, and the Judiciary appropriations bill so expeditiously and congratulate him for setting such a fine example of hard work and devotion to his 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 courtesy 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, bringing NOAA to 1 site from 17, will dramatically reduce the agency's administrative costs and improve its program coordination.

I request that full funding in the amount of $19 million be approved for continued operation of Landsat 4 and 5. Although this bill only contains $9.5 million, half of the requested amount, I feel strongly that 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 system. Data from Landsat are used for projecting crop yields, monitoring pollution, land use planning, and mineral exploration. Furthermore, a $34.7 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 D.C. region, 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 serves as the Nation's premier science 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, lightwave 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 will pursue this matter in the conference committee to achieve a satisfactory result.

Mr. RUDMAN. 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 concerns they have there, his work was 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 clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. 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.

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 50 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 conferees 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 50 percent 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. ROBB] appointed Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, Mr. SASSER, Mr. ADAMS, Mr. BYRD, Mr. RUDMAN, Mr. STEVENS, Mr. HATFIELD, Mr. KASTEN, Mr. GRAMM, and Mr. MCCLURE 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 appropriations 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, 63 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 who do not utilize these turtle-excluder devices while our shrimpers are being penalized.

So, Mr. President, what we did 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 kind 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, Texas shrimpers, Florida 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

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 nations 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 a good amendment. It will require other countries to do exactly what we are being required to do, and if in fact they do not, they will lose the U.S. market. It is absolutely unfair and bad policy to do anything else.

So this amendment, I think, will go a long way to establishing a level playing field, while we work together to try to get new rules and regulations which make sense.

Mr. President, I am very pleased that this administration is now a part of the Senate package, and I hope that it would reach the President and that he will sign it with great enthusiasm.

I yield the floor.

Mr. JOHNSTON. Mr. President, I want to congratulate my colleague, who originally came up with this idea and attached this amendment on, I believe, the armed services authorization bill. The Senate acted on it and put it on that bill, but that bill may or may not get out of conference.

This appropriation bill will be passed, because we must pass the legislation. I think this is going to be very effective. If we must use TED's then everybody else ought to have to use TED's as well. If they do not use the TED's if they are not required to do that which we are required, then we should not be required to import their shrimp.

I think if they do not measure up to the rules, then I think our people in Louisiana and Florida and elsewhere will be compensated by a higher price of shrimp.

Mr. BREAUX. I say to my colleague, he 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. Yet, 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 JOHNSTON and I are together seeking by this legislation.

I yield the floor.

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 have spoken with Senator DOLE and understand that final details of this bill are being worked out. 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 board 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 would 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 the motion to invoke 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. Is 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 what 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, the request by the majority leader is the order of the Senate.

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.

Alan Cranston, Wendell Ford, Jay Rockefeller, Bob Graham, George Mitchell, Timothy E. Wirth, Edward M. Kennedy, Kent Conrad, Paul Simon, Brock Adams, Robert C. Byrd, Alan J. Dixon, Daniel K. Inouye, Christopher J. Dodd, Patrick Leahy, and Howard M. Metzenbaum.

Mr. MITCHELL. Mr. President, I withdraw my 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 management, with members of the Airline Pilots Association and the Transport Workers Union honoring machinist picket lines. The President declined to exercise statutory authority under the Federal Railway Labor Act to order an emergency board to investigate the dispute and to 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 March recess, H.R. 1231 was withdrawn from Senate consideration. On March 23, the bankruptcy judge had 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 "depending on the course of events, 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.

In 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 35.6 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 a shadow of its former self. 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 91 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 prestrike conditions 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 direct 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 an 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. KENNEDY].

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 a neutral emergency board to find facts and make recommendations, every President has agreed to the recommendation—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 commuter 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 atempt 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 languished 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, 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 turn 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 Eastern 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 $640 million, but he put up only $280 million of his own money. Eastern actually put up $108 million of the cash for its own aquisition.

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. Eleven gates were sold at Newark for 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 truth in language 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 after that abuse, but other loopholes are still large enough for this slippery antiworker chief executive 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 for peaceful settlement of this dispute 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 President and my colleagues three events which have been in the paper within the past 10 days:

First, a news item that aviation prices were going to be raised; that on average of 10 to 20 percent increase, particularly in those fares that are most utilized by the discretionary traveler.

Second, a tragic incident that occurred at LaGuardia Airport in New York where an airline which had 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 in Orlando, FL, has now declared bankruptcy for a second time causing great inconvenience to those communities which are served by them and the thousands of travelers and users of commercial freight who have depended upon 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, and 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. It was not until recently, within the last 2 or 3 years, that we began to see these individual 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 congressionally established commission to study the issues of the economics of commercial aviation. That is what will be proposed 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 be very 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 was not in 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.

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 court 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 resolve 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 so that a consensual 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 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 created by this amendment 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 overrule 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 congressional 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,
Washington, DC, September 25, 1989.

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. 1231, the bill passed by the House of Representatives in March to force 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 Congressionally mandated commission is entirely inappropriate. Preservation of competitive airlines, including Eastern Airlines, is important for many reasons, and the enactment of this bill 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 and the economy as a whole—including airline competitiveness in light of mergers, acquisitions, and bankruptcies; the treatment of airline employees in bankruptcies; 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 as 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 unrealistic at best. It is unlikely that I could locate a responsible individual who would be willing to accept such an unreasonable assignment. Also, the language creating the commission may well pose significant constitutional concerns under the doctrine of separation of powers.

The 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. The Legislative and Executive Branches of government do not have an appropriate role at this point other than assuring aviation safety at Eastern, ensuring compliance with all applicable laws, and participating in the normal fashion in the legal proceedings. I therefore urge the Senate to take no further action on H.R. 1231 or a substitute, and I would recommend that the President veto such a measure.

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 substitute would not be in 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 there be a period for morning business with Senators permitted to speak therein.

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 me, and now 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 COULD'VE TOLD '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, flown into New York to assure its freshness. 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. And that is before you add on the cost of the extra IRS bureaucrats necessary to administer section 89.

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 section 89. And Senators BOSCHWITZ, DOMENICI, and 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 to inform my colleagues that today is the 1,658th day that Terry Anderson has been held in captivity in Beirut.

Once again, I ask that we continue to keep Terry Anderson and all of the hostages in our thoughts, until the day that they are returned to their homes and families.

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 began representing their interests 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 1958.

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, vision, and hard work into 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 Charles Russell.

We knew and loved Charlie Russell. * * * What great memories he has left for us to relish. Charlie Russell set a great example for us who had 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 America and provided the leadership which resulted in so many of the good things we now take for granted.

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.

Governor Russell, 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 wheels rolling and eventually resulted in the Peabody 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 or woman who needed his help or, more important, needed a kind word to help make things easier to face the trials of everyday life.

U.S. POLICY TOWARD THE BALTIC 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 conspicuously vague and passive.

The New York Times offers a rationale for the administration's curious response in a September 10, 1989 editorial.

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, who has linked the Baltic virus of nationalism with potential anarchy and bloodshed.

The new and improved Communist Party does not object to peaceful demonstrations, Gorbachev insists, but will not tolerate "extremist rallies that provoke inter-ethnic clashes and terrorize and intimidate people of other nationalities." He reserves the right to exercise the "full force of Soviet laws" to quell the independence movement, wherever a "threat has arisen to the safety and lives of the people." The Times warns of the same threat: "Americans have to care deeply about avoiding the bloodshed sure to follow the withdrawal of Soviet military forces from many parts of the polygot Union of Soviet Socialist Republics."

In other words, we are being urged to endorse Moscow's analysis of the situation, and this analysis is a dangerously misleading one. It is based on the false assumption that the Baltic independence movement is sowing the seeds of violence and ethnic strife, and is therefore deterimental to the progress of liberalization. But opposition activists of both Baltic and Russian nationality have pointed out, and American eyewitnesses have confirmed, that there is no genuine ethnic strife in the Baltic Republics.

Many Russians—including those who coexisted harmoniously with Balts and numerous other ethnic groups during the inter-war period of Baltic independence—are staunch supporters of the democratic opposition. And while others may be grumbling about "reverse discrimination," as of yet no precedent has been established to suggest Russian-instigated bloodshed in the future.

The real danger of bloodshed lies not after the withdrawal of Soviet troops from the Baltic, but before it. Gorbachev and his colleagues in Moscow have made it abundantly clear that they do not rule out a violent crackdown to quell the independence movement. And some observers have expressed the fear that the government may fabricate a spurious incident of inter-ethnic violence in order to justify bringing in troops to protect the "safety and lives of the people."

On September 20, 23 of my Senate colleagues joined me in sending 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 "national enmity," in Gorbachev's words, not on any "anti-Russian nationalism." Rather, it expresses the desire for self-rule on the part of peoples 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 assault. 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 industrial facilities that are poisoning 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 2, 1989, report from 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.

Despite Moscow's threats and Washington's silence, the Baltic people will not voluntarily abandon their struggle for self-rule. If Gorbachev's goal is genuine political reform, and not just economic resuscitation, then why shouldn't he begin by respecting the constitution of the U.S.S.R., which grants all member-republics the right to secede? If far-reaching reform is not his goal, however, then why should America defend the internal stability of the last great colonial empire of the twentieth century?

Americans, writes the Times, "have an interest in Mr. Gorbachev and his moderate course around the world," because this course may lead to "withdrawal from Afghanistan, rapprochement with China, military relaxation in Europe, perhaps an end to intervention outside the Soviet Union." These are supremely desirable ends, to be sure, but can we justify sacrificing the nations held captive within Soviet borders for the sake of those outside?

If our Government's real interest is in the spread of democracy, 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, rather than by tacit support of Moscow's disinformation campaign. The real threat to liberalization in the Soviet Union lies not in the nonviolent pursuit of freedom, but in the use of military force to repress it. Today, the choice is not between Baltic independence and moderate reform, but between independence and the iron fist.

If Gorbachev really wants to put his house in order, then he would be wise to let his recalcitrant guests leave. The course of perestroika might run far smoother in a Soviet Russia unencumbered by ethnic adventurists, and invigorated by economic ties with prosperous neighbors in a neutral, demilitarized Baltic zone. With a little prodding from his American friends, Gorbachev might be more willing to consider this option.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 20, 1989.

Hon. JAMES A. BAKER III,
Secretary of State,
Department of State, Washington, DC.

DEAR MR. SECRETARY: The unprecedented activism and massive popular support of the democratic opposition movements in Estonia, Latvia and Lithuania in recent months have clearly demonstrated the will of these captive nations to reclaim their usurped independence.

We therefore view the statement of Vice President Quayle on September 9th, expressing U.S. support for the Baltic independence movements, as a most timely and welcome development. His further assertion that a crackdown by Moscow would likely trigger a negative U.S. response, represents an important first step beyond our government's passive policy of non-recognition of Soviet rule in the Baltic states, to a policy of active support of these nations in their struggle for independence.

So that the Soviet leaders are mindful of U.S. policy as they consider their response to the independence movements in the Baltic states, we urge that you use the opportunity presented by your upcoming meeting with Soviet Foreign Minister Eduard Shevardnadze to reemphasize our government's strong support for the Baltic people in their peaceful efforts to achieve freedom and self-determination.

We further ask that you raise with him a matter of particular concern to us; namely, a fear, expressed both by residents of the Baltic states and by knowledgeable U.S. government officials, of a possible violent quelling of the independence movements.

Recent statements from Moscow, condemning the Baltic opposition for fomenting "nationalist hysteria" and ethnic strife, are considered particularly ominous. According to eyewitness accounts, there is no genuine ethnic conflict in the Baltic states; rather, Moscow is making false accusations to discredit the opposition and create a pretext for military intervention. Observers identify the possibility of ethnic violence between Balts and Russians in order to justify bringing in troops to "restore order." It must be made clear to Mr. Shevardnadze that if such an incident were to occur, the United States government, recognizing it as an act of provocation, would respond with appropriate measures of condemnation.

We believe the Vice President's recent statements to the press in support of the Baltic people's struggle for independence must be reemphasized in face-to-face meetings with Soviet officials. We urge you to do so in your upcoming meeting with Mr. Shevardnadze, and to raise with him the concerns noted above.

Sincerely,

Robert C. Byrd, Alan J. Dixon, Carl Levin, Donald W. Riegle, Jr., Alfonse M. D'Amato, J. James Exon, John W. Warner, Paul Simon, Dennis DeConcini, Quentin N. Burdick, James A. McClure, Dale Bumpers, Joseph I. Lieberman, John Heinz, Frank R. Lautenberg, Larry Pressler, Robert W. Kasten, Jr., Charles E. Grassley, Richard Bryan, Rudy Boschwitz, Daniel K. Inouye, Steve Symms, Christopher J. Dodd, and Gordon J. Humphrey.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1990

Mr. MOYNIHAN. Mr. President, in the early evening of July 26, I rose—as I now do—in opposition to this amendment. I concluded my remarks with the simple statement, "Mr. President, I will vote no." I believe I was the only Senator to do so, and with that in mind I would ask a few moments to say why I did.

I was not trying to be too solemn about the subject of support for the arts, and I cited that grand New York painter, John Sloan, who said, a half century ago in 1939, that "* * * it would be good to have a Ministry of Fine Art. Then we would know where the enemy is." That tension between 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.

I have been thinking about the descriptions heard tonight of the crucifix photograph which it happens I have not seen. We are a body with many denominations, and at least two religions. In my church, Roman Catholic, the story of the crucifixion begins with the degradation of Christ. I repeat, the degradation of Christ. His clothes are gambled away. He is given vinegar to drink. He is jeered. On top of the cross, as it states in the Bible, there is that mocking assertion in Latin, Iesus Nazarenus Rex iudaeorum, "Jesus of Nazareth, King of the Jews." Death follows. Then, resurrection.

That is a deeply held tenet of our faith, and I can imagine many ways in which artists might choose to represent it. I do not speak to this particular representation in question, however as I have not seen it.

Tonight I asked for a Bible to confirm this thought. But as it happened I opened to the Revelations of St. John the Divine, Chapter 17; that is exactly where the book fell open. Chapter 17 of Revelations.

And there came one of the seven angels which had the seven vials, and talked with me, saying unto me, Come hither; I will shew unto thee the judgment of the great whore that sitteth upon many waters:

Verse 2: With whom the kings of the earth have committed fornication, and the inhabitants of the earth have been made drunk with the wine of her fornication.

Verse 3: So he carried me away in the spirit into the wilderness: and I saw a woman sit upon a scarlet coloured beast, full of names of blasphemy, having seven heads and ten horns.

Verse 4: And the woman was arrayed in purple and scarlet colour, and decked with gold and precious stones and pearls, having a golden cup in her hand full of abominations and filthiness of her fornication.

Verse 5: And upon her forehead was a name written, Mystery, Babylon the Great, the Mother of Harlots and Abominations of the Earth.

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.

We go a long way back 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 good book: 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 we have 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, Invocation.

Senator Smooth (Republican, Ut.)
Is planning a ban on smut.
Oh root-ti-toot for Smoot of Ut.
And his reverent occiput.

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 current 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; save itself ridicule; 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, 1989

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 add my thanks to those who have already noted the splended role played by your predecessor, his Excellency Doctor Dante Caputo. In addition, let me also pay tribute to the efforts toward achieving world peace of the Secretary General, 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, can prevent such global madness from ever 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, injustice, 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 accompanying terrorism that pays no respect to borders. We, a community of nations, find ourselves under assault from 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 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 of engagement or by the responsibilities of national sovereignty. This aggressor is an insidious, global criminal network wth enormous power and resources—a criminal enterprise which feeds on the illegal profits from the trafficking of drugs. As the Secretary General said in his report to you this year:

"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 chastening observation that humanity is so deeply mired in the commerce of degradation and death."

The members of these criminal cartels were born in many nations and many of its leaders are called Colombian. But while some may have been born in my country, let me be clear—they are not Colombian in any more than name. They are international fugitives on the run. They have no home.

THE STRUGGLE IN COLOMBIA

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

this is no war of words. In Colombia the casualties of our struggle have been mounting for some time. A month ago, we suffered the tragic assassination of one of our finest national leaders, Luis Carlos Galan. In many ways, his death has galvanized our nation and focused the attention of the world on this problem. But our war on drugs has been taking its toll for years. We have lost 12 Supreme Court Justices, our Attorney General and Minister of Justice. We have lost Members of Congress and Mayors, scores of journalists, thousands of soldiers and policemen and tens of thousands of Colombian citizens who were committed to the cause of democracy.

Following my announcement last month to enforce drastic measures using executive powers available under a state of siege, the narco-traffickers have continued to engage in a cowardly reign of terror. They have threatened and retaliated against innocent families, they randomly strike at our cities and have bombed institutions like our newspaper El Espectrador which dare to speak out against them. In short, in their aim to protect their illegal and criminal activities, they seek to destroy the will of our people and undermine our most precious institutions. Hear me well—they will fail. Colombia—one of the oldest democracies in Latin America—will prevail.

In these past few weeks, we have had some important victories. We are methodically breaking the back of the cartels, but not just by confiscating and destroying many tons of cocaine. Indeed, Colombian authorities capture almost eighty percent of the cocaine seized globally. But our offensive goes beyond that. The assassins of Luis Carlos Galan have already been captured. Many thousands of suspects have been apprehended and millions of dollars in property—processing plants, bank accounts, communication equipment, aircraft, boats, houses and ranches that provide the backbone and the lifestyle for this criminal operation—have been seized.

All these victories, though, will not be nearly sufficient to win this war. That is why I am here today. Only through concerted international action can we hope to defeat the scourge of narcotics. The criminal drug cartels have declared total war. This declaration of war is against the entire community of nations. Against those whose youth are being poisoned by drugs and against those who, like Colombia, see their democracy and their institutions threatened by the violence and terrorism. There are no boundaries to the narcotics conflict, there are no safehavens from narco-terror. Now, there must be no safehavens for the narco-terrorists. In this war, the time has come for the community of nations to choose sides.

Many of you, by the way, may not accept that this is a global war; you may believe that it is one of this hemisphere alone—that cocaine is a scourge only of the Americas, produced in the nations of South America and consumed by North America. This is not so, because cocaine's tentacles, even as we meet today, are reaching into Europe and the Far East. The aggressive search for new markets is no more respectful of oceans that it was of borders. Where there are customers there will be suppliers. And indeed cocaine is only one ugly manifestation of a much wider narcotics crisis. Make no mistake, this scourge touches us all.

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 drugs that fuels this terrorism and which is one of the greatest threats to democracy in Latin America. Those who consume cocaine are contributing to the assassination of my people by the criminal drug cartels. No doubt somebody a few blocks from this General Assembly Hall, in one of this city's fashionable neighborhoods, taking cocaine in the civilized calm of his living room, would balk at this description. Yet as surely as if he pulled the trigger he is the slayer of those Colombian judges and policemen who have paid with their lives for trying to uphold the law.

Every tactic and every weapon in the war against narcotics pales into insignificance compared to the need to reduce demand. The illegal profits produced by drug consumption are simply too great. I am sure that in Colombia we will defeat drug traffickers. But someone, in some country, somewhere, will supply the drugs as long as the business remains so profitable. This happened in the case with marijuana. When it became too expensive for drug traffickers to operate in Colombia, because of effective law enforcement, they moved to California, Hawaii and other places. The only law the narco-terrorists do not break is the law of supply and demand.

No society, no matter how rich, can afford to have its sons and daughters poisoned by cocaine, heroin or any other deadly drug. In this regard, President Bush's National Drug Control Strategy is a first step in the right direction.

We must insist on the message that illegal drugs are neither fashionable nor harmless, whether consumed at the glittering parties of the wealthy or in the ghetto. Drug users need to understand that in this war, they are in the camp of the enemy, along with those who produce and push drugs. Let me say how much I appreciate the initiative and leadership of the Prime Minister of Great Britain in her 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 next April.

Second, our efforts to reduce the supply of refined cocaine also depend on international cooperation in stopping the illegal trade in chemicals which are essential to the processing of this drug. Generally, much attention is given to the production and processing of drugs. For example, to countries like Peru and Bolivia where coca leaf is grown. Unfortunatley, in contrast, little attention is given to controlling the supply of chemicals which are used to process cocaine and which come mainly from North America and Europe. None of these are manufactured in Colombia—all of them are smuggled into our country. Tightening controls on the manufacture and sale of these chemicals, as well as strengthening sanctions against their illegal shipment, must be one of our highest priorities. It takes more than coca leaf to produce cocaine. Without the chemicals there would be no narcotic. Let us press on the suppliers of these chemicals as firmly as we do on the poor peasant growers of coca leaf.

Third, the weapons used by the cartels to intimidate, maim and kill my people do not come from Colombia. They are found in international arms market where even the most sophisticated weapons are easily and legally bought. Make no mistake, those who sell arms to the narco-terrorists are even more guilty than the addicts whose demand for drugs fuels violence. Last year Colombia presented a draft resolution calling for restrictions in arms sales, but unfortunately, consensus could not be found at the United Nations. We can no longer wait while this deadly trade continues. It is essential to adopt special measures to reduce 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.

My Government also views with extreme seriousness the activities of foreign mercenaries in training and assisting narco-terrorists in Colombia. The international community must strengthen its condemnation of the murderous association of mercenaries with terrorists and drug traffickers. My Administration has not only condemned the presence of foreign mercenaries in our territory, it has also criminalized their activities and ordered their capture. These developments in Colombia make an urgent and indisputable case for this Assembly to approve the Convention outlawing these activities.

Fourth, international cooperation is an essential element in efforts to halt money-laundering. The drug cartels depend on the international banking system for the transfer of funds. A significant part of the criminal profits are invested in the industrialized nations—in bank accounts and bonds, in properties and in legal businesses. Somehow our sense of justice is warped when a poor farmer who feeds his family by growing coca is seen as the greater villain than the wealthy international banker who illegally transfers millions of dollars of drug money that finances terrorist actions against innocent people. If the international banking system cooperates in cracking down, we can put the cartel out of business.

Fifth, each of us must press for the prompt ratification of the Vienna Convention on narcotics trafficking. Painstakingly negotiated, this Convention includes specific actions on a wide variety of fronts, from penalties for consumption to seizure of ships on the high seas and confiscation of properties. Upon my return to Colombia, I will introduce it to the Colombian Congress for consideration. To be effective, it must be ratified by the community of nations.

In addition, I recommend to this Assembly two other multilateral initiatives: The first is to call a special session of this General Assembly addressed to all aspects of the global drug problem—consumption and production—which would consider urgent actions including those I am suggesting today. The other step, and perhaps the most important way to make concrete progress, is to establish an international working group at ministerial level, which would meet periodically to coordinate and refine specific anti-narcotics actions and to evaluate progress.

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 economy is so vital. In spite of the enormous stabilizing power of this international criminal organization, Colombia has been able to remain firm in its will to fight against drug trafficking.

It is critical to note that our economy is not dependent on the income of this illegal drug trade. In Colombia their dirty money is concentrated in speculative real estate activity and in money laundering. Its contribution to the growth of our economy is marginal. Colombia is not a narco-economy.

Three years ago, I addressed this assembly on the urgent need to fight absolute pover-

ty. Since then, my government has embarked on an 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 drug war requires, we 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 signed again without delay. We cannot afford to talk idealistically of crop substitution while sabotaging Colombian farmers' main cash crop and the country's largest export. 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 the world and which must be one of our highest priorities in the decade of the 1990's. It is, of course, the destruction of our natural resources.

As I said recently in Manaos, in the meeting of the member countries of the Amazon Cooperation Treaty, the industrialized countries have an ecological debt to humanity. In less than two centuries, not only have most of the native forests of Europe and North America been razed, but industrial production has brought pollution, acid rain and destruction to the ozone layer. This is an ecological debt to future generations of all the countries of the world who will have to live with the consequences of the mindless way in which the developed countries have handled their natural resources.

The way in which richer nations can pay this debt is by directly contributing to third 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 forest and Indian reserves in the Amazon region, an area larger than that of many European countries. Let us pledge to seek sane 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 developing countries to eliminate poverty and social injustice. We should not lose sight of these fundamental goals. I would also have spoken about the many important development projects we are promoting, the most important of which for Colombia and for the international community is the proposal to build a land bridge to link the Pacific and Atlantic oceans through Colombian territory. The railroads, highways and pipelines to be built will provide vital new links to global shipping.

AN HISTORIC CHALLENGE

Mr. President, this is indeed an historic moment. Again, we are at war and future generations will judge our actions today. In this war on drugs, there have been many heroes, of many nationalities, willing to give their lives. Many are well-known, even more are unknown. Luis Carlos Galan died because he dared to speak out. Guillermo Cano, the editor of El Espectador was gunned down because he would not be silenced. The thousands of soldiers and Colombian citizens who fell, died because of their commitment to this struggle.

These brave men and women have not died in vain. The entire community of nations must build on their sacrifice to defeat the curse of drugs.

The record of human history is strewn with the wreck of failed civilizations. We now face a new and global threat. We must act now before it is too late. If we confront the narcotics menace with boldness and determination we can win. With international commitment and cooperation, we can make this plague of the 20th century obsolete. It is my cherished hope that the school children of the 21st century will know about drugs and about terrorism only from their history books—the great plagues that passed.

We should be under no illusions about the burdens that lie ahead. Victory will take time. Winston Churchill might have been describing the road before us today when he told the House of Commons in 1940: "Death and sorrow will be the companions of our journey; hardships our garment; constancy and valor our only shield. We must be united, we must be undaunted * * *."

Let us declare today that, together, the last decade of this century will be used to bury the international scourge of drugs. Together we can and must succeed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD MESSAGE FROM THE PRESIDENT—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1988, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act, enacted October 16, 1974, and section 12(1) of the Railroad Unemployment Insurance Act, enacted June 25, 1938.

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 railroad retirement system remains highly volatile. Refinancing legislation enacted in 1946, 1951, 1974, 1981, 1983, and 1987 serves as a reminder of this volatility. More recently, the Railroad Unemployment Insurance and Retirement Improvement Act of 1988 was enacted to ensure repayment of the unemployment insurance debt to the rail industry pension fund.

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 rail industry pension fund. 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.

Income tax on all other private pensions goes to the general fund. Under current law, this general fund subsidy provision will expire 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 soley on rail sector funding.

GEORGE BUSH.

THE WHITE HOUSE, *September 29, 1989.*

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:

H.J. Res. 412. Joint resolution to reauthorize the National Flood Insurance Program, the Federal Crime Insurance Program, and the Defense Production Act of 1950, to extend certain housing programs, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 1324. A bill to authorize appropriations for fiscal years 1990 and 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 101-151).

By Mr. BIDEN, from the Committee on the Judiciary:

Report to accompany the bill (S. 1338) to protect the physical integrity of the flag of the United States (with additional and minority views) (Rept. No. 101-152).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

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. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs without amendment:

S. 1091. A bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Claire E. Freeman, of Virginia, to be an Assistant Secretary of Housing and Urban Development;

Eugene Kistler Lawson, of the District of Columbia, to be First Vice President of the Export-Import Bank of the United States for a term of four years expiring January 20, 1993; and

Richard Schmalensee, of Massachusetts, to be a Member of the Council of Economic Advisors.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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 reprinting 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.

By Mr. PACKWOOD (for himself, Mr. HEINZ, Mr. ROCKEFELLER, Mr. DOLE, Mr. MOYNIHAN, Mr. CHAFEE, and Mr. DANFORTH):

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; placed on the calendar.

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; placed on the calendar.

By Mr. BAUCUS (for himself, Mr. PRYOR, and Mr. BIDEN):

S. 1706. 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.

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.

By Mr. ROCKEFELLER (for himself, Mr. HEINZ, Mr. BYRD, and Mr. SPECTER):

S. 1708. A bill to provide for stabilization of the process of providing coal industry health benefits to clarify Federal tax treatment of the transfer of excess coal pension plan assets to coal health plans and for other purposes; to the Committee on Finance.

By Mr. MITCHELL (for Mr. CRANSTON (for himself and Mr. MURKOWSKI)):

S. 1709. A bill to provide interim extensions of Department of Veterans Affairs programs of respite care for certain veterans, community-based residential care for homeless chronically mentally ill veterans, State Home construction grants, and leave transfers for certain health-care professionals, and of Department of Veterans Affairs home-loan fees; considered and passed.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1710. A bill to temporarily suspend the duty on iohexol; to the Committee on Finance.

By Mr. MOYNIHAN:

S.J. Res. 211. A joint resolution to designate January 31st as "National Payroll Practitioner Appreciation Day"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. PRESSLER, Mr. WILSON, Mr. SIMON, Mr. LEVIN, Mr. KASTEN, Mr. REID, Mr. BRADLEY, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. D'AMATO, Mr. KERRY, Mr. GORE, Mr. MCCLURE, Mr. DOMENICI, Mr. HELMS, Mr. LEAHY, Mr. FORD, Mr. NICKLES, Mr. SHELBY, Mr. RIEGLE, Mr. MIKULSKI, Mr. STEVENS, Mr. HEINZ, Mr. BREAUX, Mr. PRYOR, Mr. COATS, Mr. SARBANES, Mr. BIDEN, Mr. BURNS, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. BURDICK, Mr. CRANSTON, Mr. BOND, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. THURMOND, Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SASSER, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. RUDMAN, Mr. HATCH, Mr. COHEN, Mr. GLENN, Mr. BENTSEN, Mr. GRAHAM, Mr. INOUYE, Mr. BRYAN, and Mr. BUMPERS):

S.J. Res. 212. A joint resolution designating April 24, 1989, as "National Day of Remembrance of the 75th anniversary of the Armenian Genocide of 1915-1923"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for Mr. BURDICK (for himself, Mr. MOYNIHAN, Mr. CHAFEE, and Mr. SYMMS)):

S. Res. 189. A resolution honoring the American Association of State Highway and Transportation Officials, on their 75th Anniversary; considered and agreed to.

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 fiscal years 1990 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 the Deep Seabed Hard Mineral Resources Act [DSHMRA]. This bill reauthorizes the DSHMRA for 5 years at $1.525 million per year. The purpose of DSHMRA 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 potential alternative sources of supply for these important minerals in an environmentally sound manner.

The National Oceanic and Atmospheric Administration [NOAA] administers this 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 also is 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 DSHMRA, 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 for at least 5 years.

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. ROCKEFELLER, Mr. DOLE, 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, ROCKEFELLER, 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 [VRA's] 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 end their trade distorting 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 VRA's 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 Act to assure that drug traffickers and other violent criminals receive appropriately harsh penalties. This legislation will not only remove dangerous criminals from our communities; it will also send out a powerful message: society will not tolerate violent drug crimes.

Americans have identified the violent crime associated with drugs as the No. 1 problem facing our Nation. Every day our headlines tell us yet another story about the violence that the drug trade causes. Our law enforcement agencies report that each day they are on the front line fighting violent drug gangs who are equipped with machine guns, sawed-off shotguns, sawed-off rifles, grenades, firebombs, and other deadly weapons.

Current law provides some enhanced punishment for drug traffickers and violent criminals who use or carry firearms including a 30-year mandatory minimum sentence for those who use a machine gun or silencer in connection with a drug offense. The Bureau of Alcohol, Tobacco and Firearms, however, has indicated to me that legislation which provides even stronger penalties to be used against violent drug gangs with their modern arsenals would be most valuable in fighting the drug war.

The bill that I am introducing today will respond to the needs of law enforcement agencies by extending the enhanced penalties so that they cover not only machine guns and silencers, but also the other deadly weapons being used by violent drug gangs. It imposes a 10-year mandatory prison sentence on those who use sawed-off shotguns or sawed-off rifles in connection with a drug trafficking offense, and a 30-year penalty for those using destructive devices.

Looking at the daily headlines from Colombia, we can see that it is crucial for us to be prepared to prevent violence from following extradited drug kingpins to our country. We must stem the tide of armed drug trafficking. Congress must send a stern message: The kind of lawlessness we see today in Colombia will never be tolerated in this country. When it erupts, the penalties will be swift and severe.

Not only will this bill serve as a powerful tool for Federal law enforcement, but it will also help the States in their struggle against drugs by allowing the Federal Government to reach the worst offenders apprehended by State and local officers. If the underlying violent or drug trafficking crime is one that is prosecutable under Federal law, the offender will face a mandatory prison sentence in the Fed-

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 with 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 10 years," after "sentenced 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 widow and his orphan." For many years 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 vast veteran's 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 crisis 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, and 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 exacerbate 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 MEDICAL CENTERS.

(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 recovered on behalf of the United States under this section shall be deposited into the Treasury as miscellaneous receipts.

"(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) The amount made available to the Department for medical care under this subsection shall be in addition to amounts made available to the Department for such purposes under any other provision of law.".

(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. 1706. 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, rural areas take a back seat to 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 taken its toll in 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.

At least one hospital or center in each State would receive a grant to develop or improve a substance abuse treatment program.

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 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 interdiction efforts by law enforcement agencies in rural communities. My bill was closely modeled after S. 1353, 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 joining 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:

Admissions at State-funded drug treatment facilities in Arkansas more than tripled between 1981 and 1988.

Cocaine-related admissions at these facilities doubled between 1986 and 1988.

As of August 1989, the average waiting period at Arkansas treatment facilities was approximately 3 weeks.

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 on 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.

SIMON, Mr. LEVIN, Mr. KASTEN, Mr. REID, Mr. BRADLEY, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. D'AMATO, Mr. KERRY, Mr. GORE, Mr. MCCLURE, Mr. DOMENICI, Mr. HELMS, Mr. LEAHY, Mr. FORD, Mr. NICKLES, Mr. SHELBY, Mr. RIEGLE, Ms. MIKULSKI, Mr. STEVENS, Mr. HEINZ, Mr. BREAUX, Mr. PRYOR, Mr. COATS, Mr. SARBANES, Mr. BIDEN, Mr. BURNS, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. BURDICK, Mr. CRANSTON, Mr. BOND, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. THURMOND, Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SASSER, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. RUDMAN, Mr. HATCH, Mr. COHEN, Mr. GLENN, Mr. BENTSEN, Mr. GRAHAM, Mr. INOUYE, Mr. BRYAN, and Mr. BUMPERS):

S.J. Res. 212. A joint resolution designating April 24, 1989, as "National Day of Remembrance of the 75th Anniversary of the Armenian Genocide of 1915-1923"; to the Committee on the Judiciary.

NATIONAL DAY OF REMEMBRANCE OF THE 75TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. DOLE. Mr. President, today, I am introducing a joint resolution—to designate April 24, 1990, as a National Day of Remembrance of the 75th Anniversary of the Armenian Genocide.

During the August recess, I visited Armenia, primarily to evaluate the status of earthquake relief and reconstruction efforts. The devastation wrought by that quake is appalling in its own right; but it also serves as a vivid reminder that the quake is not the first tragedy which has fallen on the Armenian people.

During the years 1915-23, under the Ottoman Empire, a terrible series of events transpired which resulted in the death of enormous numbers of people. Some historians estimate the Armenian dead at 1.5 million persons. Several hundred thousand Turks also died.

Today, approaching 75 years after the onset of those horrible events, it is appropriate that we mark that period—with the intent that by remembering, we can help insure that such tragedies will never happen again.

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.

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 Armenian-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 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 injurious to them, or to their proud heritage. That is not its intent, and I have worked hard to try to insure that it will not be its effect.

The bottom line is: A million Armenian-Americans, and countless other Armenians around the world, still suffer from the events of 1915-23. They deserve to have their grievance noted; and they deserve to have the victims of those events—their ancestors—remembered.

I hope by doing that, by acting on this resolution, the result will be that all Americans can come even closer together—renewed in their determination to insure that such events as occurred during that tragic period will never reoccur.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 212

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 24, 1990, is designated as "National Day of Remembrance of the Seventy-Fifth Anniversary of the Armenian Genocide of 1915-1923", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this date as a day of remembrance for the 1.5 million people of Armenian ancestry who were victims of the genocide perpetrated by the governments of the Ottoman empire from 1915 to 1923, prior to the establishment of the Republic of Turkey, and in their memory this date is commemorated by all Armenians and their friends throughout the world.

Mr. WILSON. Mr. President, I am pleased and honored to join the Republican leader as the primary cosponsor of this resolution to establish a national day of remembrance for victims of the Armenian genocide.

In addition to affirming our Nation's longstanding tradition of opposing the suppression of people on the basis of their religion or ethnic background, the resolution also commemorates the tragic sacrifice endured by the Armenian community from 1915 to 1923. Historians estimate that during World War I, 1.5 million Armenians living in the Ottoman Empire were slaughtered. Furthermore, I am pleased to inform my colleagues that this effort has the full support of President Bush.

Although such a resolution cannot correct the wrongs of the past, it can send a powerful message that the U.S. Government will stand on the side of those who, like the Armenian community under the Ottoman Empire, might face the terrifying threat of mass murder as a result of their ethnicity or creed. And so this tragedy must continue to live in the memories and writings of humankind so that it does not become clouded or forgotten with the advance of history.

If the Senate adopts the genocide resolution, we would actually deserve a moment of celebration. We would have declared that these martyred millions of yesteryear—these brave men and women who were felled simply because of what they believed or the cultures into which they were born—did not die in vain. With this resolution, we could nobly keep alive the hope that agony suffered by the just may yet bring triumph.

I join Senator DOLE and a growing list of bipartisan cosponsors in encouraging my colleagues to enthusiastically support this resolution.

● Mr. SIMON. Mr. President, I am pleased to join with Senator DOLE and more than 50 of our colleagues in introducing a joint resolution designating April 24, 1990, as a National Day of Remembrance for Victims of the Armenian Genocide. This commemoration will mark the 75th anniversary of the onset of these terrible atrocities.

Our resolution honors the more than 1.5 million Armenian victims of the Ottomon Empire's 8-year region of terror against Armenians in the years

1915 to 1923. In 1926, Kemal Ataturk, who was the founder of the modern Turkish state, said, in reference to the slaughter of the Armenians, that the Young Turk Party "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred."

President Bush had this to say during the 1988 Presidential campaign: "The United States must acknowledge the attempted genocide of the Armenian people in the last years of the Ottomon Empire, based on the testimony of survivors, scholars, and indeed our own representatives at the time, if we are to insure that such horrors are not repeated." He is right.

And let me add here that our resolution is not aimed at Turkey or the Turkish people in any way. The Armenian genocide predated the establishment of the current Republic of Turkey, and our resolution explicitly refers to the Ottomon Empire as the perpetrators of these crimes against humanity. I want to see strong United States-Turkish relations. We should, nevertheless, acknowledge a great historical wrong.

I commend Senator DOLE on his leadership on this resolution, and I urge my colleagues to cosponsor this resolution.●

ADDITIONAL COSPONSORS

S. 269

At the request of Mr. RIEGLE, 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. 286

At the request of Mr. DOMENICI, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 286, a bill to establish the Petroglyph 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. REID] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 659

At the request of Mr. SYMMS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion 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 material.

S. 1273

At the request of Mr. BOREN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1273, 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. WALLOP], 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.

SENATE JOINT RESOLUTION 79

At the request of Mr. REID, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 79, a joint resolution to require display of the POW/MIA flag at Federal buildings.

SENATE JOINT RESOLUTION 177

At the request of Mr. BOND, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Idaho [Mr. MCCLURE], 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 Colorado [Mr. ARMSTRONG] 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 Battery Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. BURDICK], the Senator from Hawaii [Mr. INOUYE], 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 Kansas [Mr. DOLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Rhode Island [Mr. PELL], the Senator from Indiana [Mr. COATS], the Senator from Maryland [Ms. MIKULSKI], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. BOND], the Senator from Alabama [Mr. SHELBY], 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. BOSCHWITZ], 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 28, 1990, and ending on December 2, 1990, as "National Home Care Week."

SENATE JOINT RESOLUTION 187

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 19, 1989, and ending on November 26, 1989, and commencing on November 18, 1990, and ending on November 25, 1990, as "National Adoption Week."

SENATE JOINT RESOLUTION 193

At the request of Mr. DECONCINI, the names of the Senator from New

Mexico [Mr. DOMENICI] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating October 1989 as "National Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 196

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. BOREN], the Senator from Louisiana [Mr. BREAUX], 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. DURENBERGER], 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. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Nebraska [Mr. KERREY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], 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."

SENATE JOINT RESOLUTION 204

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."

SENATE JOINT RESOLUTION 209

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. HEINZ], the Senator from New Mexico [Mr. DOMENICI], the Senator from Arizona [Mr. MCCAIN], the Senator from South Dakota [Mr. PRESSLER], 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."

SENATE CONCURRENT RESOLUTION 56

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.

SENATE RESOLUTION 189—HONORING THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS ON THEIR 75TH ANNIVERSARY

Mr. MITCHELL (for Mr. BURDICK, for himself, Mr. MOYNIHAN, Mr. CHAFEE, and Mr. SYMMS) submitted the following resolution; which was considered and agreed to:

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 is dedicated to the development and improvement of the construction, operation and maintenance of a national transportation system;

Whereas the Association through its membership represents those state governmental agencies responsible for the planning, construction, and maintenance of the vast system of public highways that serve the economic and social needs of America, including the National System of Interstate and Defense Highways; 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 express 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. CRANSTON, 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 rsources;

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 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. 1822 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 conferees 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, homo-eroticism, the exploitation of children, or individuals engaged in sex acts."

FOWLER (AND OTHERS) AMENDMENT NO. 895

Mr. FOWLER (for himself, Mr. RUDMAN, 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 Conferees on H.R. 2788 should agree to an amendment in lieu of that in amendment numbered (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 obscene materials, including but not limited to obscene depiction of sadomasochism, homo-eroticism, 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:

ADOPTION OF FOREIGN BORN ORPHANS

SEC. . (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. 2203).

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

JOHNSTON (AND OTHERS) AMENDMENT NO. 898

Mr. JOHNSTON (for himself, Mr. BREAUX, Mr. DODD, 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 "$62,034,000";

On page 21, line 4, 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".

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 the Census shall be used to count aliens 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, and adequate federal resources are 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. . The Congress finds that—

(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 effect on the fabric of our society and citizens;

(3) It will take a multifaceted approach, both domestically and internationally, to successfully 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 combatting illegal drug production, trafficking, and use in the Western Hemisphere; and

(6) The National Drug Strategy announced by the President on September 5, 1989, states that "priority consideration should be given to convening at an early date a drug summit;"

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-

tion and prevention, and the international sharing of intelligence;

(2) The President should consult with the leaders of participating countries at the international drug summit on ways to achieve international cooperation and coordination in support of measures directed at removing Manuel Noriega from any position of power in Panama; and

(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 in their battle against drugs and the drug traffickers, including measures directed at removing Manuel Noriega from any position of power in Panama.

BYRD (AND DIXON) AMENDMENT NO. 903

Mr. INOUYE (for Mr. BYRD, for himself and Mr. DIXON) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place, insert the following:

SEC. . (a) 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 Defense Agency on Cooperation in the Development of the FS-X 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), have been and are being complied with; and

(4) the Comptroller General should continue to submit such reports and interim memorandums so long as 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.

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. . Section 627(a) of title 28, United States Code, is amended by striking out "seventy" and inserting in lieu thereof "seventy-five".

DECONCINI (AND MCCAIN) AMENDMENT NO. 905

Mr. INOUYE (for Mr. DECONCINI, for himself and Mr. MCCAIN) proposed an amendment to the bill H.R. 2991, supra, as follows:

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

SEC. . (a) The Senate finds that—

(1) officials representing eight United States airports recently met with Secretary Skinner to discuss the need for more airport gateways for the United States cities for international service;

(2) these officials believe that the United States Government must place greater emphasis in United States international aviation negotiations on maximizing the new international trade opportunities;

(3) direct nonstop air service to foreign destinations facilitates international business for our country's industries, attracts foreign investment, makes travel abroad more convenient for United States citizens and increases foreign tourism;

(4) direct international air transport is especially important to tourism and the high-tech industries on the cutting edge of our Nation's drive for international competitiveness, both of which tend to be located away from transitional air service gateways;

(5) a single nonstop air service to a previously unserved foreign point can result in economic benefits to the United States community alone of up to a quarter of a billion dollars or more in the first year, with the benefits compounding thereafter; and

(6) the time savings to United States travelers alone from such a service are greater than profits United States airlines would lose, if any, from traffic diversion.

(b) It is the sense of the Senate that the United States Senate support the designation of markets previously without nonstop international air international 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.

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 1984, 140 Japanese Construction firms formed an association known as the "United States Military Construction Safety Technical Research Association" which engaged in widespread bidding activity 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 Fair Trade Commission for 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 Fair 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, 8 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 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 increased construction costs at the facility, and hindered efforts to insure the efficient use of funds appropriated for military construction associated with United States security commitments in the Pacific.

The Senate finds that the United States Department of Justice has formally requested full compensation from the 140 firms 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 bidrigging activities at United States military facilities in Japan.

The Senate urges the United States Department of Defense to seek debarment of all Japanese construction firms involved in bidrigging activities at United States military facilities in Japan.

The Senate urges the United States Department of Justice and the United States Department of State to work with the Japanese government to insure that the United States 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 bidding practices that have been formally documented by the Government of Japan.

HELMS (AND OTHERS) AMENDMENT NO. 907

Mr. RUDMAN (for Mr. HELMS, for himself, Mr. KENNEDY, and Mr. DODD) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the end of Title III, add the following:

"SEC. . Section 725 of the International Security and Development Cooperation Act of 1981 (22 U.S.C. 2370 note) is hereby repealed.".

HELMS (AND COHEN) AMENDMENT NO. 908

Mr. RUDMAN (for Mr. HELMS, for himself and Mr. COHEN) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the end of 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 thereof the following:

"4046. 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 ligitimate religious needs which has not been satisfactorily 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 appointed by the President, after seeking the recommendations of the majority and minority leaders 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 no less than once every month, and shall submit an annual report of its activities to the majority and minority leaders 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 six years: *Provided, however,* That per diem and expenses shall be made available to the Members of the Board to defray Members 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 made by the Board.

"(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 title 18, United States Code, is amended by adding at the end thereof the following: "4046. Religious Issues Oversight Board."

"(b) Not to exceed $100,000 shall be available for carrying out this section from Federal Prison System, Salaries and Expenses.".

GRAMM AMENDMENT NO. 909

Mr. RUDMAN (for Mr. GRAMM) proposed an amendment to the bill H.R. 2991, supra, as follows:

At the appropriate place, add the following:

"*Provided,* That not less than $5,000,000 of the amounts provided for basic field programs of the Legal Services Corporation shall be used directly or indirectly to assist public housing tenants, public housing authorities, tenant associations, tenant management associations and state and local school boards and officials with efforts to expel from public housing or school areas any individual engaged in drug-related criminal activity. For purposes of this paragraph, the term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of 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 scheduled 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 contact Portia Mittelman, staff director at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, 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 technology policy.

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

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, September 29, beginning at 9:30 a.m., to conduct a hearing on the December 1988 report to Congress by the Department of the Interior concerning the coastal barrier resources system.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized 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 Fiji.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Friday, September 29, 1989, at 10 a.m. to conduct hearings on the HUD section 8 Moderate Rehabilitation Program, focusing on low-income tax credits.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, September 29, 1989, to hold hearings on the U.S. Government's antinarcotics activities in the Andean Region of South America.

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

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 29, 1989, at 10 a.m. to hold a hearing on the Bentsen super IRA proposal.

The PRESIDING OFFICER. Without 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 national Jewish fraternal benefit order in the United States is being celebrated next month. For almost a century and a half, this New York-based organization has made significant contributions to American society.

The United States and the American Jewish community has changed beyond what 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 Foundation 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' charitable involvement has ranged from assisting the American war effort in every major conflict since the Civil War to being among the first to contribute funds to the new Holocaust Memorial Museum in our Nation's Capital.

Mr. President, I am proud to salute this splendid organization on its 140th

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 Chairman 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 Leadership, which he also founded while dean. The institute is an umbrella organization which covers 10 business research centers located in the college. It is made up of the Arizona Real Estate Center, the Center for Advanced Purchasing Studies, the Center for Business Research, the Center for Financial System Research, COAR: A Management Technology Research Center, the Decision Systems Research Center, the Economic Outlook Center, the First Interstate Center for Services Marketing, the Hahn Center for Entrepreneurship and Innovation, and the Joan and David Lincoln Center for Ethics. This is certainly an auspicious group, except that it is located in the wrong Southwestern State.

And so to 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 farsighted vision be an example to us all.●

CAMERON UNIVERSITY'S SUCCESS STORY

● Mr. BOREN. Mr. President, people acrows 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 entire 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 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 metamorphis 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 $3.2 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 generoius contributions of the Independent Insurance Agents of Lawton Inc.

More importantly in these four years, white operating with declining budgets and precipitous cuts, Cameron University sent more than 3,000 prime graduates into the Southwest Oklahoma leadership force.

The Cameron University library, totally computerized within the past four years, is widely acclaimed 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 a "best friend" and I believe I have been a trusted ally.

First, Don Davis is a very humorous man. In the depths of confrontation, he disarms opposition with timed wit. Davis chuckles and walks away with the prize. 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 included in the 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 Taliaferro, 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."

Hudson 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 decade in the Oklahoma House of Representatives, Davis knows how to stretch, bend and garnish budgets.

The HPER structure—decades late—now is rising from the ground east of Shepler Center. The legislative team, with Glover in command, had found $2.4 million in state money for the sorely needed facility. In a dramatic move, engineered by 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 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. Next spring, the first master's degree will be awarded.

But adding graduate education to Cameron was opposed by forces at Southwestern 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 critical moment. Like other progress, the graduate school came to Southwest Oklahoma because of Davis' long hours of hard—but smart—toil.

Last Sept. 16, Citizens Bank 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 Scearce Gibson and County Commissioner Duty Rowe have 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 $2.5 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.

Alum Fank Melka contributed $25,000 in mutual funds that established an endowment for two $1,000 scholarships annually for "needy" students. Working with Attorney Ralph Saenz, the Wolfson Estate gave a $25,000 endowment for scholarships in military science.

Comanche County Retired Teachers started an $800 annual scholarship; an endowment was launched for Allan Zisman and Shamen Wilson scholarships. Mrs. Temple Chronister opened a $1,000 scholarship.

A valuable land gift was received along with a peppering of contributions for Black & Gold and "listerner support" for KCCU-FM.

From these monies, and innovative programs such as federal Title III Strenghening Institutions grants, a research resource has been established.

Professors and scholars at Cameron are churning out papers and books—perhaps as many as two dozen during the past four years—and three Fulbright Scholars now reside on the campus. More than half the faculty holds doctorates.

Special outreach programs have brought degree programs to Altus Air Force Base and classes to Duncan. The obligation to military personnel at Fort Sill has been met with handy classes and special in-state tuition opportunities.

The 13 advanced business seminars for midlevel managers of Goodyear Tire & Rubber Co. spotlighted the excellent Cameron business school faculty and welded a stronger partnership between Cameron and industry.

During these four years, the pursuit of excellence in scholarship has remained the centerpiece and purpose of Cameron University. The credo: "Where Quality Education Triumphs!" grows richly on the 390-acre campus as students are inspired, graduates excel and resources grow.●

SANDRA L. TAYLOR

● Mr. McCONNELL. Mr. President, as you know, from time to time I bring to the attention of my colleagues a story that illustrates the achievements of my constituents. Today, I would like to insert into the RECORD an article from the Louisville Courier-Journal about a woman, Sandra L. Taylor, who has excelled in the business world.

In 1981 Mrs. Taylor and her partner, Margaret A. Wagenlander decided to open their own business. Capitalizing on the knowledge gained during their previous employment, the two women opened an office product supply company. Today Mrs. Taylor is the president of Lanlor Office Products Inc., in Newport, KY, which is projected to have sales of $2 million in 1989. It furnishes everything from pencils to executive desks to many of the leading industries in northern Kentucky. These industries include Government agencies, Proctor & Gamble, Cincinnati Bell Telephone as well as numerous small businesses. Lanlor is also the only Indian-owned business in northern Kentucky. Mrs. Taylor, who is a Blackfeet Indian, takes special pride in that distinction.

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. Additionally, on September 28, the Kentuckiana Minority Supplier Development Council named Sandra Taylor its Retailer of the Year. Lanlor's financial soundness, use of minority subcontractors and employees, coupled with Mrs. Taylor's community involvement have made her an ideal choice for these awards.

It is no accident that Mrs. Taylor was selected for this honor. She has earned this distinction through hard work and dedication. Mr. President, I am inserting this article into the RECORD because her outstanding achievement should serve as an inspiration to us all.

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 award for minority businesses in the nine-state Southeast region, which places her in contention for the national minority small business award. She picks 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.

Lanlor, which furnishes offices everything from pencils to executive desks, will have sales of more than $2 million in 1989, Taylor said.

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 and 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.

Taylor and Margaret A. Wagenlander, Lanlor's vice president, said the firm is doing well considering the competition that exists in the office-products field.

"But in the beginning there were long days of waiting for the phone to ring," said Wagenlander, a former tax examiner with the Internal Revenue Service.

About eight years ago the women, who are both married and whose sons played together at the time, set out to buy a business from a client of Taylor's husband, who is a certified public accountant.

That deal fell through, but because the women had done all their homework, including meeting with wholesalers, they decided to rent a small office in Bellevue for their first business venture.

"I don't think we ever really considered the fact that we were women in business. We were individuals starting a business for the same reasons that everybody starts a business," said Taylor. "We wanted a better livelihood, to be able to send our children to college."

But in the beginning the going was sometimes rough.

Without their husbands' financial support, the women weren't able to get a bank loan to buy a building because they didn't have a credit history.

Then after they bought a building to house their fledgling business, the utility company wanted a deposit before it would connect their office because their home utility bills had always been in their husbands' names.

"Marge and I declared war," said Taylor. "By the time it was all said and done, they hooked us up without a deposit."

And, at one point, a male competitor referred to them as "the dumb broads," said Wagenlander. "We've had men ask us why we weren't at home raising our children. Nine years ago that was a big blow. They dare not say that to us now."

Taylor said she thinks the sexist climate in the marketplace has changed somewhat since then. "Men just hide it better now," chimed in Wagenlander.

Rather than letting sexist attitudes hinder them, the women have used them to their advantage, Taylor said.

"Because we're women, people do expect us to be so much more talented with color and fabric choices, and such. We've assured them that they are exactly correct, that we are so much better," said Taylor.

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.

"When 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 added.

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 failing."●

RETIREMENT OF MRS. FLORENCE CHAFFIN

● Mr. DECONCINI. Mr. President, it is with great pleasure that I rise today to recognize a women 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 Federal Government 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, this 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 exending our sincerest appreciation to Florence for a job superbly well done, and wish her the very best as she retires with distinction from the Federal Government.●

DRUGS: THE BATTLEGROUND OF VALUES THE CLINTON HERALD DECLARES "WE HAVE HAD ENOUGH"

● 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 realist chance at winning the war on drugs.

The Clinton Herald of Clinton, IA, has invited its residents to fill out a coupon printed in the newspaper. 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.

This is the kind of united effort that may turn the corner against drugs.

I understand there will be those who voice their fears about grudge complaints, rumors, and the like.

The professionalism of our local law enforcement personnel will ferret out good information, from bad.

Finally, I would say that "neighborhood watch" or "crime stoppers" programs operate on a similar principle: Law enforcement cannot possibly succeed without encouraging citizens to work with their local police or county sheriff.

Therefore I commend the Clinton Herald. I hold this up as an example for the rest of the country.

I am also proud that it represents the kind of get-the-job-done spirit that is the heart of the people of Iowa.●

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 these hostages, or give the Cypriot Government any information about their whereabouts of their health. The armed hostilities from the invasion ceased one months after they began, yet the cease-fire has not changed the Turkish position on the missing persons—it continues to hold these people.

During the 1974 invasion, Turkey also abducted five Americans, similarly refusing to release them or any information about them to the United States Government. The United States does not allow such behavior from other countries; surely it should not tolerate such actions taken by an ally.

But there is still more to this story. 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 now live as displaced citizens south of the "Attila line" the Turks have created to mark the dividing line between the occupied territory and the rest of Cyprus. These refugees are deprived of their homes and other property and their freedom of movement within their own country. The other Greek Cypriots are deprived of their freedom of movement and right of settlement within 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 success and a comfortable life 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 intends to exert its own control over Northern Cyprus on a more 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 politically. 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 theat 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 claims they are. 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 together in one unified nation. Turkey appears to be the only country benefiting from an occupied and segregated Cyrpus.

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 prevent aggression and settle problems peacefully. By its invasion and continued occupation of a large part of Cyprus, Turkey has directly 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 colonization by 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 for Turkish withdrawal 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 1983, U.N. Security Council Resolution 541 condemned Mr. Denktash's declaration of the Turkish Republic of Northern Cyprus.

Finally, Turkey has also violated United States laws. By arming its occupation forces on Cyprus with weapons 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 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 has shown us that Turkey, on its own, will not resolve this issue. The United States should initiate a resolution of these transgressions of international law and U.S. laws; 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 commended 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 unending 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 mili-

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.

Since 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 send $1.5 million in aid to that government every single day. It should be obvious to anyone who follows events there that the police have no fear that if they commit these kinds of acts they will be brought to justice.

I intend to follow up on these reports. It is simply unacceptable that these kinds of abuses are tolerated. I would hope that President Cristiani, the chief of the national police, the Minister of Justice, and the U.S. Embassy would feel the same way.

The excerpts follow:

TESTIMONY FROM PRISONERS IN MARIONA PRISON

(September 24, 1989)

ROBERTO M.

Roberto carried the case for the video camera throughout the march. Jean A. had told the National Police that Roberto was a periodista thinking that this would help him but in the end it made things worse for him. He was interrogated continuously on where the videos go, to what countries they are sent, who is the journalist he works with. He was subjected to electric shocks, kept standing for the entire three days of his detention and put in a type of gas chamber, a small room where tear gas is allowed to enter. They also put some kind of element, powder, on his face that burned.

ALFREDO R.

Alfredo is unable to walk because of the severe beating of his foot and lower leg. The foot and leg are totally purple and swollen. Alfredo was also subjected to the gas chamber. He was taken in a car and pushed out of the car and told to run, presumably so that they could shoot him in the back. He was also forced to take a pill which he said caused a burning sensation to cover his body and then he went unconscious.

CARLOS C.

Carlos was beaten on his back and chest and one hard hit on his nose which caused a great deal of blood to pour out of his nose. He was left lying on the floor in a pool of blood from his nose until the interrogators decided to clean the floor and his face so that there would not be evidence. Hector was given an offer of money and safe exit from the country if he would collaborate. They showed him 100 colon bills and rubbed them over his face telling him all this would be his if he would work with them (the National Police). He did not directly refuse to collaborate, only said that he was part of the base and knew nothing. Eventually they said, "He's nothing," and left him alone.

JUAN L.

Juan was kept standing throughout the 3 day detention period. He was laid under a guilotine and told they they would cut off his head. He was also asked to collaborate and beaten on his chest, back and legs.

ANTONIO R.

Antonio was hit on the sides of his face "until I thought I was going crazy." He was also hit on his back, stomach, lungs. His head was forced into a toilet and held. He was put in a gas chamber for 15 minutes. His whole body was submerged in a water tank and he was put under the guilotine and threatened with having his head cut off. 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 food that made him weak and made his mind fuzzy. They said they would report that he had collaborated and that the FMLN would put his name on a death list. They also took away his shirt and much of the time, including after having his body submerged in water when he was in air conditioned rooms.

GUILLERMO C.

Guillermo was severely beaten on his head, face, chest and back and was kept standing throughout his detention.

MARIA T.

Maria was raped at least 2 times both vaginally and anally by members of the National Police in between interrogations.

ISABEL A.

Isabel was raped by one of her interrogators and beaten, especially one hard blow on her head.

EVA I.

Eva was raped by members of the National Police.

SARA F.

Sara was raped and assaulted by members of the National Police.

MARTIN M.

"I was captured by riot squads of the National Police on September 18 at 7 p.m. I was tortured physically and psychologically. They blindfolded me and took me to the basements in order to torture me so that I would say that I belonged to the FMLN. They said if I didn't say that they would kill my whole family.

"They tortured me for three days denying me water and food and also not allowing me to sleep even for a minute. They told me that union members don't have the right to anything.

"They told me not to tell anyone what they had done to me and if I did say that here they don't respect human rights they would come and kill me.

"Tortures that they did to me: They put the capucha (plastic or rubber bag or hood) on my head tight with someone's knee in my back, three times for a few seconds; they gave me electric shocks 5 different times; they hit me in my abdomen, they threw cold water on me and the room was air conditioned; they hung me by my thumbs for over one half hour; they stood on my back many many times; they kept me in a room with tear gas during the whole three days even when they were interrogating me."

GUSTAVO A.

"Before the international press I declare that I was tortured cruelly by the ferocious and repressive National Police who accused me of belonging to the FDR (Democratic Revolucionary Front). They tortured me with tear gas, drugs, threats and intents to rape me causing a psychological terror trying to break my spirit, threats to kill my wife and children, I suffered electric shocks in my back three times, hard blows to my head and lower forehead and back which caused a half litre of blood to pour out of my mouth and nose. This made the torturers afraid and they stopped torturing me thinking that I was going to die. They gave me immediate medical attention. I went 3 days without sleeping or eating. They kicked me and hit me with a rifle butt in my knee and now I have difficulty walking."

MERCEDES E.

(September 25, 1989)

"We were in a march, a protest. I was carrying a banner that said 'Freedom for Our Compan-AE6eros'. When we reached the Hispanic Bookstore they (the riot squads) came running, shooting their guns. We ran in a group towards a church where we sought refuge. We talked with the people in the church, explained the situation, they said they would leave with us. Then over a megaphone the security forces said we had 15 minutes to come out. But we knew there was no security, that they would capture us when we left. Then they began to break the windows of the church and shoot in tear gas cannisters. We were pouring water over us from a big sink. Then I ran up to the third floor so I could breathe better. I saw that there was a riot squad member below in the patio. We yelled that we were coming down with our hands up. As we left the church one soldier hit me on the head with his billy club and another hit me in my back with his gun. They pushed us up against the wall across the street, then they told us to lie down. They hit me on my bottom with a gun, then another compan-AE6ero was thrown on top of me and he was being hit. Then they dragged me out into the street by my legs, hitting my bottom and legs and feet. They felt all over my body, fondling my breasts and crotch as they searched for papers. Later we got up to get on a bus and I was hit more on my back. They made me sit

with my head down and told me not to look up, to keep my eyes closed. I looked up once to see how the others were and they hit me on the head. When we arrived at the National Police compound we were blindfolded and seated in an open air space. We were asked for our documents and to which organization we belonged to. A doctor looked at where we had been hit briefly. They took my picture from all sides, and then a video where I had to say my name. Then they sat me at a round table, one man on either side of me, I was again blindfolded. They began to interrogate me, asking what union I belonged to what my name is, what my psuedonym is, if I belonged to the National Resistance (part of the FMLN). Then I had to stand for a long time while different people asked me 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. One man took me to a cubiculo with a rug and starting asking questions, unbuttoned my shirt down to the waist and was fondling my breasts as he questioned me. I said that I was a member of STITGASC and had only been coming to FENASTRAS since June, that I was Secretary of Press and Propaganda and that I didn't know about these subversive organizations that he was asking me about. Then a woman came in and said 'Look, Tatiana, your story is too infantile. You don't even 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, took off 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 and I had to stand there all night, 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. They brought a 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 death sentence!' Then a man took me up to a cubicle and I was alone with him. He asked me to collaborate with them, asked me more of the same questions. Then he asked me if I wanted to make love with him and I said 'What about your wife?', and he said 'I'm asking the questions here.' Then he said that if I made love with him he would let me go. He told me to pull down my pants and panties and then he entered me. I knew that if I resisted him he would only beat me more, I was alone with him. Later I was taken back to where the carpet was and spent another night standing and sitting but unable to sleep. Wednesday morning I was questioned again, same questions. In the afternoon I had to sign another paper. Wednesday night I was taken to bathe but I only washed my head and part of my body. Then the same man that raped me took me into another cubicle and said: 'You've taken a bath, you're fresh now?' He sat me on a chair in front of him. He said he knew that I hadn't collaborated, he asked me who my responsable was, he said that one of the Federation leaders had said that all the union leaders belonged to the National Resistance. I said I didn't know about that, that I was only a union member. Then he asked me if I had ever made love from behind and if I wanted to. I just shrugged. He put me over a chair, took down my pants and panties and entered me, it 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 courts where we were filmed again. 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."●

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. The bill, as adopted, would provide 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 makes a number of cuts in high-tech and black-classified-programs as well as making cuts in both service and civilian manpower levels to save money, but fully funds a 3.6-percent increase for DOD service and civilian personnel. The bill, for instance, cuts the 15,000 military personnel associated with INF deployment from the Pentagon's manpower levels. These savings are used to restore funding for a large number of operation and maintenance [O&M] needs.

I am concerned, however, about the level of funding and priorities for many defense programs in the budget. At a time when we face so many domestic needs in terms of the war on drugs, education, housing, and health care, it is absolutely imperative that we recognize we cannot fund every single defense program. Without investments in our domestic economy, in our children, and in our cities, we simply will not be able to sustain the quality of life of our citizens nor ultimately the economic base needed to sustain our own defense.

On several major defense programs, such as strategic forces, the Appropriations Committee adopted the position taken by the Senate during its deliberations this summer on the Defense authorization bill which is now the subject of a House-Senate conference committee. I commend the chairman of the Subcommittee on Defense, Senator INOUYE, and the ranking member, Senator STEVENS, for their efforts to work with the authorizing committee and the desire of Appropriations Committee to reflect the judgment of the Senate during its adoption of the authorization bill.

The fact remains, however, that we simply cannot afford to deploy every one of strategic systems in this bill: the rail mobile MX, the B-2, the Small ICBM [Midgetman], Trident, and SDI. We must have a more realistic and more focused strategic policy and not continue to fund everything. The Senate has made the situation worse by its action on the floor to increase funding for the strategic defense initiative by $600 million over the committee's recommendation—an increase I opposed.

We must also have a more realistic policy toward our overseas defense obligations. We are running substantial trade deficits with our allies and when the underlying strategic purposes and defense needs that prompted many of our overseas commitments have changed. The time has come to reassess our deployment of troops overseas and our role in the defense of allies in both Europe and the Pacific.

I am in favor of a strong defense. The bill contains funding for several new initiatives, such as $1 billion for new sealift capacity and $1.3 billion for equipment for Reserve and National Guard forces, to provide the basic nuts and bolts of defense which are all too often ignored in favor of gold-plated weapons systems. I believe these are important accomplishments.

Finally, I am pleased that the bill fully funds security support by the Armed Services for Seattle's Goodwill Games at $14.6 million. The committee has also included report language concerning the expansion of the

Washington Air National Guard to include a close-air support squadron and a promising new electronic record-keeping system being developed in partnership with a Washington-based company and which is projected to result in substantial cost and manpower savings throughout the military. The bill also earmarks $11 million for the superconducting magnetic energy storage project. Hanford is one of the sites under consideration for this project which would demonstrate the use of 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 administration's lax 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.

It is my understanding that military ships carrying much-needed fresh water arrived only 2 days ago, more than a week after the disaster. The island's 3.5 million inhabitants were forced to go without water for 9 days. This delay is inexcusable. The extent of the destruction was known almost immediately; network camera crews were on the scene almost instantly. Yet it still took 9 days for the administration to mobilize the necessary resources to provide fresh water, the most essential supply in almost any emergency.

There are but 12 Federal Emergency Management Agency [FEMA] centers on the island to serve 3.5 million people. The capital city of San Juan, with a population of 1.86 million, is graced with but a single center. Surely, the number of centers does not correlate with the amount of persons who need assistance, neither for the city of San Juan nor for the entire island. Particularly when considering the potential danger to the island from hurricanes.

I am appalled that the U.S. Government would be slow to aid one of its territories in a time of great need; especially a territory which lacks the economic resources necessary to adequately deal with this catastrophe. Puerto Ricans in the United States comprise a significant percentage of this Nation's population. Now that their homeland has been leveled by Hugo, we should, at the very least, mobilize a relief effort that will help alleviate some of the most pressing concerns. Such an effort should have begun immediately after the hurricane struck, and should be in place today. However, at this late date, we still have a responsibility to help. Relief efforts are a beginning, but a long-term plan to rebuild the island is essential.

I would hope that the administration acts quickly to fulfill its responsibilities to the territory of Puerto Rico before the consequences of Hurricane Hugo become insurmountable. It is imperative that we come to the aid of the people of Puerto Rico.

Thank you.●

BETTY HUBBARD: A MOTHER FOR MINNESOTA'S DISABLED

● 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 1960 to 1966.

Following that term, Betty worked as a consultant for Parent and Community Relations with the St. Paul Schools Special Education Department. Not one to limit her focus to only her home city of St. Paul, Betty was a founding member of the Minnesota Committee for the Handicapped, and has served on the Governor's Planning Council on Developmental Disabilities.

Betty began her mission in the late 1950's in a State where 5 percent of the disabled population lived in squalid State hospitals, and the other 95 percent lived in private homes, receiving few if any services from their communities.

In a paradigm of a successful grassroots campaign, Betty and other leaders struggled to unify parents who were frustrated with the system's lack of responsiveness to their demands. Upon deciding that organizing would be the most effective way to promote their cause, the parent-advocates campaigned. In the beginning, the focus was regional, but was eventually conveyed statewide through the Minnesota coalition on handicap issues. Their goal was to first inform legislators of the great need for increased services to the disabled, and then conduct the followthrough with pressure for legislation. Today, in St. Paul and Washington, lobbyists for the handicapped play a vital role in the legislative process.

By 1971, after years of tireless lobbying, Betty and other determined parents convinced their legislators to pass a law requiring equal educational opportunities for all children—preceding the Federal law by 4 years. While some would consider this a complete victory, Betty has maintained her leadership and determination on this issue since its enactment, to implement and expand this law.

As a mother unwilling to admit that her daughter was disabled, Betty Hubbard was not willing to let her daughter's potential and growth be discounted. Hence, in a time when we were all less knowledgeable and aware of the handicapped and mentally disabled, Betty reluctantly began her crusade.

Her early reservations soon vanished when she realized the tremendous needs that existed in Minnesota. I am sure it's a mission she would gladly begin all over again. Betty Hubbard has earned the distinction of "Mother of the Disabled"—for like all good parents, she is unwilling to admit that these children deserve anything less than the very best.●

DEATH OF IRVING BERLIN

● Mr. DODD. 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.

Even the briefest listing of his songs reveals the singular role Irving Berlin played in developing what is today considered the repertoire of American music. "White Christmas," "This Is The Army, Mr. Jones," "Cheek to Cheek," "God Bless America," "There's No Business Like Show Business"—it is 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 1893, 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 unexceptional background emerged a composer unique in American music.

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 a time like this—"the song is ended, but the melody lingers on."

"Remember"? "Always."

Irving Berlin also wrote complex songs about simple pleasures. 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 mothers in the morning to their waking children.

At Christmas you sang "White Christmas." At Easter you sang "Easter Parade." 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 private feelings public; he turned them into songs, and the whole world sang them back to him.

"What'll I Do, When You Are Far Away, and "I Am 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 place in folklore.

"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 also wrote, "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. And everybody 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 begins with its head in the clouds: "Heaven, I'm in Heaven, and my heart beats so that I can hardly speak."

Mythically prolific, endlessly inventive, Irving Berlin did what great artists do; he told us things we realized we already 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 everybody.

Will science ever know why there are minds from which melodies and verses flow? Probably not. Irving Berlin's gift will always 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 they may have been, were in awe, and Cole Porter included an accolade in one of his own clever lyrics: "You're the top, you're a Berlin ballad . . ."

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 there was no one else quite like him. 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 addiction 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 88,000 students. The school system has had some well-publicized problems and has made some serious efforts to stem those problems—see: "5-Year Plan Unveiled for District Schools," the Washington Post, June 27, 1989 and "Jenkins Stakes Reputation 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 illegal drugs. The President himself used crack confiscated in the District to illustrate his recent declaration of war on drugs.

Yet, crack itself is not the tragedy of D.C.'s drug crisis. 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 harbored against 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 88,000 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 Skills to Run U.S. Bomb Complex." Secretary Watkins is faced with the enormous task of bringing under control our Nation's nuclear weapons productions 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.

In 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-

ministration'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 for some time 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 weakened by this overreliance. Two highly technical agencies, the Department of Energy and NASA, have found that they no longer have the civil service work force capable of managing the very contractors and consultants that the agencies have hired. The civil servants process contracts and hope against hope that this small core of Federal employees can ride herd on the multitudes of contractors performing the basic work of the agency.

In 1980, as part of my early investigation into the use of contractors and consultants, my staff prepared a study of the Department of Energy [DOE]. There may not be much in government that is predictable, but the findings of that study tragically foreshadowed Secretary of Energy Watkins' remarkably candid statements about the Department he inherited. In 1980, the DOE estimated that its contractor work force might be 10 times as large as its civil service work force of about 20,000. My study found that:

The Department's reliance on contractors is so extreme that if the terms of its contracts, the resume-AE1s of its contractors and their employees, and the contractor work the Department adopts as its own are to be believed, it is hard to understand what, if anything, is left for officials to do. Reliance on contractors is not limited to a portion of the Department's activities. . . . It permeates virtually all of the Department's basic activities—regulation, spending and iaternal management—at virtually all levels of the organization chart.

I have continued by examination of this issue. Earlier this year, my Federal Services Subcommittee examined the Environmental Protection Agency's extensive reliance on contractors in the planning and management of its Superfund Program. In June, we reviewed the Department of Defense's essential delegation to private contractors the critical function of monitoring the operational testing of our Nation's weapons systems. In the latter case, the DOD Office of Operational Test and Evaluation obviously agreed at least partially with this criticism, for they have apparently decided to sharply reduce its use of private defense contractors and will turn to the Institute for Defense Analysis, a federally funded research and development center, for support services.

Some have asked why I concern myself with the issue of who is doing the basic work of government. As the Energy Department and NASA situations demonstrate, it should be beyond question that our Government must retain in-house the skills and expertise necessary to comprehend and manage its own activities.

The Naval Sea Systems Command took notice of this issue after the Ill Wind investigation and a 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 still dead set on pushing the use of 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 1,582 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 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 develop 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 and the Administrator of NASA 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 ERODING 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 of components, overpricing of parts and excessive profits.

"I am most deeply concerned over the continued erosion of our civil service capability," 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.

HALF OF EMPLOYEES ON CONTRACT

Contract employees account for more than half of NASA's workers.

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 NASA officials in response to a request by Mr. Darman that each Federal agency provide a critique of its capabilities.

The Times 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. The committee is also to hear from the inspectors general of the State, 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.

"The more contracting there is the more difficult it is to monitor," 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 Presidential commission concluded that a wide array of management problems in the NASA and at the rocket manufacturer were fundamentally responsible. But officals 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 agency's management controls are "generally 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 to rely on bolts falsely certified by contractors as well as substitution of substandard or counterfeit electronic parts, which could have been safety 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 program 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 a number of lingering contractor problems. They include the agency's lack of employees in the areas of safety and product reliability, tens of millions of dollars in "excessive profits" by some contractors and false certifications of critical space vehicle parts. The reports do not name spe-

cific contractors because of proprietary restrictions, Mr. Colvin said.

NASA 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 predecessor.

NASA wants 2,250 additional civil servants, while the budget office has responded that it can have 1,582 and contract the remaining 668 jobs, Mr. Thompson said. Frank Hodsoll, the executive associate director of the budget office, said that the agency's request was still under review and added that "we're not going to do anything in the privatization area that jeopardizes NASA's Governmental functions."

The insistence on further contracting comes at a time when the percentage of private contract employees at NASA sites is approaching 60 percent with the remaining 40 percent composed of civil servants, according to Paul Anderson, director of institutional resources and analysis.

NASA has traditionally attracted a top-flight scientific and technical workforce. But officials said that it was becoming more difficult to attract and retain skilled workers, partly because private industry pays more.

MORE COMMERCIAL INVOLVEMENT

NASA's reliance on contractors is shown both by the composition of its workforce and by the portion of its budget going to procurement, officials said. The percentage of NASA's $11 billion budget devoted to procurement has increased to 88 percent, according to Mr. Colvin and the Administration intends to expand commercial involvement in the space program.

Many of the problems raised in Mr. Thompson's report have been raised before, both in agency reports as well as reports to Congress by the inspector general. For example, Mr. Colvin's report to Congress last spring focused on the need for "increased NASA management oversight and control of contractor activities, including prime contractors' procurement and subcontract administration." Audits by his office found that overpricing by unnamed subcontractors produced $16 million in "excessive profits," with the possibility that the same subcontractors may have overpriced by another $11 million to $17 million on other contracts. Profit rates were as high as 288 percent, the report said with naming companies.

Another area of concern in the report was false certifications on bolts used in flight vehicles. Mr. Colvin noted that two top officials of Lee Aerospace, a California company which sold substandard bolts to NASA for use in space shuttles, were found guilty last week by a Federal jury in Orlando, Fla., of misrepresenting safety tests to the government. NASA has had to pay for additional testing to insure bolts are up to standard, agency officials said.

In an interview, Mr. Colvin said he worried that for contractors, "financial gain is a strong motivation" to falsify test results. A request by Mr. Colvin for 25 additional auditors has not yet been approved by Congress or the Administration. But Mr. Thompson said he was confident there would be resources for the extra auditors.

[From the New York Times, June 28, 1989]

ENERGY CHIEF SAYS TOP AIDES LACK SKILLS TO RUN U.S. BOMB COMPLEX

(By Matthew L. Wald)

Energy Secretary James D. Watkins said today that managers and supervisors in his department lacked technical skills needed to run the bomb production system and were presenting him with unreliable information on problems at the plants. Some, he said, lacked the discipline needed for safe operation of nuclear reactors.

Announcing a 10-point plan to improve operations in the department, Mr. Watkins said what he called "tiger teams" of auditors would look at two other bomb production plants for violations of environmental laws like those said to have occurred at the Rocky Flats plant near Denver. Scores of Federal agents are investigating whether the workers in Colorado secretly dumped and burned radioactive and chemical wastes.

He also said that awards to the contractors who run the plants would be based primarily on environmental performance, not production quotas. The plan includes a public hot line for people to alert the department of problems.

UNUSUALLY BLUNT LANGUAGE

In his most comprehensive comments yet on the nation's nuclear weapons industry, Mr. Watkins acknowledged, as his predecessor had, that the plants were in disrepair. But he dwelled heavily on the disarray within his department in language that was unusually blunt for a Cabinet secretary.

Alternating frustration with contrition, Mr. Watkins said, "I am certainly not proud or pleased with what I have seen over my first few months in office." Referring to a production system whose major parts are at least 25 years old, some dating from the development of the atomic bomb, Mr. Watkins said, "The chickens have finally come home to roost, and years of inattention to changing standards and demands regarding to the environment, safety and health are vividly exposed to public examination, in fact, almost daily."

Mr. Watkins, a retired admiral, said he would like to bring credibility to the department so that when it sought to open a new plant or operate an old one, the public would not feel the department was "jamming something down somebody's throat out there."

But he said his efforts had been slowed because of an insufficient number of technically qualified people on the department's staff. And he said he was involving himself in every major decision because of unreliably optimistic information he was receiving.

"When I get the briefing, I only get one side, so I have to dig in myself," Mr. Watkins said. "I don't have the data base coming to me that I need. I have omissions in the data base. So I am making decisions today on a crisis basis, and I don't like that. That's not my way of doing business."

As he spoke, an influential environmental group, the Natural Resources Defense Council, released a study showing an even grimmer picture of environmental problems in the bomb plants, with 14 of the 17 major plants found to be in violation of hazardous waste laws.

The council and 20 other environmental groups filed suit today against the Department of Energy, seeking to foster a public debate about the cleanup and rebuilding of the bomb production system, by compelling the Government to prepare an environmental impact statement.

WE ARE NOT IN COMPLIANCE

A spokesman for the department, Christina Sankey, said she could not confirm the number of plants with serious pollution problems but agreed, saying "We are not in compliance."

Mr. Watkins said he was ordering a review to see whether the department was complying with the National Environmental Policy Act, the law that calls for environmental impact statements, and that he was personally reviewing each decision on whether to order such a statement, which can entail substantial delay in a project.

But he refused to say whether he would order an environmental statement for the overhaul of the whole system of bomb production, a project that would take decades and may cost more than $100 billion.

RISE IN CLEANUP BUDGET

He also said his department would get an additional $300 million in the fiscal year that begins Oct. 1 for cleanup. The Reagan Administration's budget called for $1.8 billion, which was increased by President Bush to $2.1 billion, and now to $2.4 billion.

Mr. Watkins said he was surprised to learn last week that his department had ignored recommendations made by the National Academy of Sciences from 1983 to 1987 on the Waste Isolation Pilot Plant near Carlsbad, N.M. The opening of the plant, which is meant for disposal of plutonium-contaminated wastes, has been delayed for months because of questions about its quality. Now, he said, the department will ask the academy for its endorsement of a plan to open the repository. "They're going to tell us, I'm sure, 'You didn't listen to us from '83 to '87.'-1A" Mr. Watkins said.

He said the plant would not open until next year, a delay that creates a crisis as wastes continue to pile up at temporary storage sites in Rocky Flats.

A NIGHTMARE FOR ME

Mr. Watkins said another waste disposal project, the plan to store highly radioactive wastes from military reactors and civilian ones at Yucca Mountain near Las Vegas, Nev., had been hamstrung by shortcomings of the Energy Department staff. "It has been a nightmare for me to try to unravel the background sufficient to make some decision," Mr. Watkins said. "It's been very confusing, and each day has revealed some new technical data."

He said he had found "serious flaws" in the procedures needed to assure that the department's reactors were safe to operate.

The department will have "an entirely new management team," he said, under Victor Stello Jr., now executive director for operations at the Nuclear Regulatory Commission.

"Mr. Stello will assure that conformance to environmental laws and attention to these requirements are developed through a safety-conscious culture that will assure production objectives are met without violation of environmental, safety or health standards," he said.

The White House has announced that it plans to nominate Mr. Stello as Assistant Secretary for defense programs, but opposition is expected in the Senate because of unorthodox procedures he used at the Nuclear Regulatory Commission in approving cash payments to obtain information. The money was paid to a former utility employee who said he had information implicating a commission official in connection with allegations that have not been disclosed.

