HOUSE OF REPRESENTATIVES—*Thursday, April 2, 1987*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, in whom we live and move and have our being, may we ever be open to Your leading and receptive to Your guidance. In a world of trouble and anxiety, of hostages and pain, we pray that we will be prepared to lead in the paths of service to others and along the road to peace. Bless each person here gathered and may Your benediction never depart from us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 477. An act to assist homeless veterans and their families by authorizing the Administrator of Veterans' Affairs to transfer or lease certain properties to nonprofit entities for use as shelters, by requiring the Administrator to conduct a pilot program of activities to assist homeless veterans, to report on outreach services to such veterans, to conduct a survey of such veterans, and to conduct a pilot program of contract community-based residential care for homeless veterans suffering from chronic mental illness disabilities, and by extending the Veterans' Job Training Act and expanding homeless veterans' eligibility thereunder; to provide for a 1-year postponement of the transition period for the Vietnam-era veterans readjustment counseling program and related reports; and for other purposes; and

S. 829. An act to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1988, and for other purposes.

OCTOBER IS NATIONAL DOWN SYNDROME MONTH

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, today I am introducing a resolution to designate October 1987 as National Down Syndrome Month.

Down syndrome is a chromosomal disorder which usually causes delays in physical and intellectual development. The exact cause and prevention of Down syndrome are currently unknown, and there is a wide variation in mental abilities, behavior, and physical development in individuals with this condition.

One-quarter of a million families in the United States are affected by Down syndrome, and 600 people with this disorder may live in each of the 435 congressional districts.

I am pleased that Frank Murphy, a constituent of mine and the president of the National Down Syndrome Congress, is present today to represent the many families affected by Down syndrome.

This resolution to designate October 1987 as National Down Syndrome Month is intended to create greater public awareness and a better understanding of Down syndrome. I urge my colleagues to support this resolution.

WHEN AMERICA CEASES TO BE GOOD, AMERICA WILL CEASE TO BE GREAT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the following quotation is from the book "Democracy in America" by the 19th-century French essayist Alexis de Tocqueville:

I was searching for the sources of the greatness and genius of America in her fertile fields and boundless forests—it wasn't there. I sought for it in her free schools and her institutions of learning—it wasn't there. I sought for it in her matchless Constitution and political institutions—it wasn't there. Not until I went to the churches of America and found them aflame for morality did I understand the greatness and genius of America. America is great because America is good. And when America ceases to be good, America will cease to be great.

America ceased to be good in 1971, when America's promises to pay ceased to be good. Since then, America has lost a war. Since then, America has gone from being the world's foremost creditor to its foremost debtor nation. Since then, America has become a hotbed of drug abuse and sexual licentiousness. Can there still be any doubt that Tocqueville's prophecy has come true, and America has ceased to be great?

Mr. Speaker, if this Congress musters up its moral fortitude in making America's promises to pay in the form of the dollar good, by backing it with gold then, maybe, America can b great once more.

INTRODUCTION OF LEGISLA TION MANDATING PHYSICIAI ASSIGNMENT

(Mr. DONNELLY asked and wa given permission to address the Hous for 1 minute and to revise and exten his remarks.)

Mr. DONNELLY. Mr. Speaker, o Tuesday, a three-judge panel for th first circuit court of appeals upheld Massachusetts law requiring physi cians in the State to accept mandator "assignment" from the Medicare Pro gram for services performed.

Under the concept of mandatory as signment a physician is barred fron billing a patient in excess of the allow able fees under Medicare aside from 20-percent deductible which all benefi ciaries must pay.

The Massachusetts law, applyin mandatory assignment to all physi cians in the State, is the first of its kind in the Nation. And although some in Congress have tried to impose mandatory assignment on a national level, we've never been successful.

I believe that all physicians should be required to accept assignment and I am introducing legislation today to do so. Doctors in Massachusetts argued that it was impermissible for a State to establish rules for a Federal program; my legislation would make that issue a moot point.

Enactment of my bill will result in savings of millions of dollars for America's retired and elderly citizens.

AIDS

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, President Reagan was at his very best in Philadelphia yesterday.

Brisk of step, quick of wit, with his unswerving vision of the greatness and goodness of America, the President called for a two-pronged attack on the AIDS crisis—cure and prevention.

Labeling AIDS "public health enemy number one," the President said, "I'm determined we'll find a way to conquer AIDS. We'll find a way or make one."

President Reagan said, "Our battle against AIDS has been like an emergency room operation: We've thrown everything we have into it."

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He pointed out that this year we plan to spend $416 million on AIDS research and education, and $766 million overall. "Next year, we want to spend 28 percent more on research and education, and a total of $1 billion. That compares to $8 million just 5 years ago," the President said.

But President Reagan, as well as others present, warned that prevention involves education—going to the root causes of AIDS.

"AIDS information cannot be 'value-neutral,'" the President said. "After all, when it comes to preventing AIDS, don't medicine and morality teach the same lessons?"

Dr. Maurice C. Clifford, a physician and the Philadelphia City Commissioner of Public Health, echoed the President's theme. "Our behavior is killing us," he said. Dr. Clifford said "frenzied striving and loveless sex" were at the root of many health problems.

Other physicians discussed the responsibility people have to lead healthy lives in light of the growing costs of health care borne by the general public. This is an issue we must begin to consider seriously.

FULL COOPERATION BETWEEN UNITED STATES AND CANADA IMPERATIVE TO SOLVE THE ACID RAIN PROBLEM

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, as President Reagan and Prime Minister Mulroney prepare for their annual summit this weekend, I would like to give the Canadian leader some free, frank, and friendly advice about acid rain. While it is important to chat annually about acid rain and appoint envoys and assign protocols, the Prime Minister must understand that Congress makes the laws in the United States. Congress will have to pass acid rain controls. Congress is undercut every time he and the President do their annual acid rain jig that fades faster than the camera lights that cover it.

□ 1010

Every one of these summit photo opportunities on acid rain has acted as another rock behind which the American opponents of acid rain control hide.

The Prime Minister should be helping us remove these rocks to acid rain control, instead of hurling more of them into our path.

We in Congress need Prime Minister Mulroney to be strong on acid rain; he needs us to do the same; the people of North America need us both. Americans and Canadians stand together as brothers and sisters on this continent; we breathe the same air, drink the same water, share the same bountiful resources. Let us not let them down.

BAHAI PERSECUTION CONTINUES IN IRAN

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I am horrified to report to the Congress three more Iranian Bahais have been executed by the Khomeni regime. This equals the total number of executions that took place during the entire year 1986.

Iran is the only place on Earth where people are not only being persecuted, but executed, solely because of their religious beliefs.

Though we had some hope last year, the repressive actions of the past few months make me fear that no fundamental changes have been made in the Iranian regime's policies toward the country's largest minority.

Mr. Speaker, we will not forget the thousands of Bahais that have been jailed, tortured, and executed because of their religious affiliation, and the congressional human rights caucus will continue to do everything within our power to bring this terrible matter constantly before the court of world opinion.

WE NEED A POLICY BASED ON MUTUAL RESPECT IN LATIN AMERICA

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, Latin America is not a remote continent—it begins 500 feet from the district I represent in south Texas, across the Rio Grande. Over the course of our history, we have tried to conceive broad policies for the region—from the Monroe Doctrine to the Alliance for Progress, which proved so popular in the Kennedy administration.

Twenty-five years after the Alliance for Progress, Latin America is a different place. Our two goals now must be the installation of strong democracies, without exception, and the laying of a foundation for sustained economic growth.

The short-term obstacle is the repayment of $360 billion in foreign debt. The IMF requires Latin American nations to practice fiscal austerity and increase their foreign exchange earnings in order to qualify for new loans. But these measures often lead to economic dislocation, which takes many countries on a roller coaster ride. Last year, for instance, the Brazilian economy grew at over 10 percent. This year, GNP is expected to show a new fall.

What we need is a policy based on mutual respect. Without that ingredient, we will have to try to put out fires well into the next century. With it, we can help tap vast human and natural resources.

AMERICAN INDIFFERENCE TO ESPIONAGE AND TREASON

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the latest revelations of espionage and treason at the very doorstep of the U.S. Embassy in Moscow are tragic enough in their implications and what may be the adverse consequences to our country, but what is more shocking, more tragic is a seeming indifference on the part of the American people about the incident as being just more of the same.

We have had the Walkers and the Pollards and other incidents of espionage and treason over the past several years, and each one is a crucial matter about which we should be greatly concerned, and yet, some people, including columnists of syndicated newspapers, are saying, "So what? It really cannot harm. The only thing that we have to worry about is nuclear war. Espionage and treason cannot harm us that much."

I hope that this is not the prevailing feeling and opinion of the general American public, else our country is not safe anymore, not safe internally, not safe externally.

We need, as a people, to guard against espionage and treason by making sure that our youngsters recognize the sanctity of being an American citizen and that betrayal of our country is the worst crime that any individual can commit.

HOUSE BUDGET FOR NEXT YEAR

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, during the last 3 months, it has been my privilege to serve on the House Committee on the Budget, and yesterday, that committee reported a House concurrent resolution to be considered by the House of Representatives next week.

Budgets are never popular, whether they are at home or in Congress, and I am sure there will be controversy attached to this suggestion, but I am proud of the work product of our committee. We have come upon a formula which I think the American people will find fair and equitable.

We have asked the Defense Establishment to accept $9 billion in spending cuts and we have asked domestic programs to accept the same $9 billion in cuts. We have matched with $18 billion in revenues those cuts, to bring us to our deficit reduction level.

I might say that our work product is as good or better than the President's, but I think that will be the subject of debate in the days ahead.

There are several aspects of this budget that I am particularly proud of. Despite the fact that we have met the deficit reduction targets, we have done it with some feeling and compassion. In several areas of particular importance to me, we have redirected priorities so that we spend money where it is needed in America.

In one area in particular, infant mortality, our Nation has fallen dramatically over the last 20 or 30 years. We are directing resources to make certain that the babies and infants who are dying today can be served tomorrow.

We are putting another $300 million into AIDS research and education. That is absolutely essential. We are directing funds to chapter I education programs that are so important to make certain that our children have a chance in the future.

There will be a lot of debate in the days ahead about this amendment that has been offered by the House in consideration of our budget for next year. I think it is a fair approach to it. I will be supporting it, and I commend it to my colleagues.

IT IS PAST TIME TO RAISE THE MINIMUM WAGE

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, never before in our history have Americans allowed so much time to pass without an increase in the minimum wage. It has now been more than 6 years and 3 months since the mimimum wage was last increased. That is a new record in America, one that I do not think we are particularly proud.

Real minimum wages are now at the lowest point that they have been since the mid-1950's. Real minimum wages have declined 26 percent in just this half decade of the 1980's.

Minimum wage has now slipped below 40-percent less than the average wage in this country; the first time that has happened since 1949.

It is past time to raise the minimum wage.

LONG-TERM CARE INSURANCE FOR THE ELDERLY ACT OF 1987

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Georgia. Mr. Speaker, today I am reintroducing legislation which would allow individuals age 59½ and older to purchase long-term health-care insurance using IRA funds without being taxed. At a time when the attention of many Americans is focused on how to finance the cost of catastrophic illnesses and long-term health care, it becomes extremely important to allow future generations to better plan for their health care needs. Recognizing that unlimited Federal funds will never be available to meet all of the needs of all of our citizens, we must begin to address alternative methods for achieving our social goals.

This bill is designed to shift some of the weight of long-term care financing away from Government funded programs and into the private insurance market. Currently, very few individuals are purchasing long-term care insurance, primarily because of the misconception that Medicare will provide for such care. As the general public becomes more aware of the limitations of the Medicare Program, the need for alternative protection for long-term care will increase. Mr. Speaker, I hope that this bill will create a better environment for the growth of the purchase of such policies and, thus, assure more elderly better access to nursing home facilities or patient care at home in the future.

□ 1020

BUDGET COMMITTEE'S PROPOSAL DESCRIBED AS FAIR

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, I am here to speak out in favor of the budget resolution passed yesterday by the House Budget Committee.

I know that, from the outside, it is easy to criticize this document as not giving enough money to some programs, or giving too much to others. But let me tell you after spending many long hours arguing over this budget, I can say with all sincerity that this is a fair proposal.

This budget promises genuine, long-term reductions in the Federal deficit and does not rely on phony, one-time savings like asset sales.

Unlike the President's budget, this budget provides adequate funding for education and housing programs, and it does not trash rural America.

We on the Budget Committee have worked hard to come up with genuine deficit reductions out of programs which were already under financial stress. I believe we have succeeded. I would once again commend this budget resolution to you as a fair document.

ASSET SALES, A POOR ALTERNATIVE TO RAISING TAXES

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, this morning's headlines in the Washington Post emblazoned one particular feature of the Democratic budget package: $18 billion in taxes for 1988.

As we consider next year's budget and how to raise the revenues necessary to bring the budget deficit down, let us focus for a minute on the President's alternative that he proposed to that $18 billion in taxes. The President proposes $21 billion in revenues, $9 billion of which would be achieved through asset sales. Let me spend a moment to discuss asset sales.

Asset sales have precisely the same effect on the budget deficit as printing bonds. In both cases you take Government paper and you sell it to the public to get some short-term revenue for the Government, and the result is you put yourself in a deeper hole the next year and the next year and the next year as a result of that short-term cash you received up front.

In both cases we use private savings that should be going into productive capital to improve our productivity and competitiveness. And we borrow it; we soak it up from private savings and put it into running the Government on a daily basis rather than putting it into real investment. So on both financial grounds and economic grounds, asset sales are the worst possible way to go. They deceive the public into thinking that we have raised revenues.

If we are going to raise revenues, if we are going to raise taxes, which is the price of a civilized society, let us do it properly and not resort to asset sales, which only puts us in a deeper hole and has the equivalent effect of printing bonds.

AN APRIL FOOL'S BUDGET

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, if there was any question that yesterday was April Fool's Day, I think that ought to be put aside when one looks at the budget that was brought to us.

The previous speaker said that the price of a civilized society is the price of raising taxes. Yes; it is raising those taxes that are necessary, but not continually raising the rates of taxes, as our friends on the other side of the aisle seem adamant to achieve.

If we have no change in the tax structure at present, over the next 5 years we will have an increase in tax collections of $400 billion, and what we are saying, if we adopt their budget, is that the American people are led to think that we are adding $400 billion by the end of the fifth year, and that means that every year thereafter we will have $400 billion more of their money for Federal spending. And that is not enough; they say we cannot bring our budgets into balance with this amount of money, that we need to tax the people even more than we have today.

As we are talking about competitiveness, as we are talking about making American industry more competitive worldwide, I cannot understand how imposing more taxes on the American worker, on the American businessmen and women, and on the American consumer is the way to make ourselves more competitive in the world marketplace. It leads us absolutely in the opposite direction.

So, Mr. Speaker, yesterday was April Fool's Day. Unfortunately, the joke is on the American people.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have taken this time for the purpose of receiving the schedule for the balance of the week and for next week, and I am happy to yield for that purpose to the distinguished majority leader.

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican whip for yielding, and I wonder if he will yield to me for the purpose of making two unanimous-consent requests prior to discussing the program?

Mr. LOTT. Absolutely, I yield to the majority leader.

HOUR OF MEETINGS ON WEDNESDAY NEXT AND THURSDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, April 7, 1987, it adjourn to meet at 10 a.m. on Wednesday, April 8, 1987, and that when the House adjourns on Wednesday, April 8, 1987, it adjourn to meet at 10 a.m. on Thursday, April 9, 1987.

The SPEAKER pro tempore (Mr. ROWLAND of Georgia). Is there objection to the request of the gentleman from Washington?

There was no objection.

MAKING IN ORDER CALL OF THE CONSENT CALENDAR ON TUESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar be in order on Tuesday, April 7, 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FOLEY. Mr. Speaker, in further response to the distinguished Republican whip, the schedule for the remainder of the week and next week is as follows:

There is no legislative business scheduled for today. Tomorrow the House will not be in session

On Monday, April 6, the House will meet at noon in pro forma session, and on Tuesday, April 7, the House will meet at noon to consider the Consent Calendar and two bills under suspension of the rules, as follows:

H.R. 148, Michigan wilderness; and

H.R. 1728, to extend the commodities demonstration program under the School Lunch Act.

On Wednesday and the balance of the week, April 8, 9, and 10, the House will meet at 10 a.m. on Wednesday and Thursday and, if necessary, Friday to consider an unnumbered House concurrent resolution, which is the first concurrent resolution on the budget for fiscal year 1988, subject to a rule being granted.

Mr. Speaker, it is our hope that it will be possible, after consultation with the minority, to obtain permission from the House to begin the general debate on the budget on Tuesday next week, Tuesday, April 7.

Mr. LOTT. Mr. Speaker, I would like to ask the distinguished majority leader just a couple of questions about the announcement he made relative to the schedule for next week.

It appears that we will convene on Wednesday, Thursday, and Friday, at 10, although I do not believe the gentleman asked for the 10 o'clock time on Friday yet.

Mr. FOLEY. I would tell the gentleman that is the normal time the House would meet. It does not require unanimous consent.

Mr. LOTT. All right. But if we are in on Friday, it would be the gentleman's intent to come in at 10?

Mr. FOLEY. If there is a session on Friday, we intend to come in at 10 o'clock.

Mr. LOTT. We would have no objection to that.

Mr. Speaker, I also note that the supplemental appropriation bill that had been on the schedule earlier, first for rule consideration today, Thursday, and then to be considered next week, does not now appear on the schedule at all.

Is it the majority's intention not to bring up the supplemental appropriation bill before the Easter district work period, and are there any plans about when it may come up, if at all?

Mr. FOLEY. The gentleman is correct, it is not our intention to come up with the supplemental appropriation bill for consideration of the rule or for consideration of the appropriation itself until sometime after the Easter recess. The reason again is the urgency of considering the budget resolution before the recess begins next week during what we assume will be a tight schedule even if we can persuade the gentleman's side to give us permission to begin the debate on Tuesday.

Mr. LOTT. Mr. Speaker, I thank the gentleman for that information.

Mr. FOLEY. Mr. Speaker, I stand corrected with respect to the time of the meeting on Friday. If the gentleman will yield further, I have one more unanimous-consent request.

Mr. LOTT. I yield to the majority leader.

HOUR OF MEETING ON FRIDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, April 9, 1987, it adjourn to meet, unless there is some further order of the House, at 10 a.m. on Friday, April 10, 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LOTT. Mr. Speaker, I might ask, does the gentleman have a unanimous-consent request to make with regard to the trade bill? I understood there was some unanimous-consent request pending perhaps with respect to the trade legislation.

Mr. FOLEY. Yes. Mr. Speaker, will the gentleman yield further?

Mr. LOTT. I yield to the majority leader.

ADJOURNMENT TO MONDAY, APRIL 6, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR COMMITTEES TO HAVE UNTIL 6 P.M. MONDAY, APRIL 6, 1987 TO FILE REPORTS ON H.R. 3

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that each of the committees receiving referral of the bill H.R. 3 have until 6 p.m. on Monday, April 6, to file their report on that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. LOTT. Mr. Speaker, reserving the right to object, I do not intend to object, but I would just like to point out that this bill, H.R. 3, is trade legislation, and the proper title, I believe, would be the Omnibus Trade Act. I

want to say that I am very pleased that that legislation is being worked on in a bipartisan way, particularly from the Ways and Means Committee. I understand that it had an overwhelming vote on both sides of the aisle, and while there may be some differences about certain sections in the different committees—and several committees are included—I think that is the way this House should operate, and I want to commend the majority leader for the effort that is being put forward, and in the spirit of that effort we certainly would have no objection to his unanimous-consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1030

EDUCATION DAY U.S.A.

Mr. SIKORSKI. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from futher consideration of the joint resolution (H.J. Res. 200) to designate April 10, 1987, as "Education Day U.S.A.," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object but simply would like to inform the House that the minority has no objections to the legislation now being considered.

Mr. Speaker, I rise in support of House Joint Resolution 200 to designate April 10, 1987, as "Education Day U.S.A."

The quality of education is essential to America's heritage of political freedom and cultural achievements. Our schools are vital in that they provide for our technical and scientific competence. Education holds the key to the future of our countries higher education goals; and by designating April 10, 1987, as "Education Day, U.S.A" we call to the attention of the American people the necessity of continuing to maintain and improve our educational system.

I feel that in the future our Nation must rely more and more on a highly educated citizenry to compete with other nations of the world; therefore, we must nuture our desire for learning to motivate students and teachers to assure that we maintain the leadership necessary to continue our American democracy.

In this resolution we call attention to the Lubavitch movement which promoted many of the ethical values and principles upon which our great Nation was founded. It is only fitting that in choosing this date we honor the leader of the movement, Rabbi Menachem Mendall Scheerson, whose 85th birthday falls on April 10, 1987. Since 1980 Rabbi Menachem Mendall Scheerson has been the leader of the Lubavitch international which is the largest branch of the Hassidic movement. It gives me a great deal of pleasure to join the many admirers of the "rebbe" especially my constituents at the Chabad House in Rockville.

I strongly urge passage of the resolution which focuses attention on America's education that is so vital to our future competitiveness with other nations.

Mr. MICHEL. Mr. Speaker, I welcome this opportunity to say a few words about House Joint Resolution 200, requesting the President to designate April 10, 1987, as "Education Day, U.S.A."

Along with the distinguished majority leader, TOM FOLEY, I am sponsoring this resolution. I'm happy to be part of this worthy venture.

As I said last year, I think it is fitting that the majority and minority leaders, should cosponsor such a resolution. It deals with a subject that transcends partisan consideration.

We are seeing a rebirth of the Old American idea of progress through education for all Americans. That's still a great idea.

April 10 also happens to be the 85th birthday of a remarkable religious leader, Rabbi Menachem Mendell Schneerson.

He is the internationally renowned and respected leader of the Lubavitch movement which actively promotes education programs at more than 120 centers in 40 States.

The Lubavitch movement, founded in the 18th century, has as its philosophical foundation three basic elements—wisdom, understanding, and knowledge.

It is therefore appropriate that the movement, under the inspired leadership of the man called the rebbe, has been so active in promoting education.

Looking over my remarks from last year, I came upon a fact I want to share with you today.

The movement which the rebbe heads takes its name from a Russian city, Lubavitch, which, translated into English means, city of love.

In the final analysis it is love of one's religious heritage, love of learning—that is at the heart of the Lubavitch movement and at the heart of our resolution.

I'm pleased once again to honor a great man and to support such a fine idea.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 200

Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;

Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide laws;

Whereas without these ethical values and principles the edifice of civilization stands in serious peril of returning to chaos;

Whereas society is profoundly concerned with the recent weakening of these principles that has resulted in crises that beleaguer and threaten the fabric of civilized society;

Whereas the justified preoccupation with these crises must not let the citizens of this Nation lose sight of their responsibility to transmit these historical ethical values from our distinguished past to the generations of the future;

Whereas the Lubavitch movement has fostered and promoted these ethical values and principles throughout the world; and

Whereas Rabbi Menachem Mendel Schneerson, leader of the Lubavitch movement, is universally respected and revered and his eighty-fifth birthday falls on April 10, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 10, 1987, the birthday of Rabbi Menachem Mendel Schneerson, leader and head of the worldwide Lubavitch movement, is designated as "Education Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SIKORSKI

Mr. SIKORSKI. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SIKORSKI:

Strike out all after the resolving clause and insert: That April 10, 1987 the birthday of Rabbi Menachem Mendel Schneerson, leader and head of the worldwide Lubavitch movement, is designated as "Education Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities. We also call on heads of state of the world to join our President in this tribute by signing the international scroll of honor which will be presented in their respective countries this year of "celebration 85."

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota [Mr. SIKORSKI].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. SIKORSKI

Mr. SIKORSKI. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the Preamble offered by Mr. SIKORSKI: At the end of the preamble, strike ": Now, therefore be it" and insert the following two clauses:

Whereas in tribute to this great spiritual leader, "the rebbe" this, his 85th year will be seen as the year of "turn and return", the year in which we turn to an education which will return the world to the moral and ethical values contained in the Seven Noahide Laws;

Whereas this will be reflected in an international scroll of honor signed by the President of the United States and other heads of state: Now, therefore, be it

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Minnesota [Mr. SIKORSKI].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

H.R. 1049, LEGISLATION TO FORCE UTILITY COMPANIES TO REFUND FEDERAL INCOME TAXES TO UTILITY CUSTOMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, I would like to address an important issue; the subject of legislation I have introduced in Congress, and the subject of quite an interesting debate in recent days.

The bill is H.R. 1049, the Utility Ratepayer Refund Act. I would like to take just a minute to describe the story of H.R. 1049. When utility companies in this country, electric companies, gas companies, telephone companies, charge their customers for that kilowatt hour or that telephone service, they impose a charge on the customer that includes the Federal income taxes that these companies are going to have to pay on their profits.

The trick is, even though they get the money from their customers to pay their Federal income taxes, they do not pay their Federal income taxes. They do not have to pay, because the Federal income taxes are deferred for a number of reasons: ACRS, investment tax credit, and so on. Thus, while they collect the income tax money from the customer now, often they do not repay the Federal Government for 25 or 30 years.

Sixty billion dollars; that is with a "b," $60 billion has been collected from the customers of electric companies, gas companies and telephone companies around this country. Sixty billion dollars they now have of the customers' money which they collected for the purpose of paying Federal income taxes, but which they have not yet paid.

Of that $60 billion, $15 billion will never be paid because the tax bill last year reduced the corporate income tax rate from 46 to 34 percent. So, $15 billion now held by the utility companies will never be sent to the Federal Government.

Question: Should that $15 billion be refunded to the customer? Answer: Yes. Second question: When? The utility companies say later, much later; in some cases, 30 years from now. In the tax reform bill last year, without debate, a barrier was written into it which prevents the State regulatory agencies, who would normally determine when the utilities should send that money back, from determining when the refund to the customer should be made.

That was unprecedented but it was done. I have introduced legislation, H.R. 1049, to undo it. I believe we should let the State regulatory authorities determine when that $15 billion ought to be refunded to the customers. The utility companies, of course, are upset about that. They want to keep the $15 billion as long as they can. I understand why they would want to do that. Look what utility companies are doing, they are diversifying into other areas. I have got some stories with me today. Here is a utility company that bought two 747's and leased them to KLM Royal Dutch Airlines. Another utility company bought satellite networks for hospitals; financial services; telecommunications. One of them is trying to buy a major league baseball team. These are the same utility companies which tell us that they really need this money to build utility plants to continue maintaining their services.

□ 1040

I say this $15 billion is the customer's. It belongs to the customer and it ought to go back to the customer. The bill I have introduced, H.R. 1049, does not send it back immediately. It simply lets State regulators determine when this $15 billion goes back. That is what the issue is.

Utility companies are running all over Capitol Hill telling other Members of Congress, "Oh, no, this is a disastrous piece of legislation. We can't give this money back. This would be an awful thing."

This bill does not require it to be sent back immediately, as has been falsely represented in many of the visits on this Hill. This bill restores the authority to the State regulatory bodies to determine when the money is returned to taxpayers. That is exactly what this bill does.

We have 18 cosponsors on this bill today. I hope we will get more.

I understand why the utility companies do not like it. I would not like it either if I had $15 billion of somebody else's money and somebody was saying to me, "You have to give it back." But we ought to give it back now. If we let the utilities give it back in 30 years, it's the same as promising somebody steak when their teeth are gone. Why give a refund 30 years later? Half the folks will be dead that paid this money in. That $15 billion ought to go back on a timely basis. That is what this issue is about.

You are going to hear a lot of debate in the coming weeks about this legislation. We are going to have a hearing on this legislation at some point in the months ahead in the Ways and Means Committee. The utility companies are going to keep screaming that this is unfair. The fact is they are wrong. I do not care how big they are. I do not care how badly they say they want the money. The money does not belong to them. The money belongs to the American consumer and that is where the money ought to go. It ought to go on the basis of a judgment made by the State utility commissioners as to when that refund should be made, based on the economic health of that utility company. If they have got money to buy 747's to lease from foreign airlines, then they have money to refund to the consumer.

Mr. Speaker, I appreciate the opportunity to outline this for my colleagues. I expect we are going to hear a lot and see a lot about this issue in the weeks ahead. I just want them all to understand exactly what the issue is, not what it is being portrayed as by some who have a special interest in trying to keep hold of $15 billion that is not theirs.

NEW STRATEGIES FOR THE WAR ON POVERTY

The SPEAKER pro tempore (Mr. HARRIS). Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, 25 years ago, socialist Michael Harrington stung the conscience of America with an exposé of economic distress in our Nation. Entitled "The Other America," Harrington's book described the breakdown of family life and the incessant despair characteristic of what he dubbed the culture of poverty. Troubling as those words must have been to the Americans of the New Frontier, they must give an even greater sense of unease to Americans today. For although Harrington's trea-

tise helped to ignite a multi-billion-dollar war on poverty that now conscripts dozens of Government agencies and programs, we cannot hide from soaring teenage pregnancy rates, long term reliance on Government assistance and the other manifestations of an entrenched welfare culture.

Indeed, Americans need to recognize that precisely because welfare has become a culture, we need a cultural assault on poverty that enlists Government and society as a whole in an effort to root dependency out from local economies and from the minds of the poor. First, we must identify the fundamental characteristics of the culture we seek to transform. Then the public and private sectors must join forces to convince the behaviorally dependent of the value our society places on their participation in it. To preserve that participation, we must demonstrate that our society offers opportunities for personal growth on a continuing basis. In the long run, our Nation's ability to meet the economic and political challenges of the 21st century may hinge upon a union of Americans seeking new frontiers on their personal and community horizons.

Across the country, scholars and politicians have joined together to cast a resounding "no confidence" vote against our present welfare system. In particular, four major reports published in 1986 called for fundamental changes in the services and choices available to welfare recipients:

"Investing in Poor Families and Their Children," issued by the American Public Welfare Association and the National Council of State Human Service Administrators.

"Ladders Out of Poverty," a report of the project on the welfare of families, under the chairmanship of Bruce Babbitt and Arthur Flemming.

"A New Social Contract," a report of the Task Force on Poverty and Welfare submitted to Gov. Mario Cuomo.

"Up From Dependency," issued by the White House Low-Income Opportunity Working Group.

Given the prominence of the figures associated with these reports, no one can ignore the fact that they call for new foundations for our welfare policies—namely, the foundations of family and work. It is also highly significant that the chairman of the House Subcommittee on Public Assistance has called for the replacement of AFDC with an entirely new Family Support Program.

While policymakers and opinion shapers insist on an overhaul of our public assistance programs, some may find it difficult to pinpoint exactly what is wrong with the present network of aid. If we look at income level statistics, we find that the number of Americans living in poverty has declined in the past two decades from 17 percent in 1965 to 14 percent in 1985. Moreover, about 2 million Americans—out of a total of 7 million—fall short of the poverty line by only $2,000. Given the fact that the Federal Government provided some $59 billion in noncash benefits in 1985, it seems unlikely that many of those who appear to be poor in fact remain so after benefiting from Medicaid, food stamps and similar programs. Although we must avoid convenient presumptions about the well-being of the elderly, the complex weave of our Government safety net does in fact require closer scrutiny of the status of senior citizens. According to the American Enterprise Institute's Working Seminar on Welfare Policy, "The availability of Medicare in 1985, disbursing $565 million to 20 million patients, has helped to change the meaning of poverty for the elderly." While 29 percent of those over 65 lived on incomes below the poverty line in 1966, that figure has plummeted to 13 percent as of 1985. If we include noncash benefits like Medicare in the calculations, we find only 3 percent of the elderly in the poverty sector.

In sum, Uncle Sam merits high marks for reducing the numbers of Americans in desperate economic straits. On the other hand, the Federal Government deserves a failing grade for its treatment of those who remain in poverty. In a 1962 message to Congress, President Kennedy asked that welfare reform efforts "stress the integrity and preservation of the family unit." He insisted that the public assistance programs "contribute to the attack on dependency, juvenile delinquency, family breakdown, illegitimacy, ill health and disability." Remarkably, a survey of the effects of our present welfare system on children, juveniles and young adults in poverty reveal that that very system has failed precisely those sectors of our population that it was designed it help. Across all economic strata, the percentage of families headed by single women has risen from 8 percent in 1962 to 21 percent in 1985. But among poor families with children, the proportion of families headed by women has soared from 30 to 56 percent. The Working Seminar reports that 46 percent of children on AFDC in 1983 were born to unmarried parents. Also in 1983, teenagers had 270,000 children out of wedlock and an astounding 450,000 abortions. By 1980, over 50 percent of AFDC funds went to mothers who had first given birth as teenagers. By 1980, these teenage parents made up 71 percent of all AFDC mothers under 30.

Not surprisingly, these abstract statistics can translate into some very real suffering in the homes of the poor. Low-income subsistence presents grave material and psychological challenges to traditional family units. The American Public Welfare Association has reported that children in poo families suffer from more frequen and more violent child abuse and ne glect than children from other seg ments of the population. But th stress of these challenges grows ex ponentially when mothers and chil dren must face them alone. And on finds it difficult to imagine how a mother who possesses little more ma turity than her child copes with th pressures of economic survival. Clear ly, the Federal Government's crusad to insulate poor people from economi realities and responsibilities has lef them more vulnerable than ever t personal disaster of the first order.

Unfortunately, this dispiriting conclusion applies not only to AFDC recipients, but to young male constitutents of the welfare culture as well.

□ 1050

We all know about the grim employment statistics for black teenagers and young adults. Nevertheless, I find it startling that the labor force participation rate for black males ages 16 to 24 has plunged during the supposed "war on poverty." While 59 percent of young black males found employment in 1962, only 44 percent did so last year. As of 1984, almost one-half of this same group had zero—I repeat, zero—work experience. Given the fact that so many residents of our inner cities cannot even obtain a job reference, let alone an actual position, it's no surprise that many of them submit to hopelessness.

In 1985, Richard Freeman and Harry Holzer analyzed the roots of black employment difficulties in "The Black Youth Unemployment Crisis." They reject simple explanations in favor of social pathologies which they believe handicap black youths before they even consider competition in the job market. In their conclusion, Freeman and Holzer state:

> Black youths from welfare homes with the same family income and otherwise comparable to youths from nonwelfare homes had a much worse experience in the job market. Youths living in public housing projects also did less well than youths living in private housing. Thus, the unemployment rate among 19 to 24 year olds who received no public assistance and who did not live in public housing was 28 percent in 1979. Among those from families on welfare, the unemployment rate rose to 43.8 percent. And among those whose families collected welfare and lived in public housing, the unemployment rate soared to 52 percent.

So we have gone from 28 percent up to 52 percent with those two characteristics.

Dependence on welfare, it would appear from this assessment, not only reduces the probability of employment but at times can transform a job search into little more than a roll of the dice.

How have such good intentions produced such catastrophic results? Re-

cently, a group of scholars and public officials met under the aegis of the American Enterprise Institute and agreed that "behavioral dependency" has perverted the destinies of many welfare recipients. For too long, policymakers have presumed that destitution and unemployment are material conditions. In reality, continuing poverty has profound psychological effects that leave individuals unsure of themselves and resentful of a society that appears to have forgotten them. In "A Community of Self-Reliance," the participants in AEI's Working Seminar on Welfare Policy dissect the body of this alienation. "What is distinctive about behavioral dependency," they write, "is its moral or attitudinal component, manifest in an inability to cope on the part of the many able-bodied adults. Two of its major causes are, on the one hand, female-headed households and, on the other, nonwork. In these two areas in particular, little progress can be made in reducing dependency apart from a heightened sense of personal responsibility."

The Working Seminar participants continue:

> Yet moral behavior seldom springs from resolute individuals will alone. It usually requires the social support of major institutions reinforcing what is good and noble in human behavior and blaming what is not. A weak social ethos increases the probability of personal failures. A strong ethos nourishes and strengthens individuals who act responsibly and blames those who do not—and thereby affects the probable distributions of each.

In other words, those who have lost their place in our society need society's help in reorienting themselves toward a purposeful and productive lifestyle. Handouts from Washington and open-ended training programs will never supply the poor with the sense of reciprocity they need in order to feel a part of our opportunity society. Reciprocal obligations inform the poor that not only do we expect them to be productive, but that we believe they can produce in a way that benefits our Nation.

The Working Seminar listed several options for implementing this reciprocity. First, it advised that Washington and the State governments require all able-bodied recipients of welfare to work or enroll in time-limited training programs. Second, since a majority of their counterparts living above the poverty line hold part-time or full-time jobs, the Working Seminar maintained that even mothers of preschool children must enter the work force. Third, welfare authorities should insist that young mothers complete their high school education so that they can compete in the employment marketplace. Fourth, Federal and State officials should also expect older mothers to find jobs in the private sector or accept positions in the public sector. Those who fail to do so must feel the effects of clear and fair sanctions. Fifth, all of these cases, welfare recipients "should be expected to regard every job, even part-time and at the minimum wage, as an obligation to society, as important to future work experience, and as an occasion of self-development." At a minimum, work requirements will provide the poor with the job references that many of them need to start on the road to permanent employment. It seems to be a truism that if you have not had the first job, your opportunity to get any other jobs up the job scale are going to be absolutely nil.

In an optimistic contingency, welfare recipients will gain a new understanding of their strengths and capabilities that will empower them to undertake challenges in the job market. "The underlying principle," the Working Seminar notes in its report, "is that the welfare system must be infused with a sense of obligation, in order to build a sense of reciprocal bonds among the members of the civic community. That community best helps the able needy by including them within its own productive activities."

Since the Working Seminar and other research units have established broad parameters in their reform recommendations, it remains for others to determine how the thrust of those suggestions may best be implemented. Many in Congress admire the Employment Training Program established under Gov. Michael Dukakis. Under Employment Training—or "ET," as it is known—the State government encourages welfare recipients to participate in a variety of services designed to enhance their employability. These include job appraisals, career-planning workshops, remedial education, job training and placement services. Should an aid recipient decide to move from training to actual employment, that person will obtain transportation allowances and free day care for a year, along with Medicaid coverage for up to 15 months.

As New Republic columnist Mickey Kaus has noted, two problems have sprung up concerning ET. First of all, it isn't workfare. ET does not require work or anything else of AFDC recipients. They suffer no penalties if they reject the training and employment options and decide to stay at home with their children. Since ET does nothing to reach out to the hard-core welfare recipients within the poverty culture and inculcate new thinking about the value of their contributions to society, it's not entirely clear that ET benefits people other than those who already possessed sufficient motivation to seek jobs anyway.

Of course, these structural limitations mesh with the outlook of Charles Atkins, the Massachusetts commissioner of welfare. According to the July 7, 1986 edition of the New Republic, Mr. Atkins has remarked, "I think workfare is slavery." I would suggest that many Members of Congress who have used ET as the model for their welfare reform proposals would find it shocking to learn that a principal architect of the Massachusetts program cannot distinguish between workfare and the labor practices of Simon Legree. Unfortunately, the old-fashioned handout mentality behind ET is not its only flaw. The second imperfection is even more serious: The program doesn't appear to work. In an essay for the January 19 edition of the Wall Street Journal, economics columnist Warren Brookes observes that "the results in Massachusetts are so poor as to call into question the entire ET Program as a waste of taxpayer dollars, now nearly $50 million a year." From the inception of ET in 1983 to September 1986, Brookes notes, the AFDC caseload in Massachusetts rose from 86,999 to 87,460. Over the same period, the number of new applications for AFDC increased from 13,657 to 14,890, and the number of terminations declined from 10,700 to 10,544. Remarkably, those events occurred as the unemployment rate in the Commonwealth dropped from 7.2 percent in September 1983 to 4.2 percent in September 1986. In sum, the architects of ET have achieved the dubious distinction of leaving the welfare culture intact amidst one of the most extraordinary turnarounds in a State's economy during this decade.

□ 1100

Fortunately, we in the Congress do not have to spend the $1.5 billion that Mr. Brooks estimates a nationwide ET failure would cost us every year. We can in fact turn to an innovative alternative that has proven its ability to transform the lives of persons habituated to dependency. It's called "GAIN, or Greater Avenues through Independence." This, the product of careful experimentation and a consensus between Republican Gov. George Deukmajian and and the Democratic California Legislature, is now being implemented on a county-by-county basis throughout the Golden State.

Our new colleague, the gentleman from California [Mr. KONNYU], played a major role in the creation of this program while he served as a Republican member of the California Legislature.

In describing the program, I'd like to refer to the testimony of Mr. David Swoap, formerly Under Secretary at the U.S. Department of Health and Human Services and then head of California's Welfare Department. Mr. Swoap discussed the GAIN Program in a hearing on workfare that I chaired for the Joint Economic Committee's

Subcommittee on Trade, Productivity and Economic Growth.

"In developing the program," Mr. Swoap told our panel, "we emphasized essentially two concepts: targeting and sequence. What we learned through State and local experiments in the 1980's is that in order to achieve cost-effective job placement, the sequence of the activities is as important as the activities themselves so that we can target dollars efficiently to those individuals who need them."

How is this efficiency implemented? To begin with, welfare recipients must register in the program. Following an assessment of the individual's capabilities, program administrators direct the person either to a remedial education program or to mandatory job search. At that point, Mr. Swoap reported, as many as 30 to 40 percent of the welfare enrollees find jobs. "By placing recipients in 3-week, job-search workshops," he noted, "San Diego was able to place more than 46 percent of its participants into jobs, thus saving taxpayers significant dollars in unnecessary training expenditures." According to Mr. Swoap, the mandatory job search also benefits the outlook of welfare recipients. In San Diego, one graduate of the "job club" told Swoap: "When I got out of there, I felt I could do anything in the world."

For those unable to find a position through job search, GAIN offers grant diversion. This is where a portion of the person's grant goes to an employer to help offset the wage. Intensive training for the functionally unemployed, and community work experience. Interestingly, even the work requirement has generated a positive response from participants. When Mr. Swoap visited a new class of workfare participants, he asked them how they felt about the mandatory aspects of GAIN. Swoap added, " 'How many of you think this program should be mandatory?' Every single one of them raised his or her hand. They said, 'I wouldn't have been here had it not been mandatory, but now that I am here I find what tremendous opportunities this is going to provide me' with regard to enabling the individual to work himself off of welfare."

Mr. Swoap's observation concurs with the assessment of Barbara Blum, president of Manpower Demonstration Corp., who also testified before the JEC Subcommittee. Beginning in 1982, MDRC has conducted evaluations of State welfare reform initiatives. In San Diego, MDRC surveys showed that 60 to 70 percent of AFDC applicants regarded required work as a fair obligation. They did not object to it; they believed it was fair for the State to require work as part of the overall program. They saw nothing unfair about that, and 80 percent believed that it was fair to mandate a 3-week job search.

In her opening statement before the subcommittee, Ms. Blum commented:

> These results are consistent with other studies that the poor want to work and are eager to take advantage of opportunities to do so. As one of MDRC's field workers remarked, "These workfare programs did not create the work ethic, they found it."

Obviously, this judgment meshes with the belief of AEI's working seminar that every American can become an achiever if our society defines its expectations for that person with sufficient clarity.

Greater Avenues through Independence, GAIN, thus carries the demonstrable promise of a more fulfilling lifestyle for welfare recipients themselves. In addition, Mr. Swoap reports that the implementation of GAIN may carry fiscal advantages as well. He told our workfare hearing: "Annual costs to implement the program will be about $159 million, versus savings of approximately $272 million, plus the added benefits of recipients contributing to the State's tax base." It's my hope that Members of Congress will turn from the siren song of ET and look toward a real workfare plan that offers a real chance for a breakout from the imprisonment of the poverty culture.

In the final analysis, however, neither GAIN not ET nor any legislation or bureaucracy will resolve our poverty dilemmas. Amidst the monsoon of studies, reports and recommendations on welfare reform, it's disappointing that so few experts have highlighted the successes scored by community organizations in the war against poverty. Ultimately, we need to understand the unique strengths which these groups offer if we wish to properly tailor our national programs to the immense variety of local problems and needs.

The management of public housing units by tenants has provided some of the most dramatic evidence of how community efforts can defeat problems that bureaucrats and, I might say, elected officials find intractable. In the August 4, 1986 edition of U.S. News & World Report, reporters Art Levine and Dan Collins concentrated on the initiatives of Kimi Gray and her fellow tenants at the Kenilworth-Parkside public housing facility here in Washington, D.C. "Since tenants began running the project in 1982," they write:

> Something close to a miracle has occurred. Repairs have been made, utilities restored and crime, teenage pregnancy and welfare dependency have dropped substantially. At the same time, rental collections have risen 105 percent, while administrative costs are 60 percent less than those of the housing agency's subcontractor.

According to U.S. News:

> Kenilworth-Parkside still has some of the grim look of "the projects," but the streets are clean and there are touches of pride everywhere—mowed lawns, barbecue grills and flowers. There are small businesses and services that together employ 140 residents. Among them are a screen-door shop, a day care center and a food co-op.

Ms. Gray, who rose from a single parent reliant on welfare to become the head of the Kenilworth Management Corp., attributes the success of the project's renovation to the fact that residents gained new attitudes toward their homes once they became responsible for them. "Poor people," she says, "have the same dreams as everyone else."

In 1985, President Reagan noted that "the brave pioneers of resident management are sowing the seeds of hope and possibility in cities across our Nation." In designing antipoverty programs, Senators and Representatives need to remember that there are thousands of neighborhoods in our country with activists like Kimi Gray. They must remember that such community leaders have irreplaceable perspectives on the daily challenges facing the poor, and that they possess irreplaceable insight into the daily opportunities for lifting the poor out of the welfare culture. Hopefully, Congress will also recall that we need to assist, not complicate, these private crusades for hope in the bastions of despair. As President Kennedy himself observed in 1962, we must marshall "the total resources of the community to meet the total needs of the family to help our less fortunate citizens help themselves,"

Of course, long-term confidence about one's ability to help oneself depends to a large extent on prospects for economic growth. Unfortunately, a recent report from the majority side of the Joint Economic Committee has clouded the understanding of many vis-a-vis those economic prospects. Bennett Harrison and Barry Bluestone, who prepared the report, concluded that over 50 percent of the net increase in employment that occurred between 1979 and 1984 could be attributed to jobs that paid less than $7,012 per year. Reports from the children's defense fund and the Center for National Policy on Antipoverty Initiatives have both seized upon this information to help justify their conclusions about our economy and their recommendations for future policy. In "Work and Welfare: the Case for New Directions in National Policy," Robert Reischauer argues that the "disproportionate growth of jobs paying inadequate wages has had a particularly pronounced effect on the employment prospects of those with little education."

□ 1110

Clearly, a reliance on this judgment leads inevitably to additional Government intervention in the economy and to the conclusion that the poor cannot

presently lift themselves out of economic distress.

In the March 25 edition of the Wall Street Journal, economics columnist, Warren Brookes, demonstrates that we cannot in fact rely on the assessments of Messrs. Reischauer, Harrison, and Bluestone. In his article, Brookes blasts the purported proliferation of low-wage jobs as a "statistical fraud resulting from careful selection of unrepresentative years." He cites Department of Labor employment statistics which show that from 1983 to 1987, the percentage of the highest paying job categories rose. In fact, the free market economy unleashed by the Reagan revolution created 2.7 million new jobs in the period from February 1986 to February 1987. Of those jobs, 41.5 percent came from managerial and professional specialties, the highest-paid category classified by the Labor Department.

Once we have established the true nature of economic opportunity in America, we can begin to forge policies that will allow the residents of our inner cities to take advantage of those opportunities. Throughout his administration, President Reagan has urged Congress to approve the creation of enterprise zones in urban areas. Such zones would encourage the formation of business enterprises through tax incentives. I'm pleased that my colleague DICK ARMEY has included enterprise zone legislation in his "Minority Opportunity Restoration Act," which also calls for a youth opportunity wage and an urban homesteading program that allows residents of public housing a chance to purchase their own homes at a reduced price. Enterprise zone provisions in the Armey legislation would provide Federal tax incentives through investment tax credits, employer tax credits and employee tax credits. In addition, State and local governments could request regulatory relief from the Federal Government. In my view, it's absolutely imperative that we move to ensure that the individuals which new welfare reform legislation will train for jobs can look forward to a future of employment in their communities. Given the fact that 32 States have approved enterprise zone legislation, it would appear that State legislators have recognized that imperative.

Unfortunately, many discussions of the best methods by which urban economies can be revitalized have ignored one of the fundamental impediments to commerce: crime. Information compiled by the Bureau of Justice statistics in 1983 revealed that burglars are twice as likely to victimize the homes of the poor as they are the homes of the affluent. Households with incomes under $7,500 report 40 percent of burglaries and 33 percent of all household crimes. Worst of all, the leading cause of death among young black males is homicide.

What are the consequences of the crime plague in our inner cities? First of all, they inhibit the economic activity of families and individuals. In an article for Policy Review entitled "The Urban Strangler," James K. Stewart reviewed the consequences of a burglary for those with limited means: "The theft of a TV, furniture, or car can be devastating. Robberies of cash or checks—for rent, welfare or Social Security—may at one stroke eliminate a family's ability to pay for home, food or future." Mr. Stewart goes on to observe that criminal activity can also shatter the aspirations of the poor for the future—a phenomenon that only strengthens the grip of dependency on their lives. People may stay at home rather than take a second job or enroll in night school because they worry about their safety in the night time.

In "A Community of Self-Reliance," AEI's working seminar profiles the crushing burden high crime rates place on the business activity depressed areas need so badly: "Crime lowers property values, making it harder for the urban poor to accumulate capital and to borrow money. Crime is one of the major reasons why businesses in central cities restrict operations, relocate, sell, or close down. Businesses in high crime areas face sharply higher operating costs, including higher labor costs and investments in a security force, improved lighting, alarms, metal grills for windows and doors, and—if it is available at all—extremely expensive insurance." In other words, burglars and violent criminals have at times established a blockade between the residents of poor communities and the jobs they so desperately need.

As the working seminar points out later in its report, efforts to restore the credibility of our criminal justice system must become part and parcel of our antipovery efforts if we ever wish to offer prospects for long-term economic growth in an urban context. Justice Department data from 1983 underscores the importance of the credibility issue. According to Bureau of Justice statistics, only 20 percent of reported crimes are solved. Fewer than 30 percent of those convicted of crimes of violence against persons or serious property crimes are sentenced to prison. Our criminal justice system returns over 70 percent of these individuals to communities on felony probation, and then rearrests 65 percent of those on probation within 3 years.

Clearly, State and national legislators, along with community leaders, need to do more to convince criminals that they take crime as seriously as its perpetrators do. The Working Seminar on Welfare Policy proposed some starting points for this effort. They include;

New methods of policing aimed at maintaining a sense of order on the streets of poor neighborhoods.

Stricter bail, sentencing and parole procedures.

Additional initiatives to control commerce in illegal narcotics in poverty-stricken communities.

I might say that the Congress has begun action in that regard with respect to the 1986 antidrug bill which is only now beginning to be implemented.

And finally Government action to facilitate the eviction of public housing tenants who disrupt community life or who do not meet minimally acceptable standards of conduct.

One of the complaints we have is that we make it almost impossible to evict those people who are destroying the very neighborhoods in which they live. Mothers say, "How can we raise our children when the disruptive elements of our community can never be evicted because they are protected by the laws that you and Congress and in the State legislatures have established?

"Who are you protecting and whom are you harming?"

While one may disagree as to the wisdom of these particular measures, it remains true that one of the principal obligations of our Government is to ensure domestic tranquillity. Places in our country where people cannot obtain jobs or even leave their dwellings because they fear for their lives and all that they have in this world have nothing that approaches tranquillity.

In his first State of the Union Address, President Lyndon Johnson observed that many poor Americans found themselves "on the outskirts of hope." Tragically, behavioral dependency has pushed many of the poor beyond even the outskirts. According to the American Enterprise Institute's Working Seminar on Welfare Policy, this dependency has crippled family structures in the homes of the poor. "According to a Los Angeles Times poll in 1985," the working seminar notes in its report:

> Sixty-four percent of the poor and 70 percent of poor women say it is "almost always" or "often" true that "poor young women have babies so they can collect welfare." Welfare "almost always" or "often" encourages husbands to avoid family responsibilities, according to 60 percent of the poor persons polled.

Remember this is not a poll of academicians, it is not a poll of Members of Congress, it is not a poll of so-called experts. This is a poll of the poor people themselves.

While one may raise objections to the accuracy of such perceptions, their very existence underscores the prevalence of self-destructive behavior in the so-called underclass. Obviously, such behavior is in no way characteris-

tic of a great society. And such behavior necessitates a radical break with the policies that have helped to create it.

True workfare—workfare that establishes reciprocal obligations between society and the poor—will create the needed break with the failed policies of the past. False workfare proposals that rely on open-ended training programs will leave the poor in the status quo, segregated from a responsible participation in our society that could them confidence in their country as well as themselves. As Prof. Glenn Loury of Harvard University's Kennedy School of Government has said:

> The imposition of an obligation actually shows respect for the recipient * * *. By holding up a common standard of behavior to all able-bodied citizens we evidence our confidence that those who may now need our assistance are capable of becoming self-reliant. This avoids the situation in which "we," who are capable of responsible conduct and of generosity, deign to provide for "them" who, by virtue of their dependency are rendered objects of our concern, but are not treated as responsible moral agents.

In a nation pledged to equity and needful of more workers than ever before, a failure to learn from the mistakes of the past during our debate over welfare reform may be a recipe for calamity.

I hope that Members of this House as well as Members of the Senate will understand as we embark on our discussions on workfare that anything under the rubric of workfare may not be what is necessary and in fact may inculcate even further the problems of attitude and values and failure that we already have in our society with the poverty community. And that if we are going to give these people an opportunity to fully participate in our society and at the same time reestablish the connection in society between those who are currently paying taxes and those who are not, we need to have specific challenges involved in the program.

□ 1120

Open-ended training programs tend to tell people that they do not have to look for work. They can continue to train. Many of us know of professional students in colleges today who never seem to find the opportunity to look for work because it is easier to continue to study ad infinitum.

The same thing happens within the welfare culture itself. What we need to do is to establish programs that give them confidence and determine at the very outset what their qualifications are.

One of greatest parts of the game program in California is that assessment takes place at the very beginning. Those who do not need training in order to get jobs are not funneled into the training programs. They are given an opportunity to seek jobs.

If they do not have the skills to seek jobs, and there are some skills involved, they have a mandatory 3-week program of teaching in those skills and then they get involved in the search itself.

So what we find is that in San Diego County, the county that had the largest scale project program on that, those who benefit from the program actually thank those who are putting the program on for the requirements they placed on them.

I do understand why people in government seem to believe that folks, because they are poor, are different than the rest of us; that because they are poor, they are incapable of responding to incentives and disincentives; that somehow, because they are poor, we look at them differently.

They are Americans, just as we are. They respond to incentives and disincentives. If you give them a challenge, they are more apt to respond to that challenge. If you pat them on the head in a paternalistic gesture, they are less apt to take responsibility upon themselves.

As our society has discovered, the great war on poverty has left, unfortunately, a lot of people in its wake that many in our society have given up on.

It is time for us to take a look at a drastic change. Workfare is that change, but it has to be real workfare, not a phony workfare that says, "We will call it something, but we will not make it workfare that requires people to rise to challenges that we know that they can accept and they can overcome."

ORDER OF BUSINESS

Mr. HUBBARD. Mr. Speaker, I ask unanimous consent that my special order of today precede the special order of the gentleman from Texas [Mr. GONZALEZ].

The SPEAKER pro tempore (Mr. HARRIS). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONGRESSMAN TIM LEE CARTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, at this time, actually, I am substituting for my friend and colleague, the gentleman from Kentucky [Mr. ROGERS] who represents the Fifth District of Kentucky. He and I and other members of the Kentucky delegation grieve the passing last Friday of our former colleague and dear friend, Congressman Tim Lee Carter of Kentucky.

Congressman ROGERS, who succeeded Congressman Carter in this House of Representatives, is being summone to the House floor at this time from budget briefing in order to announce special order that he has reserved nex Tuesday.

Last Sunday, in remarks I made a the graveside service I mentioned, as long-time friend of Tim Lee Carte that this week words of praise abou Dr. Carter would be heard in thi House Chamber. This special tim today makes that statement accurat I want to commend Congressma ROGERS for asking for time next Tues day so that other members of th Kentucky delegation and from al other States who knew and loved Tin Lee Carter can pay tribute to him.

Dr. Tim Lee Carter was a distin guished statesman and physician fron Tompkinsville, KY, who died las Friday at the age of 76. He was electe to the U.S. House of Representative in 1964, and served eight terms befor retiring in 1980.

For much of that time, Dr. Carte was the only practicing physician i the Congress and was a major contrib utor to health and hospital legislation It was Congressman Tim Lee Carte who was the first Republican in the House of Representatives to seek withdrawal of United States troops from Vietnam.

A large crowd of about 500 people last Sunday afternoon in the community of Tompkinsville, KY, the hometown of Dr. Carter, were there to hear several pay tribute to him and to share thoughts with his widow, Kathleen, and his brother, Judge James Carter, his sister, Mrs. Vivian Hayes, and other members of the family who were there at that time.

Dr. Tim Lee Carter was a special friend to me. Yes, he was a Republican, I am a Democrat, but upon being elected to Congress in 1974, and being a freshman here in 1975, he was very helpful to me as a Member of the House, and was always one whom I admired very much.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. HUBBARD. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I think that I would be remiss if I did not rise at this point, and the gentleman has given me this time which is greatly appreciated.

I join the gentleman in not only evoking the memory, but extolling the great virtues of a great Member of Congress, Dr. Tim Carter. Perhaps the angels in heaven who are receiving him unquestionably will make due note, but I think we earthbeings down here ought to place in the RECORD that I, for one, and those constituents I represent, the 20th District, at that time, my district was the entire county and included the principal city of San Antonio.

San Antonio is the only large city that has total dependency for its source of safe drinking water, an equifer known as the Edwards underground aquifer.

It was necessary that we have legislation protecting that single source of safe drinking water for the city of San Antonio. So I had to come onto the House floor to offer an amendment to the Safe Drinking Water Act that was being handled by a Democratic colleague, and who would not accept my amendment.

But Dr. Tim Carter, who was handling the minority side of this legislation, rose and immediately accepted my amendment and revealed his knowledge about San Antonio's aquifer situation. I think the RECORD ought to show that he single-handedly allowed us to have that amendment accepted on the House floor, which is the only protection we have for the single source of water in San Antonio.

I thank the gentlemen for yielding to me.

Mr. HUBBARD. Mr. Speaker, I thank the gentleman from Texas for his remarks.

I would remind the Speaker that my 5-minute special order was actually substituting for the distinguished gentleman from Kentucky [Mr. ROGERS], who succeeded Dr. Carter. He has been in a very important budget briefing.

At this time, I end my special order, knowing that the gentleman from Kentucky [Mr. ROGERS] will ask for unanimous consent for 5 minutes of his own.

□ 1130

A TRIBUTE TO THE LATE HONORABLE TIM LEE CARTER

The SPEAKER pro tempore (Mr. HARRIS). Under a previous order of the House, the gentleman from Kentucky [Mr. ROGERS] is recognized for 5 minutes.

Mr. ROGERS. Mr. Speaker, I thank my colleague, the gentleman from Kentucky [Mr. HUBBARD] who represents the First District, for his words on this subject, and let me state at the outset that we want to invite the Members to participate next Tuesday, April 7, in a special order in recognition and in tribute to Dr. Tim Lee Carter, who, as the Members know, passed away this past weekend in Kentucky.

Dr. Carter was my predecessor and served in this body as a very highly distinguished Member of Congress from 1964 through 1980. We invite everyone who would care to participate to join with us in the special order next Tuesday at the conclusion of the regular session of Congress.

Dr. Carter was, of course, a beloved figure in his district and in Kentucky as a whole and, in fact, here in the Halls of the Congress and in Washington, DC. He was a man who had made his mark in so many different ways and a man who was beloved in every respect.

Perhaps Dr. Carter's greatest legislative achievements were in the 1970's, and perhaps even in the 1960's, in health care legislation. He was the ranking Republican on the Health Subcommittee of the Interstate and Foreign Commerce Committee, as it was called then, and he was the author and coauthor of much of the almost revolutionary health care legislation of that era. And, of course, that stemmed from his great compassion for his people and for people in general, for all mankind, and also from the fact that he was a medical doctor, a physician who had spent his earlier career in treating the folks in his district, in Tompkinsville, in Monroe County, and in the surrounding region. He was a traveling physician, if you will, who would go when called and who cared so deeply that he would go many times without sleep in his service to humanity.

So that was where this wellspring of support for health care legislation came from, growing from that deep-seated concern for his people, and that concern manifested itself here in the Halls of Congress where he was able, with a lot of help, of course, to write into the laws of the land legislation, and funding for it, which was able to provide for the greater good of humankind.

He had concern for people not only in this country but elsewhere, because Dr. Carter had been, I know, to other nations and observed their health facilities. I recall not long before he left the Halls of Congress telling me of his trip to Red China, and one of the things he looked at very closely there was the acupuncture treatment facilities in China. This fascinated him because of the numbers of people involved in this rather unique kind of medical service.

So his was a life of dedication to people. He was a statesman, and I am reminded that he was an adviser to Presidents and even to rulers of foreign lands, on health matters especially, and to others as well. I am reminded of that portion of that old poem that says in essence that "He could walk with kings nor lose the common touch." And indeed that typified Dr. Carter's life.

He was a man who was beloved in Washington, a man who always had a kind word for his fellow workers, his fellow Members of Congress, and the clerks, the policemen, and all those who serve here in the Nation's Capital, especially servicemen, because, of course, he was a veteran as well, having served as a captain in the medical service during World War II in the Pacific.

He was a kind and compassionate person. If there is one thing we could say about Dr. Carter above all others, I think it is that he was a kindly and soft-spoken but fiercely determined human being who had great compassion for his fellow human beings.

Dr. Carter has gone on now to be with his dearly beloved son who left this life at age 21. That broke Dr. Carter's heart, having occurred not long before he retired from this Chamber. His son was a young man, a beautiful young man, who died of leukemia. I have always thought that perhaps that did break Dr. Carter's heart, because being the physician that he was and being unable to cure his son of this incurable disease, it would certainly break his heart.

So I would hope that the Members would join us next Tuesday, April 7, for this special tribute to Dr. Tim Lee Carter, the late Congressman from the Fifth District of Kentucky in whose footprints I am attempting to walk although without much success in filling his shoes.

Mr. Speaker, I hope our colleagues will join us next Tuesday.

THE LESSONS OF HISTORY

The SPEAKER pro tempore (Mr. HARRIS). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, on Monday I continued to address the question of the fragile state of being that I am convinced we have for some time faced in two of the key organs of our Government, the executive branch, which has been in some turmoil for some time since the assassination of President Kennedy, and the legislative branch, which ironically in the name of reform has necessitated now the crying need for reform of the budgetary processes. This is a problem that the Budgetary Reform Act of 1974 was supposed to solve and prevent but which we take for granted now. I think this is at the price of the erosion of institutional integrity in the legislative process.

The whole question in both areas of concern can be summed up, I believe, as generally a compromise of integrity, either individual integrity or collective institutional integrity.

History shows that all societies and all governments from the time that we have had fairly accurate writings of history have confronted the same identical forces. The same basic questions that mankind has addressed from time immemorial confront us today.

I think that those who read the Scriptures for their guidance in life are probably the best suited to decipher the basic issues which are still

confronting us. The basic issue always has been, and continues to be, the question asked by Cain: Am I my brother's keeper? I think that is the $64 question, and each one of us answers it in the light of his understanding.

In the case at point, I referred Monday to the fact that we have become accustomed to accepting a violation of the Constitution and of our statutes by the President, particularly in those actions that capture the popular imagination and approval, the attempt to knock off an unpopular figure, Qadhafi, but which resulted in the death of quite a number of innocent children, women, and elderly persons.

□ 1140

Our American public is not aware of what, for instance, a European press has brought in that connection. The literally dozens of Libyans that were taken in in France in the French hospitals by the surgeons and the physicians that attempted to patch up and fix up some of the children who were maimed and wounded severely in that bombing of the so-called Qadhafi headquarters but which the President announced was intended to bomb the training headquarters of the terrorist camps that were supposed to exist or do exist in Libya.

The fact is that the President usurped his power. The Congress, rather than calling him to account, applauded. Within 8 hours of the event, all the leaders in and out, on both sides of the aisles, in both sides of the rotunda, Senate and House, were rising to compliment the President. Some of us were dissonant in expressing some views that were certainly not popular. Same thing on the occasion of the invasion of Grenada. It was a popular thing. The President was able to sell it, but in doing so, he violated 4 laws, three of them the force of law because they were treaties. Of the three treaties, our country had taken the initiative in bringing around the formation, formulation and adoption of those treaties. The Treaty of Rio, the Understanding of Puenta del Esta and the others; they were all violated. Nobody wanted to look at that because it was a popular thing.

How could we stand by while a Cuban, Communist-type of preparation was underway and taking place in this place known as Grenada which very few people realized, not even the size of, well it was not even the size, geographically speaking, of the District of Columbia, and population-wise more than about 110,000 people, so that the resulting factors are being reported.

Several books have been written. One in which a military expert pronounces that as a military failure, and of course, I would refer my colleagues to that book in case they want to know just what, from a military standpoint, was considered a failed mission. It cost the lives of some 20 American service personnel.

But everybody forget that the invasion was ordered less than 30 hours after the demise and the death of 241 marines in Beirut, and why they died, and what the almost unbelievable, heedless disregard of the Commander in Chief of the unanimous advice of the chief professional military experts our country, at great expense, has provided our President with. Not for 14 hours but for 14 months. There were some of us that were speaking out then and saying, "Mr. President, you are violating the 1974 War Powers Limitation Act," but nobody in the Congress seemed to much care. These were lonely, isolated voices that in our system, where power is the law, whether it is power political or power of wealth, that rules the day; let us face it. Our standards of success are what is the size of your bank account. If you are successful that way, then we ascribe the potential for success in every other endeavor, including governing, including politics, which, of course, sober thinking reveals that to be fallacious and mistaken.

All of these are symptoms. The fact that I rise today motivated by the same, basic thrust that motivated me getting up and enjoying this great privilege, taking the time, and placing into the RECORD my utterances, is the same as the one that motivated me Monday and the one that motivated me in 1982 and 1983 with respect to the so-called deployment of the marines in Beirut and the President never once defining the mission, not for politicians, not for ambassadors, not for diplomats, but for warriors. Of course, the catastrophic result, the loss of this American human component of our society.

I do not think the average American has reached the point that we accept what we attribute to other, less happier civilizations where we figure that in that civilization human life, individual human life, is expendable. During the Korean conflict, we would read about the human waves, once the Chinese entered the fray, and we ascribe that to Oriental carelessness for the value of individual human life.

But the fact is that we are becoming enured to that. Two hundred and forty-one marines. What does it mean to those that suffered that loss like this distraught father in Philadelphia who called me all the way to Texas about 3 or 4 months after the death of his son, the youngest marine killed in Beirut. He was asking questions. How many of my colleagues realize that those 241 marines were not considered to have died in action or in service or in combat? They are listed as having died in an accident, and this poor father was calling me, sobbing on th phone, saying, "I have a letter fro the Marine Commandant, I have letter from the Secretary of Defens and they are telling me that the regret that my son died in an acc dent." He said, "My son was a marin he wanted to be a marine. He wa doing his duty for the country. He wa engaged in a mission for his countr How can you explain this, Congress man? We notice that you are the onl one that has been raising your voice and we saw the other day that yo had introduced a bill that would pro vide a $50,000 policy to our servicemen to be paid in the event of their death in an undeclared war."

Well, of course, I never even wa able to get a hearing on that bill, bu the fact remains that the advisor tha died in El Salvador 2 days ago, as wel as our helicopter serviceman who die in Honduras while on erstwhile train ing, neither one of them will be place in the records as having died in th line of duty; they will be listed a having died in an accident. I think that is something that we should have learned since Korea and Vietnam, that no matter how vast, no matter how great a power and a potential nation we have, we cannot afford to be this careless with even one of our American lives.

I first raised this issue in May 1963. Now, who was President? The dearest and most personal Presidential friend I have ever had, John F. Kennedy. The reason was that I was invited by the commander then of the 433d Reserve Unit in San Antonio because the colonel then told me, "We understand that this family is a good friend of yours and we have a young airman that we are going to honor, and his father, we are told, is a long-time friend." I said, "Yes, I have known this boy since he was born." I went to the ceremony on a Sunday before taking a plane to return to Washington, and I was intrigued by the fact that the young man was being decorated or commemorated for 300 missions in an unknown place, nobody at that time, May 1963, if you had asked the average Member of the House or the average citizen on the streets, "Where is Vietnam?" they would have looked at you and stared and said, "Well, I do not know for sure."

It turned out that this young man was an advisor. He was a military advisor, one of several that then were in what we now designate as South Vietnam. He had been on a helicopter as cargo master, when, on the last run they received hostile fire, and as he told me, he said, "Listen, Congressman, I did not want to get shot down over a rice paddy. I ordered the RVN to fire his gun because we are not allowed to carry guns."

□ 1150

I said, "What do you mean, you are not allowed to carry arms? What are you doing out in an area where you are going to receive hostile fire and face the possible loss of life or serious bodily harm?"

He said, "Well, that's the way it is. In fact, didn't you ever get a request from my father? I asked him how he could get a .45 revolver for me to have with me, because no matter where we are, even if we are in a city, we have need for personal arms."

I said, "Well, no, I never received such a request, but it intrigues me why if you are an advisor you would be exposed unarmed, without the elemental right of self-preservation."

He said, "Well, anyway, I ordered the RVN to fire. He wouldn't, so I grabbed the gun and fired and pulled out. When I landed they threatened to report me for violating my advisory status, so the CO thought it would be best for me to be shipped back and that is why I am here."

I came back to the Congress and noticed there was going to be a briefing by the State Department. At that time we used to have Wednesday morning briefings. I noticed that the briefing was going to be conducted by William or Bill McBundy, the Head of the Far East desk, so I made a proposal to be there, and I was. When he finished, I asked him the question. I said, "Why is it that we have Americans, by what logic is this Alice in Wonderland contortion? If you are going to have advisers and they are going to be exposed to hostile fire, why aren't they prepared to defend themselves?"

"Well, no, they are not supposed to be in hostile fire." He did not understand that, and besides, the ruling regime in South Vietnam at that time, the Diem regime, later assassinated in October that year, requested advisors.

I said, "I don't care who requested them. If I have constituents who are in the service and they are going to be asked to go in uniform anywhere where they are going to face hostile fire, I want them to have the means of defending themselves."

Well, I got no response until I was invited to the White House. President Kennedy used to invite me pretty often to those so-called gatherings. I button-holed the President and I said, "Mr. President, what about this situation? I don't think you want to be knowledgeable that this is going on."

He said, "No," and he laughed and he turned me over to Kenny O'Donnell, his special assistant at that time, personal secretary.

Well, weeks later I still had not heard any kind of resolution, so I kept bugging not only the White House staff, but I tried to get information from the Defense Department and all I got was the same thing we are getting now in the case of Central America.

To make a long story short, on that last fateful trip to Texas, I was still a thorn in the side of the President with respect to that and a couple other matters; so he invited me, I was one of three Members of Congress who were on Air Force One. The first place to touch down was my district, San Antonio. The President came out after we were aloft about 15 minutes and had a little brief conversation. Shortly after that, Larry O'Brien whispered something in his ear and he got up and said he had to leave, he was going to go into a little compartment they had there. My understanding was the First Lady was resting there, but as he was leaving the aisle, he turned around, looked at me and he said, "By the way, I've ordered all of those men out by the end of this year, and that includes the helicopters."

At first I did not know exactly what he had reference to. The President was great for doing that. On a couple other occasions he had done the same thing. He had reminded me, for instance, of a telegram I had sent him in December 1960 when I was a State senator. I had campaigned in 11 States for the Kennedy-Johnson ticket. I saw in the newspaper where he was thinking of appointing his brother Attorney General. I thought that would be a serious mistake, so I sent him a telegram saying, "Please don't do that. I think it's violative of nepotism. Besides, the combination of these two very powerful Offices is not good from the standpoint of the Nation."

Then I sent a similar telegram to his brother, Robert, with whom I had also campaigned and met and said, "If offered, please don't take it. You can serve your brother better in a nonofficial capacity."

Well, I never had an answer until at that point I did not dream I would be running for the House of Representatives or the Congress, until 1 year and 1 month later after I was sworn in, in fact, 2 years. In 1962 I was invited by Vice President Johnson to accompany the movie actor, Charleton Heston, to go pay his respects to the President. When we went there, the President came out, chatted briefly with Charleton Heston, seemed to be very knowledgeable about all the Hollywood gossip. Then he was called into his office and before he went in he did the same thing. He turned around and said, "By the way, Senator"—he called me Senator since I had been a State senator. He said, "How else would you expect me to have given Bobby a chance to get legal experience?"

That was the only acknowledgement I know that I ever had of the telegram I had sent him in December 1960 at a time when I never dreamed I would be up here; so that when he did the same thing, it was obviously in reference to the way I had been bugging him about this anomalous, in my opinion, improper diversion of American service personnel under, I felt, very questionable circumstances; however, I never heard about any decision until just 2 years ago when the historian Schlesinger in a review mentioned that he had come across a Presidential order that had been or was going to be issued by the President mandating that all that personnel and equipment be back and out of Vietnam by the end of that year.

That is all I know about these events; but the reason I bring it up is that it was not until 1982 that I had two constituents that formed part of the contingent of advisers to El Salvador. One of them got hold of me the same way as this little airman did in 1963 and said, "Hey, Congressman, I'm your constituent and I'm concerned." He said, "The Embassy officials, the American Embassy officials are being paid 40 percent more hazard duty pay. They travel in armored cars. They are also in a fortress, but we who walk the streets in uniform, we have bombs going off every night over here in the capital and we are not allowed to carry any arms," and I could not believe it.

We have learned nothing since 1963, and further, this little soldier began to tell me that what everybody felt in the American contingent, particularly the CIA, was that all that had to be done was to knock off some of these revolutionary leaders and all the problems will be resolved.

It was very difficult for me to make this young man understand that there was a civil war going on in El Salvador. This was not, as Alexander Haig had tried to make out in 1981, an East-West confrontation. This was an indigenous and continues to be an indigenous civil war. If there was any country in the Latin American context of things that Fidel Castro did not really know, had nothing to do with any one of the five different revolutionary movements in the smallest country in Central America, El Salvador, it was El Salvador; and yet here we are as our national leaders have perceived since Secretary of State Alexander Haig drew the line the first month he was Secretary of State in 1981.

In the meanwhile, though, the disarray in our process, the brutalness of our society at this point, impells me to rise maybe perhaps as I used to say in the State senate, that it was like a coyote out at midnight braying to the Moon. Maybe so. So be it.

□ 1200

But at least I feel that it is my bounden duty out of the love and respect I have, not only for this institution but for each one of my colleagues, for the great sense of gratitude profoundly felt in every sense—body,

heart, and soul—for the freedom of this country.

Nowhere could it have been possible for the likes of me to have been elected by his fellow citizens to all of the levels of representation from the lowest local, State, to the highest, with the particular attributes—no social standing, no particular economic base or anything—except here. And it grieves me to see that the blindness, the misperceptions of our leaders in and out of the Congress, in and out of the White House, are leading us to what I consider to be an inexorable catastrophic ending or perhaps sequela, not an ending, because what we do not see is that destiny has mandated that we share this part of the world with this host of nations: to the north, Canada; to the south, all of the array of nations down to Argentina.

As I said on the first occasion that I spoke out on this subject matter, which incidentally was April 1, 1980—and it was not President Reagan who was President, it was Jimmy Carter—the reason I rose was because for 6 months I had tried to have access both to the White House level and above all the State Department level because it seemed to me the last few months America had as leverage of moral suasive power of leadership in the New World through the established institutions that we ourselves had taken the lead in establishing—the Organization of American States.

The tragedy is that Mr. Carter did not see fit to utilize that leverage. Of course, he was involved in his reelection campaign. But I felt impelled to speak, whether or not anybody would or would not listen. The record is there.

I hate to say—I never take any pride in saying, "I told you so." I always when I speak, impelled as I have been the last few times here, it is with a distaste in my heart and soul, because I am always hoping that at least I will be 50 percent wrong, and it has been very, very demoralizing to find out that it is not the case.

For instance Monday I said that here we are concentrating, the President was bent inexorably, and he is not going to change the course of direct military intervention in Nicaragua, that the thing was being looked at very deceptively and sort of unilaterally, as if you can isolate Nicaragua from the rest of that whole isthmus.

I said everybody in America feels that we have won in Salvador because we have imposed Napoleon Duarte. I said, "But he's teetering." And after $4 billion in 6 years of investment in El Salvador—$4 billion that we could better use to shore up our brittle society, to help stem the erosion of our infrastructure in our cities and our communities, both rural and urban. Instead, after $4 billion-plus, and 6 years, I said this Monday, before there was any report that one of our servicemen was killed, because it had not happened Monday, but I was just merely trying to convey to my colleagues a more realistic perception of what that world is there now today.

If President Kennedy were President today and he were to broach his Alliance for Progress, I would say, "Mr. President, it isn't going to work in 1980. It's another world down there. It's gone forever."

The 1960 context was fine. The President could announce a unilateral program, which is what the Alliance for Progress was. We could have Fidel Castro hootin' and hollering and saying, "It won't work, because those Americanos don't have the gold to support a meaningful Alliance for Progress."

Well, it turned out that that was correct, but that was not 100-percent correct. There were other factors that we could not comprehend and we could not have handled anyway, because that was another world. The world has changed.

It is the same thing with respect to Europe. It is the same thing with respect to what is happening to us, but that we do not perceive. We like to think that say the Republic of Mexico is less savory and less stable, but the Republic of Mexico, for instance, has not had one national leader assassinated since 1923. We in the United States just in one 10-year period had four either assassinated or attempted assassinations, and one more in 1981 with the attempt on President Reagan's life.

We do not like to look upon ourselves as having a banana republic, if you will pardon that expression, type of instability, but let me point out why I said what I said, that America had reached this point of the sacrament of decision. It is not for us to say that we will endure as we understand our Constitution and Government, to celebrate its real 200th year in 1989. We will not celebrate the 200th anniversary of our form of government until 1989, when we had the first Congress that year, in March, with the implementation of the Constitution which had been adopted finally. We are celebrating the 200th anniversary of the writing of the Constitution.

I pointed out Monday that at this precise time in that year, in the spring, the sessions had opened in Philadelphia, and you had men like John Adams, great brilliant minds, Jefferson, overseas, our Ambassasor to Paris, John Adams, our Ambassador to London.

They got concerned, and John Adams wrote this beautiful treatise. In fact it was published and printed and reprinted three times by the time the Convention finished its business. These were missives that John Adams wrote to men like James Madison, Mason, and the others, and Wilsor who were actively involved in the wri ing of the Constitution.

He was saying, "Hey, look, whateve it is you do, the lesson of mankind an government and preservation of free dom and trying to ensure democracy i that you have a division of powers, counterbalance of powers. You canno have and preserve freedom with a overweening deposit of power in an one of these branches."

And then he quoted the great expe riences. He referred to Cicero and hov he was trying to stem that erosion o the republic, the republic which ha enabled Rome to become an empire Cicero was quite futilely trying t stem what was going to be the era o the Caesars, the loss of the republic and the infusion of alien cultural way of life. The rest is history.

□ 1210

What we are experiencing at thi point is whether we too will have a reaffirmation and a sacrament of decision as the prophet Elijah described when he planted the question before the Israelites as to who do you follow, the false god or the true God, and it was only after a test of fire that the Israelites said, oh, yes, we believe in the God, the true God. And in America today we Americans are being asked to pass on this great occasion as to whether or not we will have the resources for each one of our countervailing powers to rise to the occasion, in this case the first branch, article I, the Congress, and say to the President, we have not yet abdicated the Constitution to a willful and a power-seeking President. We are not going to allow any further a repetition of the errors that have been costly in blood and treasure to our Republic, as the cases in Southeast Asia amply reveal.

Had you not had the results in Southeast Asia, I doubt seriously we would have had the Iranian hostage-taking experience, because with each one of those the Nation has lost credibility. This is what is happening now.

I talk about the need to realize that we must share our destiny with these nations, at least in the Western Hemisphere, with the wit and the will that our country stands for. All I believe is necessary is just stand true to the basic revolutionary principles that America stands for and has stood all along. It is interesting to note that most every single revolutionary movement since Ho Chi Minh in the 1950's always referred to the American Revolution as their patron saint of revolutions, and that that was their hope, that was what they were struggling for, to throw off a foreign tyrannical yoke. And this is true today, and I firmly believe that in our contests such as they are described today on this earthly globe that that country

which best understands revolution is the one that is going to triumph.

We cannot abdicate and go back and take the role of the corrupt and tyrannical kings who are trying to prevent the independence of these yearning nations for freedom, and we are not going to succeed any more than those kings did. And it is written, what we see now, which I think is susceptible of misunderstanding as reflected by the President's remarks the day before yesterday after the announcement of the death of the serviceman, the adviser. Here we had about 100 guerrillas attacking the most powerful army base in El Salvador, and they were able to commit mayhem at will. This was a place that just a few months ago we had a recital, a chorus of testimony about how we had succeeded, how at least we had a sponsored election that we paid for, lock, stock and barrel in El Salvador, giving us stability. But the truth of the matter was that that is illusory and self-deceptive, because at the same time we were inaugurating with our curious attack helicopters, terrible attacks on huddled, frightened elderly peasants, not revolutionaries. We have been responsible for the mass destruction of more human beings in El Salvador alone than anything the Communists have done. Like it or not, it is not a pleasant thing to say, but it is the truth. And what is it for?

We have heard comments since the President's that this proves, the death of this serviceman in El Salvador proves how we have to stand fast and fight those dirty Communists. But what about the serviceman who died in Honduras? What are the actual facts there? Do we blame the nasty Communists for that? What about these 17 other servicemen that have died in that Central American section of the New World? They were active duty servicemen. They have not even been visible. But nevertheless, we must ask the question: Wherein is the responsibility of the Congress? The Congress should know by that that its attempt to sanitize a nasty affair for which actions our Government, meaning our people, have been convicted before the World Tribunal of Justice as guilty of the crime of state terrorism against Nicaragua. There is not one country that sympathizes with our actions. I will not even dignify it by calling it a policy because it is not. Canada does not. None of the major Latin American countries do. The only ones that make clucking sounds are those we completely dominate, as we do Honduras. We are occupying Honduras. We have never been invited. The assembly in Honduras has never once—in fact, they have had some resolutions protesting the American military presence. That does not get reported up here, but these are the things that are going on.

We are totally unaware of the history, the culture of each one of the individual nations that you cannot lump all together any more than you can say that the revolutions in Nicaragua, the revolutions in El Salvador which have been ongoing since 1932 when you had a similar uprising there that was also costly in blood, you had over 35,000 Salvadorans die in that attempt, but those were days in which like 1929 where the policies or the practices that President Reagan seems to have adopted might have worked in 1929 with Calvin Coolidge when we invaded Nicaragua and stayed there for 13 years while we imposed both the civil guard or the national guard and Somoza.

Now we have got to face the facts, because we are living in such a world that its texture is entirely different. Through electronic communications the world has shrunk. The people in the mass, and I am talking now about 80 million more than we have total population in the United States, are no longer going to accept the oppression and the tyranny that they have had to take for 300 years. Those days are gone, nothing.

Now if we want to credit communism, which is not true, with these aspirations, so be it. All we will be doing is the very thing we say we want to prevent, and that is communistic, or in the name of communistic or Marxist-Leninist jargon the takeover of these countries, we ourselves in our perceptions and in our fears, distorting the world, such as it is there, will bring about and are going a long way in bringing about the very things we say we do not want to.

I have spoken this way back home. I do not take this forum to speak one way and another way back home, and I have introduced resolutions of impeachment, which is what I was speaking about Monday. And I want to point out how fragile we are.

I was one of 28 that voted no in 1965 when the resolution calling for the 25th amendment to our Constitution was entertained. I just could not believe that an American Congress that would concoct such a resolution, but it did, and it went through, and three-fourths of the States adopted it.

□ 1220

Ever since then, I have introduced and reintroduced repealer resolutions, and I will tell you why: Because it is like the sword of Damocles hanging over our head. I am going to refer to it because I think so many do not know what the 25th amendment is, and why we are so vulnerable, especially now.

Section 1 of the 25th amendment:

> In case of the removal of the President from the office or of his death or resignation, the Vice President shall become President.

That is fine. That has always been the case.

Section 2:

> Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Well, we did that twice, for the first time in our history some 12 years ago. We ended up with the first two unelected Vice Presidents in history. Which, the men who wrote the Constitution I am sure have turned over in their graves 50 times. That is exactly what they did not ever want to happen.

Now let us go to section 3:

> Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Acting President. For the first time, a constitutional phrase, "Acting President."

Let us go to the more formidable and ominous section 4:

> Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide—

And as far as I know, the Congress has yet to provide that.

Look here: The Vice President and a majority of the principal officers of the executive departments. When I read this, I went to the chairman of the Committee on the Judiciary at that time, the Honorable Manny Celler, and said, "Manny, what about this? This doesn't look at all logical or it looks very dangerous" and he kind of got perturbed with me. He was battling there, and he got—he just—I said, "What do you mean by that?"

He said, "Well, anybody knows that that means the Cabinet." Well, I did not want to argue any longer. I came back; but my question was not answered, so other questions were not answered, so I ended up voting "no," but I was the only one that placed in the record my reasons for voting "no."

Now—

> Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

All right. What do we have here?

In 1974, Alexander Haig and then-Secretary Kissinger both told Mr. Nixon that if he did not resign, they were going to invoke this amendment, this section 4.

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So what I had feared in 1965, that this was evocative of the old days of intrigue of the Roman Senate and the Catalinian conspiracies, and the orations of Cicero, trying to argue against those. We have them. We have that for the first time in American Government history; we have that potential.

It is more in modern times, as I said on the floor that day, is reminiscent of that French Republic that was about to cave in under the assault of the German invasion—full of intrigue and corruption, and fight for power among these contending personalities, all within the framework of the French Republic then.

Everybody seemed to think I was out of my water and probably a little loco.

All right. So they transmit this to the Congress. Thereafter, when the President transmits to the President pro tempore of the Senate, and the Speaker of the House of Representatives—now mind you, this is a President that is disabled.

His written declaration that no inability exists, he shall resume the powers and duties of his office, unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate, the Speaker of the House of Representatives, their written declaration that the President is unable; in other words, still unable to discharge the powers and duties of his office, notwithstanding that the President is saying, "I am able to come back."

Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, * * *

Can anyone foresee that? Of course we can. We have an aging President with cancer in the Office. We have a President that almost instantaneously, as of the month of November 1986, lost all of this image, and credibility factor.

The Congress keeps probing what unquestionably has yet to be probed on this so-called malodorous Iran question. That will be the point which I predict, and I would not be surprised that it would be as soon as May and June when the President, to take away the attention as he did in the case of the marines dead in Lebanon, will invade Nicaragua.

After all, he has political generals like Paul Gorman, the former southern command general saying, "An invasion by our troops of Nicaragua is the equivalent of a 2-day training exercise for our Army."

Well, I remember when I was in college, and in high school, and they were talking about Japan. In 1936, they sent the *Panay*—this was an American gunboat in the Yantzee or Yellow River, I forget which—and there was a great alarm about these "darn Japanese" and everybody was saying, all the military experts and our leaders were saying: "Ha. Japan? We'll wipe it off in 4 weeks' war. Wipe it off, wipe it off the face of the Earth. Just 4 weeks' war." Well, it took 4 years.

I say that that is not the point at all. The point is that military solutions, which is what this administration and this President have been prescribing, unilaterally, without any attempt of diplomacy, are mistaken notions that are bound to lead us to catastrophe, to great loss of blood and treasure, and leave us leaderless in the new world, with hatred abounding; where we could, with wit and will, be the real leaders, as we have been, and accept it; and where we can in conjunction with the new world find the normal and natural outlet through give and take of our commercial and agricultural productions, bring a felicitous arrangement rather than one hate-filled and forever proscribing our future generations to an era of hatred and ill will, among these that should be good neighbors.

I say let us heed this. Also, let us really heed the people from America who have worked for years, the priests, the missionaries, the teachers, the doctors that have lived down there, know what it is; let us heed them instead of having the FBI raid their offices and intimidate them on the return from a trip to Nicaragua.

Let us heed, let us use some common sense. There is no need, unless this is a premeditated coldly calculated way of doing things which, as I describe as a catastrophic decision.

I cannot help but believe that there would be enough voices. I noticed just a few days ago, in fact the day before yesterday, there were at least three Members of the other body, the same party as the President, who said, "Mr. President, unless you make some effort to go diplomatic, we're not going to support you any longer."

□ 1230

Now that is our hope. Our hope is in this body, that at the time of the greatest in need for the American people to have the system working, that its Representatives rise to the occasion no matter how much unpopularity may attach to it politically for the time being.

We have got to trust the judgment, the good will that is inherent in the overwhelming preponderant majority of the American people. I certainly have, because I would not be here had I not relied on that faith.

But at this time, Mr. Speaker, I as unanimous consent that at this poi in the RECORD we place an article a pearing in the New York Times Mag zine of March 29 entitled: "Poetry an Power in Nicaragua," by Francis Goldman, who is not necessarily e amored with the Sandinistan nor th Nicaraguan revolution, but it is a goc article because it brings out the poet nature of a great people.

It was Nicaragua that gave the ou standing poet of the century, Rubi Dario, who wrote poem after poe synthesizing what you want to call th Latin American or Spanish America ethos and spirit with regard to th United States.

He was a great admirer of Wa Whitman. He also described Theodo Roosevelt as the predecessor of "Yo the blue-eyed, who will be the futu invaders of our nation."

These are the things and the peopl and the minds and the philosophie and the poetry that we ought t become acquainted with because a least this article has a very good sum mation of the context of the literar effort in the light of the revolutionar developments. But like in all revolu tions, the Mexican Revolution, for in stance, was institutionalized. The off cial party is the institutionalize party, and yet they had to recogniz that time marches on. You canno freeze a revolution. Yet you are i that 30-year bloody period of th Mexican revolutionary active phase.

You had great things. You ha actual harassment, if not persecutio of the church. We had literally hur dreds of priests, archbishops, and bish ops in exile in San Antonio alon during that period. I did not hear any body talking about the infamous pe secution of the church during th Mexican revolutionary period. Why Because there was a lot of sympath for those conditions that the revolu tion was trying to finally, in despera tion, protest against and change, i possible. For whatever reason, good o bad, the clergy and the church was as sociated with the powers that were en trenched and had oppressed th people. It is the same thing with ou revolutions.

We in America do not understan because revolutions, civil wars, mea father against son, brother agains brother, mother against daughte May God preserve us. We suffered th devastating Civil War. May God for ever, forever allow America to remai free, untouched by such strife. But w cannot be responsible for those action that we have become responsible fo that we have been found guilty an convicted before the International Tri bunal of Justice. It is not right and w cannot prevail. We must summo forth the heritage that Americ stands for, even now, even among th

people and the peasants who are writing poetry in Nicaragua right now. They will say, "The American people are not against us. It is Ronald Reagan and his government."

Rightly or wrongly, I think this epitomizes the inherent admiration for this great land of ours. I say let us capitalize on that. Let us give that thing which the world is asking for more than a neutron bomb or space wars or whatever you want to call them; moral, suasive power of integrity. That is what the world is clamoring for, that is what America is unchallenged in.

Let us just be loyal to that heritage.

The aforementioned article follows:

[From the New York Times Magazine, Mar. 29, 1987]

POETRY AND POWER IN NICARAGUA

(By Francisco Goldman)

Sergio Ramirez Mercado, the Vice President of Nicaragua, has written a new book. It is first literary work since the revolution that ousted the 45-year Somoza dynasty in July 1979 and brought the Sandinista National Liberation front to power. First published early last year in Spain and then by Editorial Nueva Nicaragua, the Sandinista publishing house, the book is entitled "Estás en Nicaragua"—"You are in Nicaragua."

Ramírez, 44 years old, is frequently cited by Western diplomats in Managua as one of the most skillful of the Sandinista leaders. As Vice President, he oversees such disparate areas as roads and bridges, education, and the criminal justice system. He sits on the nation's economic planning council, and he is President Daniel Ortega Saavedra's close adviser on foreign policy. But long before the world was aware of the Sandinista front, Ramírez had a reputation as one of Latin America's promising young writers. The author of two novels—one of which, "Te dio miedo la sangre," has been translated into 14 languages and is available in the United States in a British edition as "To Bury Our Fathers"—he has also published a collection of short stories and three volumes of essays.

In his new book, a mosaic of reminiscences and essays, Ramírez presents an intellectual's self-portrait, a picture of the writer as revolutionary and political leader.

"I'm a politician out of necessity," says Ramírez, sitting behind a wide desk in his office in Managua. "I'd rather be just a writer. But, of course, I don't see a situation arising in the future in which I could devote myself solely to writing." His participation in the Sandinista revolution, he adds, "has been the greatest privilege of my life."

As the most prominent writer in power in Latin America, Ramírez is at the center of the controversy over the Sandinistas' attitude toward freedom of expression in the arts. He insists that his Government maintains a policy of complete artistic freedom, and that the Sandinistas have expanded the possibilities for cultural participation to all sectors of Nicaraguan society. Nicaragua, he says, is a country "whose people have unlimited admiration for the values of poetry, of poetic inspiration." "Our poets," he says, "have always been at the vanguard of whatever has been most contemporary in Latin America."

Yet it is this very tradition of individual artistic expression and accomplishment that a number of Nicaragua's intellectuals are now worried about, and that some even accuse the Sandinistas of having intentionally undermined. In Nicaragua's volatile setting, in which every act of oppression is justified by the Sandinistas as an emergency measure prompted by United States aggression and the war against the contras, the United States-supported rebels, the role of the writer in a revolutionary society is the subject of a continuing debate.

If Ramirez has a counterpart in the opposition, it is Pablo Antonio Cuadra, a poet of international reputation, and—until the Sandinistas closed it down last summer—the editor of long-censored La Prensa, Nicaragua's only opposition newspaper. Cuadra, 74, has been a literary mentor to generations of young Nicaraguan poets, many of whom he published on La Prensa's literary page.

In a 1984 essay published in Vuelta, a Mexican magazine, Cuadra wrote of the "Stalinization" of the Nicaraguan arts under Sandinista rule. Sergio Ramirez keeps a copy of the essay on his desk, its offending passages highlighted in yellow marker. In it, Cuadra accused the Sandinistas of insisting, like Castro in Cuba, that arts and letters should serve the revolution. Speaking last summer while vacationing in Ecuador, he reiterated the point: "If a writer is useful for anything, it's to break with propaganda. That's one of his obligations."

For many supporters of the Sandinista revolution, Sergio Ramirez is a moderate who personifies the hope that Nicaragua might one day evolve into a stable society, representative of that often-sought political "missing link," socialism with a human face. But he is not the only politically powerful writer in Nicaragua today. Among the Sandinistas there is Ernesto Cardenal, the famous poet-priest and the current Minister of Culture; the poet Rosario Murillo, wife of President Ortega and head of the powerful Sandinista Association of Cultural Workers, and a Sandinista commander, Omar Cabezas, whose Guerrilla memoir, "Fire From the Mountain," is the largest-selling book in Nicaraguan history.

For a while, the Sandinista writers seemed to insure a revolution that would protect freedom of thought and expression. How could writers of the stature of Sergio Ramirez and Ernesto Cardenal, so close to the very center of power, endorse censorship? Yet last year, even before the closing of La Prensa, the Roman Catholic Church's radio station was shut down. And now, more than seven years after the "triumph," as the Sandinista revolution is called, there is no dissenting voice accessible to the general public through the nation's media.

At issue in the argument over artistic freedom is the ideological nature of the revolution itself. The crushing circumstances faced by writers and artists in the Soviet bloc and Cuba are recognized throughout the West as one of the defining evils of Communist totalitarianism. The Sandinistas claim their ideology to be nationalist-revolutionary, borrowing from Western liberalism as well as from Marxism—though under Sandinista rule Nicaragua hardly resembles a coherent fusion of these influences. It is a country whose poetic tradition is regarded as a national treasure, but the true legacy of that tradition is individual artistic expression.

The Sandinista arts program was conceived to expand cultural participation (and literacy) beyond an educated elite. The Ministry of Culture, created after the revolution, for example, sponsors poetry workshops in 24 popular culture centers established for the general public throughout the nation. The Sandinista Association of Cultural Workers, by contrast, is for artists who have reached a level of accomplishment.

At the association's headquarters, the Casa Fernando Gordillo in Managua, poets, painters, dancers and the like are provided opportunities to pursue their arts. There are regular classes and readings, as well as theater, jazz and dance performances; it is also the home of a number of artists' unions, whose function, in the words of Rosario Murillo, is to "help creators disseminate their work, both here and abroad."

The results of these efforts are in many ways evident. For the first time, movies are actually being made in Nicaragua by nationals. Editorial Nueva Nicaragua has published more than 150 books, at prices that even poor Nicaraguans can afford. A volume of poetry receives a printing of at least 7,000 copies. Not all the published books are overtly political; some are by other Latin American and Spanish authors, including literary classics of this and previous centuries.

But the "democratization of culture," as the Sandinistas call it, can be interpreted as an effort to impose ideological uniformity as well. All publishers in Nicaragua are either affiliated with the Government or, if independently owned, pro-Government. In Managua's few bookstores, Sandinista-published books and magazines predominate, along with books donated by Cuba and the Soviet Union. The nonpolitical works of opposition writers, published before the revolution elsewhere in Latin America or by the writers themselves are harder to find, although still available. Overtly anti-Sandinista writing is nowhere for sale. The Sandinistas attribute the dearth of books imported from the non-Communist West to the shortage of hard currency caused by economic crisis.

Through the Ministry of Culture's poetry workshops, hundreds of "common people"—soldiers, policemen, peasants—have become involved in the country's cultural life. But many writers feel that the workshops pressure developing writers into writing politicized propagandistic verse, and that the workshop poets are favored by the cultural bureaucracy, such as the Ministry of Culture's literary magazine Poesia Libre, and Editorial Nueva Nicaragua.

Sergio Ramirez says there are no "dissident" writers in Nicaragua, and it is true that a majority of Nicaragua's young artists identify with the Sandinista revolution, the most dramatic collective event of their lives. In their work, many feel impelled to celebrate it. They consider themselves cultural workers. The Association of Cultural Workers organizes these artists into cultural brigades that travel to the war zones, where the Sandinistas battle the contras, to read and perform for the troops.

Since the turn of the century, Nicaragua has granted great prestige to its literary artists. Its poetic tradition—of a quality and diversity improbable for a country so small—is respected throughout the Spanish-speaking world.

Rubén Dario, who was born in 1867, is credited by succeeding generations of Latin American and Spanish writers with having revived Spanish poetry after more than a century of mediocrity. In the 1920's and 30's, the Vanguardia movement, a group of rebellious intellectuals, actively rejected the culture of the bourgeois-elite and its poets

who pompously imitated Dario. Vanguardia produced, among others, Pablo Antonio Cuadra.

From the succeeding generation came Ernesto Cardenal and Carlos Martinez Rivas, considered by many to be the most important Nicaraguan poet since Dario. The Sandinista revolution has produced its own poet-celebrities, including the precocious Leonel Rugama, who died in guerrilla combat at the age of 20.

Inevitably, Nicaragua's writers have been drawn into their country's turbulent politics. Dario claimed to loathe politics, but he felt compelled to write many anti-imperialist essays and newspaper editorials; he even inaugurated the Latin American protest poem with his fierce "Ode to Roosevelt."

Salomón de la Selva was active as a campaigner in the United States on behalf of Gen. Augusto César Sandino when Sandino's peasant army was fighting the United States Marine occupation forces in Nicaragua in the 1920's and early 30's.

By 1935, the leading Vanguard poet, José Coronel Urtecho, believing a military dictator would put an end to the country's long history of civil wars, supported Anastasio Somoza Garcia. Somoza used the prestige of the Vanguardia intellectuals to help establish himself, then ignored and humiliated them. Today, Urtecho supports the Sandinistas.

It was a poet, Rigoberto López Pérez, who assassinated the first Somoza, at a ball in 1956, and was himself beaten and shot to death on the dance floor.

To Sergio Ramirez, the Sandinista front has always represented a cultural revolution as much as a socioeconomic one. His new book, "Estáas en Nicaragua," is a synthesis of themes that have long preoccupied him: literature and politics, Central American culture and history. The book was occasioned by a visit he made, during one of his frequent diplomatic tours, to the Paris grave of his friend, the Argentine novelist and Sandinista supporter Julio Cortázar, on the first anniversary of Cortázar's death.

Ramirez's generation is a product of the 1960's and 70's, decades of tyranny and violence in Central America. In "Estaś en Nicaragua," scenes of student massacres and university closings are memorably evoked. Many of Ramirez's young writer friends fell victim to what he calls "the cultural product par excellence" of the region's oligarchs: the death squad. But for the writer, exile was often the best choice, not merely the safest, for the same reason that Dario and so many other Central American writers since have chosen that path: the intellectual climate was stultifying. Ramirez himself lived for several years in West Berlin, until the Sandinista front beckoned him home in 1974.

Under the Somozas, writes Ramirez in his new book, the cultural style of the ruling classes was "Miami kitsch," while the peasant majorities continued to live in a state of illiteracy and enforced ignorance. It is against that reality that the Sandinistas justify, often dogmatically, their program of "democratization of culture."

In "Estaś en Nicaragua," Ramirez presents Julio Cortázar as the paradigm of the revolutionary artist: uncompromisingly adventurous in his work, politically committed in his life.

Ramirez, in his 20's, was just beginning to write when he read for the first time Cortázar's masterpiece "Rayuela" (in English, "Hopscotch"). An "anti-novel," a revolt against prosaic literary language, the anti-linear story in "Rayuela" concerns Latin expatriates in Paris and their eventual homecoming. It is brilliantly comic, full of intellectual parody and a manner of slapstick, surreal episodes.

"Rayuela' liberated our language, absolutely," says Ramirez.

For Ramirez, the revolutionary literary esthetics of novels such as "Rayuela, Gabriel Garcia Marquez's "One Hundred Years of Solitude," and other works representative of the so-called "boom" in Latin American fiction during the 1960's fed easily into his developing esthetic of political revolution. In their creative freedom, the boom writers exemplified personal freedom; they also freed other politically attuned writers from their presumed obligation to write realistic novels of protest. The boom writers created new literary forms and authentic Latin American voices, uncontaminated by political rhetoric. Asserting themselves against the cultural domination of the United States and Europe, and defying the provincial tastes of the bourgeois elite at home they did many of the very things that young intellectuals like Ramirez believed actual revolutionaries could do.

A large, intensely thoughtful man who discusses literary subjects with animation, Ramirez today staunchly defends the Sandinistas' controversial arts program, rejecting the accusations of Pablo Antonio Cuadra and others that the Sandinista Government has imposed totalitarian strictures on expression. It is the predictable questions that transform him into a wearied politician giving predictable answers: La Prensa was closed, he intones, because it was receiving money from the Central Intelligence Agency and had become a tool of United States foreign policy inside of Nicaragua.

As proof of the Sandinistas' tolerance in the arts, he cites the publication in Ventana, the weekly cultural supplement of the official Sandinista newspaper, of an excerpt from Milan Kundera's novel "The Unbearable Lightness of Being." Kundera has lived in Paris since 1975, when Czechoslovakia's Government revoked his citizenship; his work is widely read as an indictment of totalitarianism and of the revolutionary euphoria that often precedes its establishment.

Ramirez says that he felt proud when Ventana published Kundera, even though Nicaragua has close ties with Kundera's greatest enemy, the Soviet Union. It was a symbolic act to publish him.

The Russian tanks were there, in his country. That's "a reality," says Ramirez. It is not, he adds, Nicaragua's.

Ramirez considers Cuadra a superb and nationalist poet, but says that Cuadra, prior to 1979, has "a romantic notion" of the Sandinista front and of the revolution. He didn't understand that the front's objective wasn't merely to remove Somoza from power, but to achieve a social and economic reordering of the society. As a member of "the old aristocracy," Ramirez argues, Cuadra naturally now opposes the Sandinista project.

The Sandinista revolution had the whole world on its side," says Pablo Antonio Cuadra. "We had a chance to mark out a true Nicaraguanidad. Instead, we've gone in the direction of Fidel Castro. Fidel could have been the leader of all Latin America, but, instead, sold himself to the Russians. We haven't had a real revolution here, because a revolution gives velocity to a historical destiny that's been coming along too slowly—our own historical destiny."

Don Pablo Antonio Cuadra—he prefer this traditional form of address—was bor in 1912; he grew up in the decades of th Marine occupations. To his conversation about Nicaragua he brings the turned-dow temperature of one who has seen his coun try endure too many calamities and dashe hopes to be persuaded by promises. An en gaging man of old fashioned civility, in th context of contemporary Nicaragua h takes on the manner of an elder statesman

As a young man, Cuadra was a vanguarist and early supporter of Somoza. Disillusion ment, however, came quickly. He spen much of his 20's attending to his famil farm.

Sometime around 1940—he no longer re calls the exact year—Cuadra began to edi La Prensa's literary page. In 1954, he wa lured into fulltime newspaper work b Pedro Joaquin Chamorro, the paper' founder and editor and a lifelong enemy o the Somoza dynasty. A man of heroic stat ure, Chamorro's murder in 1978 sparked th popular insurrection. Cuadra himself wa imprisoned twice by the Somozas.

The summer of 1986 found Cuadra stayin in Guayaquil, Ecuador. This was not the be ginning of exile. He had been attending a poetry festival in Florence, when La Prens was closed, and he continued on to Ecuado to visit relatives. Last fall, he taught Cen tral American literature at the University o Texas, in Austin. After that, he returne home, though there is little chance that La Prensa will resume publishing.

"One of the things I find most estrangin about this Government," says Cuadra speaking of the Sandinistas, in the salon o a well-to-do house in Guayaquil suburb, "i that they always claim to be against th very things they're doing. They say they don't want to shut La Prensa, but then they do it. It's strange. Why this theater?"

In an essay Cuadra wrote years ago, titled "Our Obscene Symbol of Deception," he posed this trait, along with the verbal extravagance and charm that help to make a great liar, as central to the Nicaraguan character. It doesn't apply only to the Sandinistas, but, Cuadra says, they are masters of it. He believes the Sandinistas to be Marxist-Leninists who "wore masks to advance themselves," and says that he originally supported the Sandinista revolution because "if you asked them if they were Marxists, they said no, we're Sandinistas, or Marxist-Christians. Now they're people who've denied their deepest convictions. Among intellectuals, there should be honesty about reality. Love things for their true name; that's one of a writer's duties."

Cuadra insists that La Prensa advocated a nonviolent solution to Nicaragua's problems that involved all sectors of the society. And he feels that the contra war can only lead to a permanently factionalized and fanaticized country, as in Lebanon and Northern Ireland.

"The tragedy is that men become seized by ideologies," he says. "Ideologies are poison. That's the conclusion I've come to. Ideologies are a substitute for religion. But religion is transcendent. It's man's relation to God that's important, tremendous. Incorporating that into politics produces fanatics."

Sergio Ramirez, once "a good friend," has been, says Cuadra, "one of the surprises of my life." Instead of exerting a moderating influence in the Sandinista front, Ramirez has taken the hard line, believes Cuadra. He says that his own work has been censored, as was La Prensa's literary page; several

young poets, he recalls, asked to have their work published anonymously in the newspaper, fearing that association with La Prensa might bar them from other publications.

The Sandinistas, Cuadra maintains, have subjected the arts in Nicaragua to a lowering of standards, a climate of conformity and intimidation. He bases this argument, put forth in the essay he published in Vuelta, on, among other things, two speeches given on the same day in 1980 by the Sandinista Commander Bayardo Arce Castano, who is not a writer, and Sergio Ramirez.

Commander Arce's speech on the arts that day contained the statement: "It must be remembered that art is worthless if it can't be understood by the workers and campesinos." The speech, says Cuadra "is an example of the pedantry of power," reflecting the vainglorious conceit that "the revolution should guide everything."

What Cudra took from Sergio Ramirez's speech that day pleased him no better. Ramirez's precise words were that Nicaraguan poets "had failed at creating an authentic culture, because Nicaragua wasn't an authentic nation." This has been a frequent Ramirex theme expressed in "Estas en Nicaragua" and elsewhere. His "authentic nation," the society the Sandinistas aim to create, has always been a place that, Ramirez claims, would be hospitable to poets, that would give them an elevated role in defining national identity—unlike Somoza's Nicaragua. He has repeatedly rejected "a recipe for the arts." And his position is at least rhetorically upheld by President Ortega, who refuted Commander Arce's Stalinist equation in a 1982 speech: Speaking about artists, he said: "If there is any advice we have, it is that they develop their imaginations, their creative capacities as they themselves see fit . . . free of any restrictions whatsoever."

Writing amidst the reality of censorship, however, Cuadra rejected the Sandinista position as another example of theater. "Arce . . . threw the first stone of tyranny," he wrote. "And to continue, Sergio Ramirez dynamited the past. Nicaraguan culture before the 19th of July, 1979, he said, 'is a failed historical project.'" This, wrote Cuadra, displays a totalitarian mentality, because Nicaraguan culture "has never been 'a project,' but life, agony."

Pablo Antonio Cuadra says that after the revolution the quality of Nicaraguan poetry went down, but now it is beginning to go up again. He is shown a list of contributors to a new magazine being prepared by two poets, members of the Sandinista Association of Cultural Workers' young writers union. "This is something new," Cuadra says, "but it doesn't surprise me." Several of the young people on the list are familiar to him; some have contributed to La Prensa. It is simply a list of names, nine young poets, but, Cuadra says: "It makes me happy. In the future we'll see more. I've always felt that the Nicaraguan has a great capacity to see his own reflection, to see the reality and save himself."

For the last year, Sergio Ramirez has been working on a novel, one that, he says, smiling, "has nothing to do with politics." But artistic freedom involves more than releasing writers from an obligation to propagandize—Cuadra, and many others, are not arguing merely for that. Ultimately, the more crucial question is whether the "freedom" granted to artists will be reflected in Nicaraguan society itself. The absolute nature of the Sandinistas' power to grant or deny that freedom arbitrarily was succinctly expressed by Ramirez when, explaining the sources of his disagreements with Cuadra, he concluded, almost impatiently, "Now we're in power, and he isn't."

CONGRESSMAN DYSON EXPRESSES OUTRAGE OVER WEST GERMANY'S INDECISION TO EXTRADITE HAMADEI

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON, Mr. Speaker, I rise today to express my outrage over the proposal on the part of the West German Government to trade a known terrorist, Mohammed Hamadei, for West German hostages being held in Lebanon. For this reason, I have joined with Senator ALFONSE D'AMATO in introducing a resolution, House Concurrent Resolution 94, to communicate the outrage of the United States Congress at recent indications that the West German Government will negotiate such a trade.

Mr. Speaker, we in the U.S. Congress have a responsibility to take quick action condemning any such action. Indeed, this case merits our immediate attention if justice is to be brought to bear. Evidence compiled thus far points to the overwhelming guilt of Hamadei for the torture and subsequent murder of a young American Navy diver, Robert Dean Stethem, on the ill-fated TWA flight 847, June 14, 1985.

It is unfathomable that the West German Government, which has been heretofore committed to the eradication of international terrorism, would actually allow the terrorist Hamadei his freedom to continue his bloody rampage throughout the free world. Clearly, this compliant gesture would further handicap our efforts against terrorism. Now, more than ever, is the time for America to show the world that we will not tolerate the practice of trading hostages for terrorists. We must all learn from past mistakes and go forward against terrorism with renewed resolve and vigor.

Accordingly, I am confident that my colleagues in the House of Representatives will expeditiously approve this resolution. The resolution will serve to convey a strong, clear message to the Government of West Germany condemning the release of an international murderer. The United States must never waver from its commitment to thwart terrorist activities—and I believe that this resolution is a step in the right direction.

WHAT MAKES SCOUTMASTERS TICK?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, W.A. Suggs of Memphis brought the following article to my attention. It was written by Dr. Nelms Boone, a clinical psychologist from Collierville, TN. It appeared in the Collierville Herald and pays special tribute to a group of unsung heroes in our society—Scoutmasters. I want to share it with my colleagues.

The article follows:

[From the Collierville (TN) Herald, July 25, 1985]

BOONE TO READERS

(By Nelms Boone, Ph.D.)

Scoutmasters always puzzle psychologists. There are no psychological tests to administer to find out who would be a good Scoutmaster and I don't know any school that teaches Scoutmastering. It's a complicated job. Scoutmasters are fearless leaders, counselors, disciplinarians, and good cooks. Most are geniuses in boy behavior. They lead, push, and pull all kinds of boys from wet behind the ears Webelos to girl crazy seventeen year olds who still want to make Eagle Scout.

Scoutmasters are also experts with adults. The mother of a twelve year old still wants to pack his knapsack and fix his meals. Fathers promise to go on campouts with the troop and then alibi at the last minute. And there's the father who wanted to pass his son on the swimming merit badge in a backyard pool. Later at summer camp the Scoutmasters learns that the boy can't swim.

The Scoutmasters I've known have been good citizens who were successful at earning a living. They've taken a second job that requires talents and mountains of energy. They all have certain characteristics.

Scoutmasters are honest. I answered a want ad and brought a second hand truck over the phone—when I learned that the owner was a Scoutmaster. It's been a good truck.

Scoutmasters are friendly. My best friend is a long time Scoutmaster. I've heard five other people say that he is their best friend, too.

Scoutmasters are thoughtful. The first Scoutmaster I knew died when he was 90. He sent me a Christmas Card six months after his death. Since he hadn't been feeling well he addressed his cards in the summer and left them for his daughter-in-law to mail. He believed in the Scout motto "Be Prepared."

Scoutmasters are courteous. They don't put pressure on boys to learn how to cook. The scouts are permitted to cook the first time without instructions. After eating black, burned eggs they are not bored when he shows them how to cook.

Scoutmasters are courageous. They can say to an irate person, "Since your son is short one merit badge he is not a Second Class Scout and that means he can't go on the trip to Washington."

Scoutmasters are generous. I've never known a rich Scoutmaster but I've seen a poor scout who needed a uniform and didn't get it. A lot of anonymous financing goes on in most Scout troops.

Scoutmasters are loyal. There aren't any ex-Scoutmasters. They will always get back into harness and help out for a few days.

Scoutmasters are wise. I asked a hard working Scoutmaster, "Why do you do this, all your children are girls?" The weary man looked up from his battered World War II brief case where he was filing records and

replied, "I'm thinking about what kind of men my daughters will marry."

Scoutmasters are fortunate. They know how it feels to have a former scout, now grown, say, "Let me carry the groceries for you," when you don't really need any help.

If psychologists ever learn what makes Scoutmasters tick they will know a lot more about the good part of human nature.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ROGERS, at his own request, for 5 minutes, today.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. HUBBARD, for 5 minutes, today.

Mr. ALEXANDER, for 30 minutes, today.

(The following Members (at the request of Mr. HUBBARD) to revise and extend their remarks and include extraneous material:)

Mr. LAFALCE, for 10 minutes, today.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCHUETTE) and to include extraneous matter:)

Mr. DREIER of California.

Mr. DUNCAN.

Mr. SHUMWAY.

Mr. DELLUMS.

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. BEILENSON.

Mr. FLORIO.

Mr. UDALL.

Mr. ROYBAL.

Mr. COELHO.

Mr. VENTO in two instances.

Mr. LAFALCE.

Mr. VENTO.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. 477. An act to assist homeless veterans and their families by authorizing the Administrator of Veterans' Affairs to transfer or lease certain properties to non-profit entities for use as shelters, by requiring the Administrator to conduct a pilot program of activities to assist homeless veterans, to report on outreach services to such veterans, to conduct a survey of such veterans, and to conduct a pilot program of contract community-based residential care for homeless veterans suffering from chronic mental illness disabilities, and by extending the Veterans' Job Training Act and expanding homeless veterans' eligibility thereunder; to provide for a one-year postponement of the transition period for the Vietnam-era veterans readjustment counseling program and related reports; and for other purposes; to the Committee on Veterans' Affairs.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 18. Joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week";

S.J. Res. 47. Joint resolution to designate "National Former POW Recognition Day";

S.J. Res. 64. Joint resolution to designate May 1987, as "Older Americans Month";

S.J. Res. 74. Joint resolution to designate the month Of May, 1987 as "National Cancer Institute Month"; and

S.J. Res. 96. Joint resolution designating April 3, 1987, as "Interstate Commerce Commission Day."

ADJOURNMENT

Mr. DYSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: accordingly (at 12 o'clock and 39 minutes p.m.) under its previous order, the House adjourned until Monday, April 6, 1987, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of April 1, 1987]

1066. A letter from the Comptroller General of the United States, transmitting a report which discusses management problems at the Social Security Administration (GAO/HRD-87-39; March 1987); jointly to the Committees on Government Operations and Ways and Means.

[Submitted April 2, 1987]

1067. A letter from the Secretary of Housing and Urban Development, transmitting the 1987 consolidated annual report on community development programs, pursuant to 42 U.S.C. 5313(a); to the Committee on Banking, Finance and Urban Affairs.

1068. A letter from the Chairman, National Advisory Council on Women's Educational Programs, transmitting the 12th annual report of the National Advisory Council on Women's Educational Programs, pursuant to 20 U.S.C. 3346(c) (1) and (4); to the Committee on Education and Labor.

1069. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

1070. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting related to the Internation Energy Program; to the Committee o Energy and Commerce.

1071. A letter from the Assistant Secr tary for Legislative and Intergovernment Affairs, Department of State, transmitting report on compliance with the internation arms embargo against South Africa, pursu ant to 22 U.S.C. 5098; to the Committee o Foreign Affairs.

1072. A letter from the Chairman, Natio al Transportation Safety Board, transmi ting the Board's annual report of its activ ties for calendar year 1986 under the Fre dom of Information Act, pursuant to U.S.C. 552(d); to the Committee on Govern ment Operations.

1073. A letter from the Chief Immigratio Judge, Executive Office for Immigratio Review, Department of Justice, transmi ting copies of the grants of suspension o deportation of certain aliens of good chara ter, pursuant to 8 U.S.C. 1254(c); to th Committee on the Judiciary.

1074. A letter from the Chairman, Federa Maritime Commission, transmitting th 25th annual report of the Federal Maritim Commission for the fiscal year ended Sep tember 30, 1986, pursuant to 46 U.S.C. app 1118; to the Committee on Merchan Marine and Fisheries.

1075. A letter from the Secretary o Transportation, transmitting a draft of pro posed legislation to amend rules 3 and 27 i the Inland Navigational Rules Act of 198 (Public Law 96-591; 94 Stat. 3415-3436; 3 U.S.C. 2000-2038) in order to conform then to the International Regulations for Pre venting Collisions at Sea, 1972; to the Com mittee on Merchant Marine and Fisheries.

1076. A letter from the Secretary of Com merce, transmitting a draft of proposed leg islation to authorize appropriations to th Secretary of Commerce for the programs o the National Bureau of Standards for fisca years 1988 and 1989, and for other purposes pursuant to 31 U.S.C. 1110; to the Commit tee on Science, Space and Technology.

1077. A letter from the Administrator Veterans' Administration, transmitting draft of proposed legislation to amend titl 38, United States Code, to authorize the Ad ministrator of Veterans' Affairs to provid on call pay to certain civil service health care personnel; to the Committee on Veter ans' Affairs.

1078. A letter from the Administrator Veterans' Administration, transmitting draft of proposed legislation to amend titl 38, United States Code, to clarify the au thority of the Chief Medical Director o designee regarding disciplinary actions o certain probationary title 38 health-car employees; to the Committee on Veterans Affairs.

1079. A letter from the Administrator Veterans' Administration, transmitting draft of proposed legislation to amend titl 38, United States Code, to index rates of vet erans' disability compensation and surviving spouses' and children's dependency and in demnity compensation to automatically in crease to keep pace with the cost of living and for other purposes; to the Committee on Veterans' Affairs.

1080. A letter from the Administrator Veterans' Administration, transmitting draft of proposed legislation to amend titl 38, United States Code, to provide authority for higher monthly installments payable to certain insurance annuitants, and to exempt premiums paid under servicemen's and vet erans' group life insurance from State tax-

ation; to the Committee on Veterans' Affairs.

1081. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve the administration of veterans health-care benefits, and for other purposes; to the Committee on Veterans' Affairs.

1082. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to extend the adult day health-care program and to authorize contract halfway house care for veterans with chronic psychiatric disabilities; to the Committee on Veterans' Affairs.

1083. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to revise and clarify VA authority to furnish certain health-care benefits, and for other purposes; to the Committee on Veterans' Affairs.

1084. A letter from the Chairman, U.S. International Trade Commission, transmitting the 49th quarterly report on trade between the United States and the nonmarket economy countries during 1986, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

1085. A letter from the Chairman, U.S. Institute of Peace, transmitting the report of the audit of the Institute's accounts for fiscal year 1986, pursuant to 22 U.S.C. 4607(n); jointly, to the Committees on Education and Labor and Foreign Affairs.

1086. A letter from the Director, Office of Management and Budget, transmitting a copy of the Supplement to Special Analysis D, which provides projections of Federal investment spending and a review of recent public civilian investment needs assessments, pursuant to 31 U.S.C. 1105(a); jointly, to the Committees on Public Works and Transportation and Government Operations.

1087. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to make certain improvements in the administering of tort claims and hospital cost collections, and for other purposes; jointly, to the Committees on Veterans' Affairs and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL (for himself, Mr. RINALDO, Mr. FRANK, Mr. SMITH of New Jersey, Ms. OAKAR, Mr. LIGHTFOOT, Mr. LENT, Mr. LOTT, Mr. FORD of Tennessee, Mr. RANGEL, Mr. MANTON, Mr. LATTA, Mr. LEACH of Iowa, Mr. MURPHY, Mr. SAXTON, Mr. QUILLEN, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. BATES, Mrs. BENTLEY, Mr. BEVILL, Mr. BIAGGI, Mr. BUSTAMANTE, Mr. CARR, Mr. CHAPMAN, Mr. CLINGER, Mr. COELHO, Mrs. COLLINS, Mr. DANIEL, Mr. DAVIS of Michigan, Mr. DEFAZIO, Mr. DELLUMS, Mr. DEWINE, Mr. DICKINSON, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EVANS, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FROST, Mr. FUSTER, Mr. GALLO, Mr. GARCIA, Mr. GAYDOS, Mr. GEJDENSON, Mr. GILMAN, Mr. GONZALEZ, Mr. GORDON, Mr. GRAY of Illinois, Mr. HALL of Texas, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOWARD, Mr. HUCKABY, Mr. JONES of North Carolina, Mr. KANJORSKI, Ms. KAPTUR, Mr. KILDEE, Mr. KOLTER, Mr. LANTOS, Mr. MCDADE, Mr. MCGRATH, Mr. MADIGAN, Mr. MARTINEZ, Mr. MAVROULES, Mr. MICA, Mr. MINETA, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NATCHER, Mr. NICHOLS, Mr. OWENS of New York, Mr. PASHAYAN, Mrs. PATTERSON, Mr. PERKINS, Mr. PRICE of Illinois, Mr. RAHALL, Mr. ROE, Mr. ROSE, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. ST GERMAIN, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SHAW, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SPENCE, Mr. STOKES, Mr. SUNDQUIST, Mr. SWINDALL, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. VENTO, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WAXMAN, Mr. WEBER, Mr. WILSON, Mr. WISE, Mr. WORTLEY, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Alaska, Mr. WEISS, Mr. HERTEL, Mr. COUGHLIN, Mr. WELDON, Mr. BOUCHER, Mr. CLARKE, and Mr. BONER of Tennessee):

H.R. 1917. A bill to amend title II of the Social Security Act to provide for a more gradual 10-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers attaining age 65 in or after 1982 (and related beneficiaries) and to provide for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. ANDERSON:

H.R. 1918. A bill to amend title 38, United States Code, to provide a service pension of $150 per month for veterans of World War I and a pension of $100 per month for certain surviving spouses of such veterans; to the Committee on Veterans' Affairs.

By Mr. BEILENSON:

H.R. 1919. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal deficit by increasing the tax on gasoline and other motor fuels; to the Committee on Ways and Means.

By Mr. CARPER:

H.R. 1920. A bill to amend title 10, United States Code, to authorize former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

By Mr. DAUB:

H.R. 1921. A bill to amend the Internal Revenue Code of 1986 to allow monthly deposits of payroll taxes for employers with monthly payroll tax payments under $5,000, to establish a Fair Trade Advocates Office, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Michigan:

H.R. 1922. A bill to improve the administration, management and law enforcement capabilities of the Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DONNELLY:

H.R. 1923. A bill to amend title XVIII of the Social Security Act to require payments for physicians' services under the Medicare Program be made on an assignment-related basis; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. DREIER of California:

H.R. 1924. A bill to amend the Internal Revenue Code of 1986 to repeal the restrictions on retirement savings deductions added by the Tax Reform Act of 1986 and to allow up to a $2,000 deduction for retirement savings for a nonworking spouse; to the Committee on Ways and Means.

H.R. 1925. A bill to amend the Internal Revenue Code of 1986 to restore the preferential treatment of capital gains, to eliminate the retroactivity in the repeal of the investment tax credit by the Tax Reform Act of 1986, and to provide for the indexing of the basis of certain assets; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 1926. A bill to require that revenue collected by Federal agencies in the form of a user charge be obligated for certain programs which directly benefit persons required to pay such user charge, and for other purposes; to the Committee on Government Operations.

H.R. 1927. A bill to provide relief to State and local governments from Federal regulation; jointly, to the Committees on Government Operations, the Judiciary, and Rules.

By Mr. LAFALCE (for himself, Mr. MCDADE, Mr. SKELTON, Mr. IRELAND, Mr. SMITH of Iowa, Mr. GONZALEZ, Mr. THOMAS A. LUKEN, Mr. MAZZOLI, Mr. MAVROULES, Mr. HATCHER, Mr. WYDEN, Mr. ECKART, Mr. SAVAGE, Mr. ROEMER, Mr. SISISKY, Mr. TORRES, Mr. COOPER, Mr. OLIN, Mr. RAY, Mr. HAYES of Illinois, Mr. CONYERS, Mr. BILBRAY, Mr. MFUME, Mr. FLAKE, Mr. LANCASTER, Mr. CAMPBELL, Mr. DEFAZIO, Mr. PRICE of North Carolina, Mr. MARTINEZ, Mr. CONTE, Mr. SLAUGHTER of Virginia, Mrs. MEYERS of Kansas, Mr. GALLO, Mr. MCMILLAN of North Carolina, Mr. MCKINNEY, Mr. RHODES, Mr. UPTON, Mr. OWENS of Utah, Mr. RIDGE, Miss SCHNEIDER, and Mrs. JOHNSON of Connecticut):

H.R. 1928. A bill to amend the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. MAZZOLI:

H.R. 1929. A bill to establish a Federal Courts Study Commission; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself and Mr. GARCIA):

H.R. 1930. A bill to amend titles XVIII and XIX of the Social Security Act to provide protection under the Medicare and Medicaid Programs against acute and transitional care costs; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. MOORHEAD (for himself, Mr. KASTENMEIER, Mrs. SCHROEDER, Mr. HYDE, Mr. LUNGREN, Mr. CROCKETT, Mr. DEWINE, Mr. MORRISON of Connecticut, Mr. BOUCHER, Mr. COBLE, Mr. SLAUGHTER of Virginia, and Mr. CARDIN):

H.R. 1931. A bill to amend title 35, United States Code, with respect to patented processes; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. FUSTER, Mr. HAYES of Illinois, Mr. GRAY of Illinois, Mr. RODINO, Mr. FRANK, Mr. ROE, Mr. LELAND, Mr. DORGAN of North Dakota, Mr. BEVILL, Mr. CLAY, Mr. OWENS of New York, Mr. TOWNS, Mr. SMITH of Florida, Mr. CHAPMAN, Mrs. COLLINS, Mr. SOLARZ, Mr. BUSTAMANTE, Mr. SAVAGE, Mr. PERKINS, Mr. LEVINE of

California, Mr. MARTINEZ, Mr. DWYER of New Jersey, Mr. BILBRAY, Mr. FEIGHAN, Mr. MFUME, Mr. LEWIS of Georgia, Mr. FISH, Mr. ACKERMAN, Mr. LANTOS, Mr. SCHEUER, Mr. DELLUMS, Mr. FLAKE, Mrs. KENNELLY, Mr. SAWYER, Mr. WEISS, Mr. FORD of Tennessee, and Mr. TALLON):

H.R. 1932. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to exempt the Pell grant higher education assistance program from sequestration; jointly, to the Committees on Government Operations and Education and Labor.

By Mr. ROWLAND of Georgia (for himself and Mr. JENKINS):

H.R. 1933. A bill to require the Secretary of Health and Human Services to submit to the Congress a proposal for the regulation of long-term care insurance policies, including an analysis and evaluation of such policies as are available to individuals, and to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for the purchase of long-term care insurance coverage by individuals who have attained age 59½; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DINGELL (for himself, Mr. MARKEY, Mr. COELHO, Mr. LOTT, Mr. BONIOR of Michigan, Mr. OBERSTAR, Mr. HYDE, Mr. BROOKS, Mr. FORD of Michigan, Mr. WEBER, Mr. PEPPER, Mr. GINGRICH, Mr. DELLUMS, Mr. DORNAN of California, Mr. MURTHA, Mr. FASCELL, Mrs. SCHROEDER, Mr. LEACH of Iowa, Mr. UDALL, Mr. GRAY of Pennsylvania, Mr. STENHOLM, Mr. WAXMAN, Mr. DANNEMEYER, Mr. WALGREN, Mr. BLILEY, Mr. LELAND, Mrs. COLLINS, Mr. FIELDS, Mr. WYDEN, Mr. ECKART, Mr. BRYANT, Mr. NIELSON of Utah, Mr. BOUCHER, Mr. LAGOMARSINO, Mrs. BOXER, Mr. RANGEL, Mr. YATES, Mr. CRAIG, Mr. STOKES, Mr. DIXON, Mr. SCHUMER, and Mr. MARLENEE):

H.R. 1934. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Energy and Commerce.

By Mr. SCHUETTE (for himself, Mr. DAUB, Mr. TAUKE, Mr. CRAIG, Mr. WHITTAKER, Mr. SWEENEY, Mr. BEREUTER, Mr. LIGHTFOOT, Mr. WEBER, Mr. GUNDERSON, Mr. MCEWEN, and Mr. ROBERTS):

H.R. 1935. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make deficiency payments for the 1987 through 1990 crops of wheat and feed grains based on the first 5 months of the marketing years for such crops; to the Committee on Agriculture.

By Mr. SHUMWAY:

H.R. 1936. A bill to provide a uniform product liability law; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. SISISKY (for himself, Mrs. JOHNSON of Connecticut, Mr. LAFALCE, Mr. SKELTON, Mr. STENHOLM, Mr. MAVROULES, Mr. SAVAGE, Mr. TORRES, Mr. RAY, Mr. CONYERS, Mr. MFUME, Mr. LANCASTER, Mr. DEFAZIO, Mr. SLAUGHTER of Virginia, Mr. OLIN, Mr. HAYES of Illinois, Mr. BILBRAY, Mr. FLAKE, Mr. CAMPBELL, Mr. PRICE of North Carolina, Mr. CONTE, Mr. IRELAND, Mr. GALLO, Mr. COMBEST, Mr. RHODES, Mr. MCMILLAN of North Carolina, Mr. MCKINNEY, Mr. CHANDLER, Mrs. ROUKEMA, Mr. BALLENGER, Mr. FAWELL, Mr. MARTINEZ, Mr. THOMAS A. LUKEN, Mr. RIDGE, and Mr. MAZZOLI):

H.R. 1937. A bill to amend the Small Business Act to establish a small Business Export Innovation Program to make competitive awards to small business concerns for the purpose of developing export trade strategies and knowledge essential for small business success in international trade; to the Committee on Small Business.

By Mr. VENTO:

H.R. 1938. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mrs. BOGGS, Mr. LAGOMARSINO, Mr. COELHO, Mr. HUGHES, Mr. ROE, Mr. LIPINSKI, Mr. DORNAN of California, Mr. LEWIS of Georgia, Mr. MURPHY, Mr. DE LUGO, Mr. RICHARDSON, Mr. LEVINE of California, Mr. HUCKABY, Mr. DARDEN, Mr. LEVIN of Michigan, Mr. BEILENSON, Mr. HORTON, Mr. DEFAZIO, Mr. GRAY of Illinois, Mr. FAUNTROY, Mr. BEVILL, Mr. PANETTA, Mr. BATES, Mr. SUNIA, Mr. KOSTMAYER, Mr. FUSTER, Mr. WILLIAMS, Mr. MRAZEK, Mr. KENNEDY, Mr. MAVROULES, Mr. FOGLIETTA, and Mr. CRANE):

H.R. 1939. A bill to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DARDEN (for himself, Mr. AKAKA, Mr. RITTER, Mr. BEVILL, Mr. ERDREICH, Mr. FLIPPO, Mr. DORNAN of California, Mr. TAUKE, Mr. HENRY, Mr. WOLF, Mr. DAUB, Mr. ROE, Mr. LIPINSKI, Mr. MRAZEK, Mrs. BOXER, Mr. LEACH of Iowa, Mr. DOWDY of Mississippi, Mr. WORTLEY, Mr. GUARINI, Mr. SUNIA, Mr. LAGOMARSINO, Mrs. ROUKEMA, Mr. SABO, Mr. LEWIS of Georgia, Mr. HATCHER, Mr. MAZZOLI, Mr. HARRIS, Mr. BIAGGI, Mr. SMITH of Florida, Mr. COATS, Mr. MOODY, Mr. HAYES of Illinois, Mr. BONER of Tennessee, Mr. ORTIZ, Mr. WAXMAN, Mr. KOSTMAYER, Mr. HORTON, Mr. GREEN, Mr. MCGRATH, Mr. SHUMWAY, Mr. LELAND, Mr. LEHMAN of Florida, Mr. VOLKMER, Mr. SMITH of New Jersey, Mr. FISH, Ms. KAPTUR, Mr. HUGHES, Ms. SNOWE, Mr. SAXTON, Mr. PEPPER, Mr. CONTE, Mr. ANDREWS, Mr. FROST, Mrs. COLLINS, Mr. BONIOR of Michigan, Mr. OWENS of New York, Mr. FAZIO, and Mr. COLEMAN of Missouri):

H.J. Res. 228. Joint resolution to designate October 1987 as "National Down Syndrome Month"; to the Committee on Post Office and Civil Service.

By Mr. FAZIO:

H.J. Res. 229. Joint resolution proposing an amendment to the Constitution of the United States to permit certain naturalized citizens of the United States to hold the offices of President and Vice President; to th Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, spon sors were added to public bills and res olutions as follows:

H.R. 118: Mr. BOULTER and Mr. LAGOMAR SINO.

H.R. 308: Mr. ARCHER.

H.R. 545: Mr. WYLIE, Mr. BARTLETT, an Mr. BEREUTER.

H.R. 593: Mr. PORTER, Mrs. PATTERSON Mr. BADHAM, Mr. BONER of Tennessee, Mr LAGOMARSINO, Mr. DYMALLY, Mr. DOWNEY o New York, Mr. FLIPPO, Mr. GREEN, Mr. CON YERS, Mr. MOAKLEY, Mr. OWENS of Utah Mr. GARCIA, Mr. WILSON, Mr. LEHMAN o California, Mr. HARRIS, Mr. KENNEDY, Mr SABO, Mr. PICKLE, Mr. SHAW, Mr. BLILEY Mr. JEFFORDS, Mr. PASHAYAN, Mr. SUNIA, Mr MOORHEAD, Mr. SLAUGHTER of New York, Mr DAVIS of Illinois, Mr. ROBINSON, Mr. THOMAS of Georgia, Mr. BILBRAY, Mr. DONALD E LUKENS, Mr. MANTON, Mr. MILLER of Califor nia, Mr. STUMP, Mr. DE LUGO, Mr. HALL o Ohio, and Mr. CAMPBELL.

H.R. 618: Mr. FUSTER and Ms. SLAUGHTER of New York.

H.R. 782: Mr. GORDON and Mr. SUNDQUIST

H.R. 907: Mr. DELLUMS, Mr. SAXTON, and Mr. TALLON.

H.R. 1028: Mr. KOLBE, Mr. HILER, Mr. LAGOMARSINO, Mr. PETRI, and Mr. JEFFORDS.

H.R. 1069: Mr. NIELSON of Utah.

H.R. 1095: Mr. DAUB, Mr. TRAFICANT, Mr. DORNAN of California, Mr. WORTLEY, Mr. DAVIS of Illinois, and Mr. SMITH of New Hampshire.

H.R. 1141: Mr. BATES.

H.R. 1163: Mr. OWENS of Utah, Mr. FORD of Tennessee, Mr. NIELSON of Utah, and Mr. BARNARD.

H.R. 1248: Mr. CARDIN and Mr. LANTOS.

H.R. 1249: Mr. WEBER, Mr. PEPPER, Mr. CARDIN, and Mr. HUGHES.

H.R. 1290: Mr. BOSCO, Mr. DELLUMS, Mr. FOGLIETTA, Mr. KOLTER, Mr. MURTHA, Mr. SWEENEY, Mr. DIOGUARDI, and Mr. YATRON.

H.R. 1293: Mr. COELHO and Mr. KOLBE.

H.R. 1352: Mr. FAUNTROY, Mr. HOWARD, Mr. CLAY, Mr. HAWKINS, and Mr. FAZIO.

H.R. 1560: Mr. ATKINS, Mr. HORTON, Mr. WILLIAMS, and Mr. MANTON.

H.R. 1583: Mr. BADHAM, Mr. OXLEY, Mr. RITTER, Mr. BEILENSON, Mr. SWINDALL, Mr. BARTON of Texas, and Mr. LIGHTFOOT.

H.R. 1598: Mr. SMITH of Iowa.

H.R. 1621: Mr. WALGREN, Mr. BEILENSON, Mr. MOLLOHAN, and Mr. DE LA GARZA.

H.R. 1738: Mr. LIPINSKI.

H.R. 1750: Mr. NEAL, Mr. KLECZKA, Mr. BUSTAMANTE, Mr. YATRON, Mr. ERDREICH, and Mr. WISE.

H.R. 1776: Mrs. BENTLEY.

H.R. 1782: Mr. FROST, Mr. HOYER, Mr. BONER of Tennessee, Mr. DUNCAN, Mr. MRAZEK, Mr. LANCASTER, Mr. RAVENEL, Mr. PARRIS, Mr. LEVIN of Michigan, Mr. SPRATT, Mr. GARCIA, and Mr. WALGREN.

H.J. Res. 32: Mr. FUSTER, Mr. DWYER of New Jersey, Mr. LEHMAN of California, Mr. NIELSON of Utah, Mr. BERMAN, Mr. BEVILL, Mr. BONER of Tennessee, Mr. BOSCO, Mr. BURTON of Indiana, Mr. BORSKI, Mr. CARPER, Mr. COELHO, Mr. DE LA GARZA, Mr. CONYERS, Mr. DANIEL, Mrs. BYRON, Mr. SCHAEFER, Mr. ATKINS, Mr. DONNELLY, and Mr. DOWDY of Mississippi.

H.J. Res. 67: Mr. BUSTAMANTE, Mr. HAYES of Illinois, and Mr. WAXMAN.

H.J. Res. 119: Mr. LEVIN of Michigan, Mr. FAZIO, Mrs. BOXER, Mr. BONER of Tennessee, Mr. BORSKI, Mrs. MORELLA, Mr. SUNIA, Mr. DOWDY of Mississippi, Mr. BERMAN, Mr. BOUCHER, Mr. FUSTER, Mr. FOGLIETTA, Mr. NEAL, Mr. DAUB, and Mr. WELDON.

H.J. Res. 144: Mr. ROBERTS, Ms. SNOWE, Mr. LEVINE of California, Mr. CHAPPELL, and Mr. GOODLING.

H.J. Res. 152: Mr. LEWIS of Florida and Mr. HALL of Ohio.

H.J. Res. 154: Mr. MARKEY, Mr. BATES, Mr. BADHAM, Mrs. MEYERS of Kansas, Mr. GAYDOS, Mr. HUGHES, Mr. HOCHBRUECKNER, and Mr. MCEWEN.

H.J. Res. 158: Mr. BADHAM, Mr. CLINGER, Mrs. COLLINS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DE LUGO, Mr. DORNAN of California, Mr. FROST, Mr. GARCIA, Mr. GRADISON, Mr. GUARINI, Mr. HUGHES, Mr. MCCOLLUM, Mr. MCMILLEN of Maryland, Mr. RAHALL, Mr. SHUMWAY, Mr. TRAFICANT, Mr. WAXMAN, and Mr. WEISS.

H.J. Res. 190: Mr. ATKINS, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CARDIN, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. ESPY, Mr. FLAKE, Mr. FROST, Mr. GARCIA, Mr. HUBBARD, Mr. HUGHES, Mr. INHOFE, Mr. KANJORSKI, Mr. KOLBE, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. MAVROULES, Mr. MILLER of Washington, Mr. MORRISON of Connecticut, Mr. SAXTON, Mr. SCHEUER, Mr. SIKORSKI, Mr. VOLKMER, and Mr. WAXMAN.

H. Con. Res. 7: Mr. DELAY.

H. Con. Res. 47: Mr. KASTENMEIER, Mrs. MEYERS of Kansas, Mr. HEFNER, Mr. HAYES of Illinois, and Mr. LAGOMARSINO.

H. Con. Res. 51: Mr. WEBER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1777

By Mr. DORNAN of California:

—Page 55, after line 25, add the following new section:

SEC. 192. MEMBERSHIP OF BYELORUSSIA AND THE UKRAINE IN THE UNITED NATIONS.

The President shall instruct the United States Ambassador to the United Nations to introduce in the General Assembly of the United Nations a resolution to cease the recognition of Byelorussia and the Ukraine as members of the United Nations.

—Page 70, after line 13, add the following new section (and redesignate succeeding sections accordingly):

SEC. 601. REPEAL OF WAR POWERS RESOLUTION.

The War Powers Resolution (50 U.S.C. 1541 et seq.) is hereby repealed.

—Page 70, after line 13, insert the following new section (and redesignate succeeding sections accordingly):

SEC. 601. PARTICIPATION IN THE OLYMPICS BY THE REPUBLIC OF CHINA ON TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) for purposes of the Olympic Games, the International Olympic Committee recognizes both East Germany and West Germany, and both North Korea and South Korea;

(2) recognition of a national Olympic committee by the International Olympic Committee does not imply political or diplomatic recognition;

(3) the International Olympic Committee recognizes the National Olympic Committee of the People's Republic of China; and

(4) Taiwan considers itself to be a political entity distinct from the People's Republic of China.

(b) PARTICIPATION.—It is the sense of the Congress that the International Olympic Committee should allow the Republic of China on Taiwan to participate in the 1988 Olympic Games under its own name, flag, and national anthem.

—Page 70, after line 13, insert the following new section (and redesignate subsequent sections accordingly):

SEC. 601. REQUIREMENT OF TESTING OF VISA APPLICANTS FOR INFECTIONS WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.

A consular officer of the United States may not issue an immigrant visa or a nonimmigrant visa to any individual unless—

(1) the individual is tested for the purpose of determining whether the individual is infected with the etiologic agent for acquired immune deficiency syndrome; and

(2) the results of such test indicate that the individual is not infected with such etiologic agent.

—Page 70, after line 13, insert the following new section (and redesignate succeeding sections accordingly):

SEC. 601. SELF-DETERMINATION OF THE PEOPLE FROM THE BALTIC STATES OF ESTONIA, LATVIA, AND LITHUANIA.

(a) FINDINGS.—The Congress finds that—

(1) the subjugation of peoples to foreign domination constitutes a denial of human rights and is contrary to the Charter of the United Nations;

(2) all peoples have the right to self-determination and to freely establish their political status and pursue their own economic, social, cultural, and religious development, a right that was confirmed in 1975 in the Helsinki Final Act;

(3) on June 21, 1940, armed forces of the Soviet Union, in collusion with Nazi Germany, overran the independent Baltic republics of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Soviet Union, depriving the Baltic peoples of their basic human rights, including the right to self-determination;

(4) the Government of the Soviet Union continues efforts to change the ethnic character of the population of Estonia, Latvia, and Lithuania through policies of Russification and dilution of their native populations;

(5) the United States continues to recognize the diplomatic representatives of the last independent Baltic governments and supports the aspirations of the Baltic peoples to self-determination and national independence, a principle enunciated in 1940 and reconfirmed by the President on July 26, 1988, when he officially informed all member nations of the United Nations that the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union; and

(6) the Soviet Union continues to deny the people of Estonia, Latvia, and Lithuania the right to exist as independent countries, separate from the Soviet Union and denies the Baltic peoples the right to freely pursue human contacts, movement across international borders, emigration, religious expression, and other human rights enumerated in the Helsinki Final Act.

(b) RECOGNITION AND ACTION BY PRESIDENT.—The Congress—

(1) recognizes the continuing desire and right of the people of the Baltic States of Estonia, Latvia, and Lithuania for freedom and independence from the Soviet Union;

(2) calls upon the President to direct world attention to the right of self-determination of the people of the Baltic States by issuing on July 26, 1987, a statement that officially informs all member nations of the United Nations of the support of the United States for self-determination of all peoples and nonrecognition of the forced incorporation of the Baltic States into the Soviet Union; and

(3) calls upon the President to promote compliance with the Helsinki Final Act in the Baltic States through human contacts, family reunification, free movement, emigration rights, the right to religious expression and other human rights enumerated in the Helsinki Accords.

SENATE—*Thursday, April 2, 1987*

(Legislative day of Monday, March 30, 1987)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia.

PRAYER

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

Let us pray.

Father in heaven, the Senate could not function without the help of many men and women who work at the desks and tables, in the Cloakrooms, the lobby, the Offices of the Secretary of the Senate, the Sergeant at Arms, and CONGRESSIONAL RECORD, and those who provide security at the doors and on the floor. We thank You for the devotion to duty, the spirit of service, the efficiency, the dedication to the Senate, which these sisters and brothers manifest every minute the Senate is in session as well as before and after. We thank You for the young men and women who are the pages, for their tireless service to the Senators, their offices, and the Cloakrooms. May Thy blessing rest upon them and their families, and may those of us who have the privilege of working with them never fail to be grateful for their indispensable labors. In the name of One who is the servant of servants. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 2, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

WE SEE THROUGH A GLASS, DARKLY

Mr. BYRD. Mr. President, we are facing an important vote today, but I believe we have to keep in mind that things come and go in this mad rush of life and that what seems to be of importance today will not perhaps be at center stage on tomorrow.

I guess it was Paul who said that "we see through a glass, darkly."

Perhaps, as we become involved in our tensions and our arguments and our day to day problems and necessities, we ought not forget what we are told in the Scriptures—to "be still and know that I am God."

We are soon coming to the date of April 6, Monday of next week. It was on April 6, 1789, that the Senate first assembled a quorum.

I wonder what those few Senators who gathered in New York City—which was the second-largest city in the country at that time, Philadelphia being the largest—thought about this new, fledgling Republic and about the difficulties of getting Senators to assemble for a quorum. Only eight Senators assembled on the opening day, March 4. They had to wait a month and 2 days to get a quorum. Perhaps they became disheartened. They probably asked themselves: "Will it work?"

A lady came up to Franklin, after the Constitutional Convention had finished its work in Philadelphia, and asked him: "Dr. Franklin, what have you given us?"

Franklin replied: "A Republic, madam, if you can keep it."

Franklin had the right vision. He had his feet on the ground when he stood at that convention one day and addressed the chair in which sat Gen. George Washington. My, what an illustrious gathering that was: George Washington, James Madison, Gouverneur Morris. There were 55 great men.

Franklin saw far into the future. He was not bound down by the shackles, the tensions, and the contentiousness of the moment. He said:

I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His Notice, is it probable that an empire can rise without His aid?

We have been assured, Sir, in the sacred writings, that "except the Lord build the house they labor in vain that build it." I firmly believe this: and I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel.

Mr. President, let us pause once in a while to think about the things that will go on after we have shuffled off this mortal coil and entered into that lasting sleep.

I commend the Chaplain for his daily reminder of the Scriptures, of the divine words that are in that great book. We need them every day, because anything we may say of our little selves amounts to nothing, compared with the inspiration that comes from God.

So, whatever happens today—the veto may be overridden, it may be sustained—I hope that we will all keep our sense of proportion and go on to the next business that is ahead. We may argue our points and our positions strongly and emotionally; but after it is all said, we leave this place as friends and fellow servants of all the people.

Mr. President, I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader, the Senator from Kansas, Senator DOLE.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I thank the Presiding Officer.

I certainly do not disagree with the distinguished majority leader. That was a very eloquent statement.

I believe the vote will come sometime today. I am not certain just when. I am not certain of the outcome. But there will be other times and other days and other votes and other battles. I would hope that we could conclude action on this matter at an early time, because we do have other business. I have indicated to the majority leader there is still one possibility that is being explored that could take a little while. But I should have some word on that maybe as I speak.

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

SDI AND THE ABM TREATY

Mr. DOLE. Mr. President, along with baseball and cherry blossoms, this spring brings to Washington a renewed debate over the proper interpretation of the ABM Treaty. We are hearing all kinds of arguments over what is legal and what is not; what is permissible, and what is not; what is relevant, and what is not. We even hear talk of a constitutional crisis.

It is time we put this issue back in perspective. As Republican leader, I begin today a series of floor statements discussing the real issues at stake, in an organized and coherent way. I, and a number of my colleagues—including some of the Senate's real experts on strategic affairs—will be discussing the whole range of questions involved: Military, political, legal, and budgetary.

SDI—THE REAL DEBATE

Make no mistake about it—this is really a debate on SDI; on the real, legal SDI options available to the President. Some are resorting to complex legal gymnastics, with only one real result: To tie the President's hands, and to kill SDI. Is it not time to end that kind of nonsense?

THE PRESIDENT'S RIGHTS

The President is not brashly pushing aside America's treaty obligations; he is not leaping into an uncharted military program; he is not abandoning the Geneva negotiating table: He is proceeding in the wisest of ways to ensure that what we do is technically, legally and strategically sound.

On the technical side, the President has asked the Pentagon to answer one modest question: Can the SDI Program be restructured to save time and money and allow us to make a sensible deployment decision when the time comes? This seems to me a responsible question.

On the legal side, so there are no remaining doubts, the President has asked for further analyses, this time on the records of subsequent practice and Senate ratification proceedings.

Unlike his critics, the President wants to look at all the relevant information—not just the part that fits our argument.

THE NEGOTIATING RECORD

The negotiating record is the most likely indicator of what we and the Soviets are mutually bound to. It shows that the U.S. delegation proposed to prohibit development, and testing, of ABM systems and components based on "other physical principles." The Soviets refused. That pretty much sums up what the United States and the Soviet Union are mutually bound to now.

As for subsequent practice, it is impossible to comment now because we lack important parts of the data. We ought to study all the confidential records before lecturing the President on what he should do.

Finally, I know that some Senators assert that the record of Senate ratification debates has some special legal standing. This notion is wrong. We attached no conditions on the ABM Treaty, and since we did not, interpretation falls to the President, period.

When the Reagan administration first spoke of its analysis of the ABM Treaty in 1985, critics maintained that the treaty was clear on its face. As that notion eroded, many felt sure that the negotiating record would vindicate the restrictive interpretation. That did not happen. Now their focus has shifted to the record of subsequent practice and to the Senate ratification proceedings. The inescapable conclusion: The President's critics are retreating.

THE BOTTOM LINE

So where do we stand? In the end, I doubt we will all agree upon one "correct" interpretation; but the real question is whether the President has a legally justifiable option to restructure the SDI Program without withdrawing from the treaty.

I believe he does. If restructuring SDI is technically feasible and strategically wise, I believe the President should have the option to proceed without withdrawing from the ABM Treaty.

We should also bear in mind that the painstaking legal analysis we are undertaking stands in stark contrast to Soviet practice: They just violate their treaty obligations whenever it suits their convenience. The bottom line here is that the ABM question is much, much more than a legal question. It is a question of America's defense.

Mr. President, I ask unanimous consent that a letter of mine to the President, a statement of Senator WILSON, and two Washington Times articles be printed in the RECORD.

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

THE PRESIDENT,
The White House,
Washington.

DEAR MR. PRESIDENT: I want to reaffirm my strong support for aggressive research and development on the Strategic Defense Initiative, SDI, in the context of our continued adherence to the Anti-Ballistic Missile (ABM) Treaty.

In recent weeks, new attention has focused on the question of the interpretation of that Treaty. One Democratic Senator has claimed that any Treaty interpretation contrary to views expressed by individual Senators at the time the Senate provided advice and consent to ratification of the Treaty could spark a "Constitutional confrontation of profound proportions."

As you know, there is no legal basis to such a claim. Constitutional law is absolutely clear on the point: the views of the Senate on the interpretation of a treaty are legally irrelevant and in no way bind the President, unless those views were expressed (1) formally and (2) at the time of the Senate's decision to advise and consent.

The prestigious American Law Institute, in the most recent edition of its authoritative Restatement of the Law, Foreign Relations Law of the United States, reaffirmed this proposition in a "black letter" declaration. Moreover, in its decision in the case of Fourteen Diamond Rings v. United States, the Supreme Court specifically ignored a formal expression of the Senate's interpretation of a customs agreement with the Philippines, on the grounds that the interpretation was expressed well after the act of advice and consent.

Since the Senate as a whole, at the time it provided advice and consent to ratification of the ABM Treaty, took no formal position on the meaning of Articles II and V and Agreed Statement D, as they relate to contemporary research and development of SDI, any views expressed informally by individual Senators at the time, or since, do not legally bind you.

As a practical political matter, of course, it is both proper and prudent that you consult closely with the Congress and with our Allies on matters impinging directly on the security of the country and the Free World. I know you share that view. I have also noted and welcomed recent statements by senior Administration officials reaffirming your intention to continue consulting closely with the Congress and our Allies, as decisions related to the ABM Treaty and SDI are contemplated and taken.

At the same time though, I think it is important that all of us—especially those who have sent up the alarmist cry of a Constitutional crisis—understand that these consultations must go forward in recognition of the fact that we have only one President. Under the law and in the circumstances that prevail, the final decision on interpreting the ABM Treaty is the President's alone.

Sincerely yours,

BOB DOLE,
U.S. Senate.

STATEMENT OF U.S. SENATOR PETE WILSON

Gentlemen and Senator Kassebaum: My purpose in appearing before you at this hearing is to appeal to you most urgently to join in my plea to the President that he authorize immediately the de-classification of the official record of negotiations of the Anti-Ballistic Missile Treaty of 1972. Unless the official negotiating record is made public, the American people and indeed the United States Congress have no assurance that they will ever learn the truth as to the actual obligations mutually agreed to in 1972 by the United States and the Soviet Union with respect to development, testing, and the deployment of ABM systems and their components based upon physical principles and technologies other than those consisting of fixed, land-based launchers, interceptor missiles, and radars.

Having studied the record, it is clear that despite repeated, strong efforts by the American negotiators to ban such future systems and components, they never succeed in getting Soviet agreement to a ban on development and testing; and achieved only the limited success of getting the Soviets to agree that prior to deployment, consultation in accordance with article XIII and discussion in accordance with article XIV must occur. It may even be argued, and at one point was argued by Soviet negotiators, that

agreement is not required to permit deployment.

The evidence is clear and overwhelming that the Soviets succeeded, by their persistent rejection of the American position, in limiting the far more stringent restrictions of the treaty articles to fixed land-based ABM systems and components; and agreed that only the much less restrictive provisions of a minute to the treaty, so-called "agreed statement D", should apply to so-called future systems (i.e., those based "on other physical principles").

Yet, notwithstanding the great preponderance of clear evidence favoring the broad interpretation which is contained in the negotiating record, the treaty it defines has been presented to the American people and to the world at large as binding the United States to abide not by the obligations actually agreed to, as set forth in the secret record of negotiation—but by the far more restrictive obligations which the American negotiators sought unsuccessfully to impose and which the Soviets rejected.

This revision of history has led understandably to the widest possible and most serious misapprehension as to the truth regarding our obligations under the ABM Treaty, and has produced an entirely unnecessary debate as to whether a "broad" or "narrow" interpretation of treaty provisions is the correct one.

The broad interpretation is of course the correct one because it is what was actually agreed, as is clear from the negotiation record. The narrow interpretation is what the U.S. negotiators tried to get but failed to get from the Soviets. Yet it has been represented to the Nixon administration and the Senate that the U.S. negotiators did in fact achieve Soviet agreement to the narrow language they were instructed to obtain. They did not.

It is of course the actual agreement which was negotiated which sets the rights and duties of the United States and the Soviet Union. No external document, apart from a subsequent formal treaty, can amend the agreement so as to alter the rights and duties of the parties.

And it is of course the negotiating record which defines the agreement—the terms and obligations of the parties to the treaty. No further extrinsic evidence of the negotiation or of the negotiating record can be looked to legally or logically as better evidence of the agreement or of the record than the record itself—unless ambiguity, mistake or fraud is asserted to exist in the record.

State Department legal advisor, Judge Abraham D. Sofaer, and Ambassador Paul Nitze have undertaken to perform an analysis of the record of ratification.

Fine, Mr. Chairman, let them perform such an analysis. I have no doubt their work will be thorough and complete * * * and that, where the negotiating record is ambiguous, it can be helpful in resolving such ambiguity.

But where the negotiating record is clear and unambiguous, I question whether analysis of the ratification record can have value precisely because it is unnecessary. The logic of the "best evidence rule" would seem to apply with as much force to the construction of this contract between nations as to the construction of a contract between private parties. Where the text of the treaty discloses ambiguity as does the text of the ABM Treaty, resort to extrinsic evidence—in this case, the treaty negotiating record—is fully justified to explain such ambiguity. And if the negotiating record discloses ambiguity, further resort to extrinsic evidence is warranted.

But where the negotiating record is clear and unambiguous, it is the best evidence of the agreement and further extrinsic evidence in conflict with the record must be viewed as suspect, including even statements of participants in or observers of the negotiation which conflict with the clear and unambiguous record.

In the same way the ratification record cannot serve as a competent basis for altering the clear meaning of the negotiation record. It cannot add new duties for the parties to perform when the negotiation record makes clear that one of the parties expressly rejected them, as did the Soviets repeatedly in refusing to agree to the U.S.-proposed ban on future ABM technologies.

And as the Soviets refused in 1972 to be bound by the narrow interpretation of the treaty, neither is the United States so bound today.

All this would seem as clear as "the best evidence rule" as a matter of law. But because the truth is locked away from public view in secrecy imposed by national security classification, neither the American people, nor our allies, nor the news media—nor even the Congress (except for the few Members who have troubled to read the record) have access to the truth as a practical matter.

What better example could we require, Mr. Chairman, to illustrate the need for declassification of the negotiating record than the unsettling circumstance, presented before and during these hearings, of representations publicly made explaining the treaty or the record which are in fact contradicted by the secret negotiating record?

Whatever the good intentions and honest convictions of those whose public representations of the negotiation are at variance with the record of negotiation, the American people, the news media who inform them, our allies—and even over-scheduled Senators too busy to avail themselves of their access to secret documents—are all at least entitled to know that a discrepancy exists between such public statements and the secret record.

As long as the negotiating record remains shrouded in secrecy, the public cannot learn that such a discrepancy exists. They can only be told conclusions about what the record really reveals by the privileged few who have access to it. They are placed in the position of the juror in a personal injury suit who is compelled to decide somehow which of two flatly conflicting medical expert witnesses to believe. It is simply not fair to the American people.

Declassification of the negotiating record threatens in no way to compromise either human intelligence sources, or means and methods of gaining intelligence.

But continued secrecy threatens continued public and congressional misunderstanding, and allows the Soviets to continue a revisionism by which they now assert a position exactly contrary to that which the negotiating record makes clear as the true Soviet position at the time of signing the ABM Treaty: one of steadfast rejection of a ban on development, testing and even deployment of future ABM technologies.

Our future ability to defend the American people against the possible horror of nuclear ICBM attack depends upon lifting the artificial constraint upon our technological ABM capability that would be imposed by continued adherence to the narrow interpretation. Our national security interest is of paramount importance.

Let me finally say a word about the concern that some may voice with regard to breaking confidentiality of the negotiating process and undermining trust. Trust has been undermined—not only by clear Soviet violation of the undisputed provisions of article I, but—by Soviet assertions that the United States, in our espousal of the broad interpretation, is lying about the agreement negotiated in 1972. We are not only entitled but obliged to make public the secret negotiating record so the world can know the truth.

I urge you to communicate to the President that it is imperative that he revoke the classification of the negotiating record at once.

PARTISANSHIP DOMINATES ABM DEBATE

(By Warren Strobel)

Democratic and Republican lawmakers drew sharply different pictures yesterday of whether a key Strategic Defense Initiative device can be tested even under the administration's permissive interpretation of the ABM Treaty.

At issue in the latest round of a bitter dispute over the 1972 pact are orbiting "garages" filled with interceptor rockets to destroy Soviet nuclear missiles shortly after launch—a prime candidate for inclusion in the first phase of missile defenses.

Under the administration's "broad" reading of the anti-ballistic missile treaty—which is has yet to implement—exotic devices based on "other physical principles" than those known in 1972 can be developed and tested in the "star wars" program.

At a Senate Armed Services subcommittee hearing yesterday, senators divided along partisan lines on the question of whether the interceptor rockets, known as space-based kinetic kill vehicles, differ significantly from technologies of 15 years ago.

Committee chairman Sen. Sam Nunn, after a protracted exchange with the head of the SDI program, claimed they do not.

"This particular system, which is now being looked on for early deployment, could not be tested under the broad interpretation any more than it could under the narrow," the Georgia Democrat said.

The narrow interpretation of the pact allows testing and development only of land-based, non-mobile devices.

"This whole exercise we've been going through . . . has no bearing," Mr. Nunn said, referring to detailed analyses of the ABM Treaty by himself and State Department legal adviser Abraham Sofaer.

"I'm crushed that all my legal work is irrelevant," he said. "I wonder how Judge Sofaer is going to feel when he figures that out?"

Mr. Nunn's conclusions were rejected by the panel's Republicans.

More than 15 GOP senators, led by Senate Minority Leader Robert Dole, plan to defend Mr. Reagan's stance on the treaty in a series of floor speeches beginning today. The speeches are intended in part to counter Mr. Nunn's spirited support of the narrow interpretation.

Air Force Lt. Gen. James Abrahamson, SDI Organization director, said yesterday that the administration is reviewing whether the space-based rockets and other experimental devices fit the crucial definition of "other physical principles," but has not made a decision.

Gen. Abrahamson said that the first phase of missile defenses, under a preliminary plan his office is using, would cost

about $50 billion. The system would include both ground- and space-based rockets, as well as various sensors.

In closed session last week, he testified that deploying ground-based interceptors known as ERIS would be legal under the treaty, presumably because they are not based on exotic technologies. The treaty allows deployment of 160 traditional land-based rockets.

Noting that statement, Mr. Nunn repeatedly asked the SDI chief if there were any differences between the space-based rockets and ERIS.

Finally, Gen. Abrahamson said, "There are many similarities in terms of its components."

However, under questioning later by Sen. Dan Quayle, Gen. Abrahamson said that the two systems do differ in the way they are guided to a collision with nuclear missiles or warheads in flight.

ERIS, Gen. Abrahamson said, is guided for most of this flight by a ground-based radar, with an infrared—heat-seeking—device taking over only as the collision nears. On the space-based rockets, he said, the infrared seeker "guides it the whole distance of the flight."

"That's a fairly significant difference, isn't it?" said Mr. Quayle, Indiana Republican.

The arcane, technical issue of guidance mechanisms now appears to be the heart of supporters' arguments for testing the orbiting rockets.

Asked after a speech yesterday if the interceptors can be tested under the broad interpretation, administration arms control adviser Paul Nitze said, "it depends in part on its guidance systems."

According to one Senate aide, the GOP position is that the seeker, merely an "adjunct" to ERIS, is a full "component," as defined by the treaty, in the space-based system and thus can be developed and tested.

BROAD READING OF ABM TREATY SUPPORTED BY 15-YEAR-OLD LETTER

(