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CONGRESSIONAL RECORD — SENATE

S 13437

after coming off the illness which we are all aware of.

So I commend my colleague from Delaware. He has done an excellent job. He has hit the ground running proved once again how invaluable his services are to this body.

I am not sure, I say to the majority leader, what we would have accomplished yesterday had JOE BIDEN not been with us. So I am deeply indebted to him, as I know the leader is and others are and as Senator THURMOND I know is.

Let me also say to my colleague from South Carolina that I appreciate his willingness yesterday to meet with Senator BIDEN and staff and the Justice Department to work on modifications of his amendment.

While I am not knowledgeable in this particular area, I understand from my colleagues who were involved in those negotiations, Senator DECONCINI as well, that this amendment has been substantially improved and I have listened this afternoon to the comments of some of our colleagues raising some questions, and I have listened to my colleague from South Carolina respond. There are always questions, I guess, that come up from time to time about the constitutionality of various provisions.

But I think they have done a pretty good job here with this amendment. I intend to support it, Mr. President. It is an issue that does trouble people.

Senator SPECTER, who has been a strong ally on the issue of children in this country—and let me say that not only is he a cosponsor of the parental leave bill, the Senator from Pennsylvania, but was a cosponsor of the child care bill and he and I were the co-chairs of the Senate children's caucus some 6½ years ago. The very first hearings we held were about latchkey children and the abuses of children and the issues of child pornography and what is happening to them. Obviously there are some outstanding legal questions that I am sure, as we all know here, the courts will probably raise, someone is going to challenge provisions here. But my view is, Mr. President, with the adoption of this amendment we strengthen the underlying bill. There were those who argued that this kind of a piece of legislation had no business on a parental leave bill. I can make a case that it does.

We are talking here about children who have problems in families and this amendment, while it does not relate directly to parental leave, does affect children and their families. And my hope would be that while I know there are some who have some concerns about the parental leave bill, that with the adoption of this amendment, the Thurmond amendment, that they will now see fit to support the underlying bill so we can actually do something about child pornography that the Senator from South Carolina has been so interested in for so long.

I do not know how many more amendments I have. I have a book here full of them on parental leave. I would inform my colleagues that I personally do not know of any amendments on my side.

That does not mean that there may not be amendments in the second degree if amendments were offered over here but there are no amendments pending on my side.

I have 25 or 30 that I have told may occur. I occasionally watch the television channel, I think it is channel 26; our good friends on the other side of the aisle here have a channel on television. If you tune in, you can get a list of amendments that may occur on pending legislation. So I carefully wrote down all the amendments. Yesterday when I watched my television screen on channel 26 and I have a book here that has about 25 or so. Maybe a little less, but in that range, anyway.

My hope would be with the adoption of the Thurmond amendment that we could sit down and try and resolve some of these issues and possibly get an agreement to vote on this bill. The leaders will have to discuss that.

But if we adopt the Thurmond amendment as I am confident we will and we have parental leave tied together, the House wants to deal with the parental leave policy, I think we can do a great deal on both these issues in the remaining days of Congress.

So my hope would be that that would be the case. I hope we are not going to be faced here with amendment after amendment after amendment on parental leave and run the risk of losing, in effect, the Thurmond amendment. That is the danger we face.

So, I hope we will be able to move on this other legislation but I do want to commend my colleague from South Carolina, my colleague from Delaware, and the colleague from Arizona. They did great work in improving this proposition and I am confident that the membership will support that amendment.

I also want to commend, as I said a moment ago, the distinguished Senator from Pennsylvania, Senator SPECTER. He has been a tireless worker on behalf of children in this country. As I mentioned earlier he was my cochair of the first Senate children's caucus where we examined the issues like this some 6 or 7 years ago. He brings a great knowledge base to that issue, and, of course, his legal expertise and knowledge are deeply appreciated by all the Members of this body, and the questions he raises are legitimate ones that undoubtedly will be in our courts if this legislation, the underlying bill, the parental leave bill with its amendment, is adopted.

So, Mr. President, what I would do at this point, because I am not sure there are not Members who still want to comment on this amendment—the

minority leader is indicating there are none on his side. I would note the absence of a quorum and run a check on our side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

THE LAUNCH OF THE DISCOVERY

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 481) relative to the launch of the *Discovery*.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, today I am pleased to join the majority leader and Senators GARN and GLENN—our own space heroes—in submitting a resolution congratulating all the men and women of the U.S. Space Program for all of their hard work preparing for tomorrow's launch of the *Discovery*, and wishing good luck and Godspeed to Commander Hauck and the rest of the *Discovery* crew.

The crew especially deserves credit for their dedication and intense training over the past several months. I understand that the shuttle and crew have undergone an unprecedented number of practices, rehearsals and safety tests in preparation for tomorrow.

Ever since the tragic loss of the *Challenger* on January 28, 1986, our space program has been under intense scrutiny. Tomorrow will be no different. As the Nation and world watches, I feel confident that our space program will rise up to the challenge. The successful launch of the *Discovery* will be the beginning of a new era in America's exploration in space.