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 changes? And how are tax revenues affected in the short and long term?

One group that would benefit from a capital gains tax reduction appears to be 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 9.2 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 oversimplifies 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 groups that may understate 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 revenues to the Treasury, followed by reduced revenue receipts in succeeding years as capital asset sales stabilize. A number of creative proposals have been advanced to reduce the revenue loss from a straight reduction in the capital gains tax rate. A provision in the House budget reconciliation bill calls for reducing the tax on capital gains for 2 yeas only and indexing capital gains thereafter. This may be an effective approach for marketing a new product, but it hardly seems like good tax policy.

Assuming that a tax preference for capital gains income would ultimately lose revenue, who would have to pay for this long-term revenue loss? I think the answer is clear. Over 60 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 dollar benefit from capital gains rate cuts, 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 concensus among economists that this is true. It is not at all clear that the economic successes 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 how 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 and has the support of 60 of my colleagues in the Senate and by 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, psycological, 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 a 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, amphetamines, and cocaine. The majority of these persons cease to function in legitmate 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 70 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 "I Said No!" 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, 1889, 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.

MEASURE HELD AT DESK—HOUSE JOINT RESOLUTION 412

Mr. MITCHELL. Mr. President, I ask unanimous consent that House Joint Resolution 412, which extends the flood and crime insurance programs and the Defense Production Act of 1950, be held at the desk until the close of business Tuesday, October 3, 1989.

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

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 calendar 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 proceed 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; and

(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:

(A) seven 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) the President of the Senate of the State of Alaska or a designated representative of such President,

(D) the Speaker of the House of Representatives of the State of Alaska 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 member,

(I) the chairman of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such chairman,

(J) the ranking minority member of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such member, and

(K) each Member of Congress who represents the people of the State of Alaska and is not described in any of the preceding paragraphs, or a designated representative of such Member.

(2) The Commission shall hold its first meeting by no later than the date that is 30 days after the date on which all members of the Commission who are to be appointed have been appointed.

(3) Each member of the Commission who is appointed to the Commission under subparagraph (A) or (B) of paragraph (1) shall be entitled to one vote which shall be equal to the vote of every other member of the Commission who is appointed to the Commission under subparagraph (A) or (B) of paragraph (1). The members of the Commission described in a subparagraph of paragraph (1) other than subparagraph (A) or (B) shall be ex officio, nonvoting members of the Commission.

(4) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) In making appointments to the Commission, the President and the Governor of Alaska shall give careful consideration to recommendations received from Alaska Native village, regional, and State organizations.

(6) At the time appointments are made under paragraph (1), the President shall designate an individual appointed under paragraph (1)(A) to be co-chairman of the Commission and the Governor of the State of Alaska shall designate an individual appointed under paragraph (1)(B) to be the other co-chairman of the Commission.

(7) Eight voting members of the Commission shall constitute a quorum for the transaction of business.

(8) The Commission may adopt such rules (consistent with the other provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization (including task forces), and personnel.

(c)(1) Each member of the Commission not otherwise employed by the United States Government or the State of Alaska shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties (including service on a task force) authorized by the Commission.

(2) Except as provided in paragraph (3), a member of the Commission who is otherwise an officer or employee of the United States Government or the State of Alaska shall serve on the Commission without additional compensation.

(3) 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.

(d) Notwithstanding the other provisions of this Act, no individual appointed to the Commission by the Governor of the State of Alaska under subsection (b)(1)(B) shall participate in the proceedings of the Commission, vote on business of the Commission, or receive any compensation or expense reimbursement under this Act until the State of Alaska and the President have concluded an equitable agreement to share the expenses incurred by the Commission. In the event that such an agreement is not reached within a reasonable period of time, the members of the Commission described in any subparagraph of subsection (b)(1) other than subparagraph (B) shall proceed with the work of the Commission without the participation of the individuals appointed under subsection (b)(1)(B) and the quorum required for the transaction of the business of the Commission shall be 4 members of the Commission appointed under subsection (b)(1)(A).

(e) The principal office of the Commission shall be in the State of Alaska.

DUTIES

SEC. 3. The Commission shall—

(1) conduct a comprehensive study of—

(A) the social and economic status of Alaska Natives, and

(B) the effectiveness of those policies and programs of the United States, and of the State of Alaska, that affect Alaska Natives,

(2) conduct public hearings on the subjects of such study,

(3) recommend specific actions to the Congress and to the State of Alaska that—

(A) help to assure that Alaska Natives have life opportunities comparable to other Americans, while respecting their unique traditions, cultures, and special status as Alaska Natives,

(B) address, among other things, the needs of Alaska Natives for self-determination, economic self-sufficiency, improved levels of educational achievement, improved health status, and reduced incidence of social problems,

(4) in developing those recommendations, respect the important cultural differences which characterize Alaska Native groups,

(5) submit, by no later than the date that is 18 months after the date of the first meeting of the Commission, a report on the study, together with the recommendations developed under paragraph (3), to the President, the Congress, the Governor of the State of Alaska, and the legislature of the State of Alaska, and

(6) make such report available to Alaska Native villages and organizations and to the public.

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—

(A) appoint, terminate, 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 the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, 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

(B) 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.

(2) 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 imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, 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 8344 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,

(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 or affirmations to witnesses appearing before the Commission.

(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(c)(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 members of a task force for 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 personnel to act as staff for 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 exclusive use of the Commission.

(c) The Commission is authorized to accept gifts of property, services, or funds and to expend funds derived from sources other than the Federal Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this Act.

(d) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(e)(1) The Commission is authorized to secure directly from any officer, 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, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chairman of the Commission.

(2) Upon the request of both co-chairmen of the Commission, the head of any Federal department, agency, or instrumentality is authorized to make any of 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 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. 5. 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(5). 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 to the Commission $700,000 to carry out the provisions of this Act. Such sum shall remain available, without fiscal year limitation, until expended.

(b) Until 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 Senator INOUYE, 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 thank Senator 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 a review of 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 both the cause and effect of grim statistics detailed in the AFN report "A Call to Action." I have been particulary 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 estabished 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 Congressmn and Alaska Legislators would be ex-officio members of the 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 in 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 hope 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 SYMMS, 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 proceeded 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 MURKOWSKI 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, community-based residential care for homeless chronically mentally ill veterans, State Home construction grants, and leave transfers 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. MURKOWSKI, 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 1990, the authorization 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 the administration, and approved 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 of the State 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; and section 1 of S. 404 proposes 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 advised 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 100-628—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 homeless 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 transfer their unused accrued annual 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—when, on October 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. 2916, the fiscal year 1990 VA, HUD, and Independent Agencies Appropriations Act as passed by the Senate on September 28.

As to 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. MONTGOMERY, 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. MURKOWSKI. 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 will expire 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 on an intermittent basis to 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 [HCMI] Program until November 30, 1989. According to VA's general counsel, without this extension authority, VA would lack the legal authority to enter into contracts to place homeless veterans in 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 treatment of homeless and certain other chronically mentally ill veterans and to establish a program to assist—through contracts with community-based psychiatric residential treatment centers—homeless and certain other chronically mentally ill veterans. This amendment was eventually enacted on February 12, 1987, as part of Public Law 100-6.

In May 1988, the authority for the program was changed from a general authority to a pilot program in Public Law 100-322. In addition, the Stewart B. McKinney Homeless Assistance Amendments Act of 1988—Public Law 100-628—authorized the appropriation of $15 million for the HCMI Program for each of fiscal years 1989 and 1990.

VA implemented its authority to conduct the program in May 1987, at 43 medical centers in 26 States and the District of Columbia. According to VA's second progress report of the HCMI Program, which was submitted to the committee on January 17, 1989, during the first 11 months of operation, over 10,000 veterans had needs assessments. Of these veterans, almost 50 percent had psychiatric exams and almost 30 percent had medical exams. Twenty percent—2,125 veterans—were placed in community residential treatment centers—at VA expense—which is the most costly part of the HCMI Program and is reserved for veterans with extensive clinical problems. According to VA's report, this program has been extremely effective in providing a broad range of services to the homeless veteran population.

I believe it is very important to act quickly so this authority will not expire.

STATE VETERANS HOMES

Mr. President, section 1(c) of the bill would amend section 5033 of title 38 to authorize appropriations of such sums as are necessary to carry out the State Veterans Home Grant Program for fiscal year 1990. Under this program, VA provides construction grants—of up to 65 percent of the cost of project—to States for the construction, remodeling, or alteration of State veterans homes. The President has requested $43 million in fiscal year 1990 for this program. That amount has been approved by the House and Senate in H.R. 2916.

LEAVE TRANSFERS FOR VA EMPLOYEES

Section 1(d) of the measure would extend, through November 30, 1989, VA's authority—as provided under section 618 of the Treasury, Postal Service 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 accrued 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 time of medical emergencies.

EXTENSION OF HOME-LOAN FEE

Mr. President, section 2 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 PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSIONS OF DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PROGRAMS.

(a) RESPITE CARE.—Notwithstanding the provisions of subsection (c) of section 620B 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.

(c) STATE HOME CONSTRUCTION GRANTS.—Section 5033(a) of title 38, United States Code, is amended in the first sentence by striking out "1989" and inserting in lieu thereof "1990".

(d) LEAVE TRANSFERS.—The authority of the Department of Veterans Affairs under section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989 (Public Law 100-440) to operate a leave-transfer program for employees subject to section 4108 of title 38, United States Code, is extended through November 30, 1989. The provisions of the final sentence of such section 618 shall apply to transferred leave that is unused as of November 30, 1989.

SEC. 2. EXTENSION OF DEPARTMENT OF VETERANS AFFAIRS HOME-LOAN FEE.

Notwithstanding the provisions of subsection (c) of section 1829 of title 38, United States Code, fees may be collected under such section with respect to loans closed before December 1, 1989.

SEC. 3. EFFECTIVE DATE; RATIFICATION.

(a) EFFECTIVE DATE.—The provisions of and amendments made by this Act shall take effect as of October 1, 1989.

(b) RATIFICATION.—Any actions of the Secretary of Veterans Affairs in carrying out the provisions of section 620B of title 38, United States Code, section 115 of the Veterans Benefits and Services Act of 1988, section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989, or section 1829 of such title, by contract or otherwise, during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act are hereby ratified.

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

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 330, William A. Brown, to be Ambassador Extraordinary and Plenipotentiary of the United States to Israel; Calendar No. 367, John E. Frohnmayer, to be Chairperson of the National Endowment for the Arts; Calendar 368, Margaret P. Currin, to be United States Attorney for the Eastern District of North Carolina; Calendar 369, Stanley E. Morris, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy; and all nominations on the Secretary's desk in the Navy reported today by the Armed Services Committee.

I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the mo-

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 Andreas 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. Frohnmayer, 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 Southerland, which nominations appeared in the CONGRESSIONAL RECORD of 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, as I have previously, that there are six remaining ambassadorial nominations: Richard Wood Boehm, to be Ambassador to the Sultanate of Oman; Warren A. Lavorel, to be United States Coordinator for Multilateral 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 Hambley, 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 as the distinguished Republican Senator and 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 by 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 nominees 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 10 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 these 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 ahead. 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 bodies.

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 calamaties 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.)

NATIONAL MEDIATION BOARD

Patrick J. Cleary, of Virginia, to be a Member of the National Mediation Board for the term expiring July 1, 1991, vice Helen M. Witt, resigned.

Joshua M. Javits, of the District of Columbia, to be a Member of the National Mediation Board for the term expiring July 1, 1992. (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, xxx-xx-xxxx 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 real admiral (lower half)

Capt. Carmen A. Ciardello, Jr., xxx-xx-xxxx xxx-.../2200, 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 CAREER MINISTER, 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 ARLEN SOUTHERLAND, WHICH NOMINATIONS APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 4, 1989. (LISTED REPORTED AND CONFIRMED MINUS ONE NAME: PAUL B. THOMPSON.)