Mr. President, I know I can speak for all Senators in this Chamber—and indeed all Americans—in wishing our men Godspeed, good luck and a safe return home.

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

The resolution (S. Res. 481) was agreed.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 481

Whereas the eyes of the nation and world will be on Cape Canaveral tomorrow, for the launch of the Space Shuttle Discovery.

Whereas this will be the first shuttle launch since January 28, 1986.

Whereas a shuttle launch is the product of the technological prowess of the nation, and reflects the spirit and courage of the crew.

Whereas the Discovery crew has undergone rigorous and intensive training and rehearsals in preparation for tomorrow's launch.

Whereas all Americans look forward to the safe return of the Discovery and its crew upon completion of their mission.

Resolved, that the Senate of the United States:

Congratulates the men and women of the U.S. space program, for their diligent efforts to plan and implement this launch, with maximum regard for the safety of the crew and the scientific and technical goals of the mission and the space program.

Offer best wishes and Godspeed to the crew for the Discovery:

Captain Frederick H. Hauck, Commander.
Colonel Richard O. Covey, Pilot.

Lieutenant Colonel John M. Lounge, Mission Specialist.

George D. Nelson, Mission Specialist.

Lieutenant Colonel David C. Hilmers, Mission Specialist.

Mr. DOLE. Mr. President, the record will reflect that this is a leadership resolution, sponsored by Senator BYRD and myself, along with Senator GLENN and Senator GARN, two of our own space heroes who serve in the Senate, and Senator HOLLINGS.

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

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

The motion to lay on the table was agreed to.

PARENTAL AND TEMPORARY MEDICAL LEAVE

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I expect the Senate to vote soon. I am waiting on the manager on this side. I expect the Senate to vote soon on the amendment by Mr. THURMOND.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1988

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 871, the Federal Grain Inspection Service user fees bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2337) to amend the United States Grain Standards Act to extend through September 30, 1993, the authority contained in section 155 of the Omnibus Reconciliation Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Grain Standards Act Amendments of 1988".

SEC. 2. GRAIN STANDARDS ACT.

Effective for the period October 1, 1988, through September 30, 1993, inclusive, the United States Grain Standards Act is amended—

(1) in subsection (j) of section 7 (7 U.S.C. 79(j)) to read as follows:

"(j)(1) The Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable inspection fees to cover the estimated cost to the Service incident to the performance of official inspection except when the official inspection is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Service incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, including administrative and supervisory costs related to such official inspection of grain. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.

"(2) Each designated official agency and each State agency to which authority has been delegated under subsection (e) of this section shall pay to the Administrator fees in such amount as the Administrator determines fair and reasonable and as will cover the estimated costs incurred by the Service relating to supervision of official agency personnel and supervision by Service personnel of its field office personnel, except costs incurred under paragraph (3) of subsection (g) of this section and sections 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Administrator and shall be deposited in the fund created in paragraph (1) of this subsection. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Administrator, of the fee currently due plus interest and any further expenses incurred by the Service because of such termination. The interest rate on overdue fees shall be as prescribed by the Secretary, but not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, plus an additional charge of not

to exceed 1 per centum per annum as determined by the Secretary and adjusted to the nearest one-eighth of 1 per centum.

"(3) Any sums collected or received by the Administrator under this Act and deposited to the fund created in paragraph (1) of this subsection and any late payment penalties collected by the Administrator and credited to such fund may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. The interest earned on such sums and any late payment penalties collected by the Administrator shall be credited to the fund and shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act."

(2) in subsection (l) of section 7A (7 U.S.C. 79a(l)) to read as follows:

"(l)(1) The Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs to the Service incident to the performance of the functions provided for under this section except as otherwise provided in paragraph (2) of this subsection. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to performance of its functions related to weighing, including administrative and supervisory costs directly related thereto. Such fees shall be deposited into the fund created in section 7(j) of this Act.

"(2) Each agency to which authority has been delegated under this section and each agency or other person which has been designated to perform functions related to weighing under this section shall pay to the Administrator fees in such amount as the Administrator determines fair and reasonable and as will cover the costs incurred by the Service relating to supervision of the agency personnel and supervision by Service personnel of its field office personnel incurred as a result of the functions performed by such agencies, except costs incurred under sections 7(g)(3), 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Administrator and shall be deposited in the fund created in section 7(j) of this Act. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Administrator, of the fee currently due plus interest and any further expenses incurred by the Service because of such termination. The interest rate on overdue fees shall be as prescribed by the Secretary, but not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, plus an additional charge of not to exceed 1 per centum per annum as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum."

(3) by adding after section 7C (7 U.S.C. 79c) the following new section:

"LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS

"Sec. 7D. The total administrative and supervisory costs which may be incurred under this Act for inspection and weighing (excluding standardization, compliance, and foreign monitoring activities) for each of the fiscal years 1989 through 1993 shall not exceed 40 per centum of the total costs for such activities carried out by the Service for such year."

(4) in section 19 (7 U.S.C. 87h) to read as follows: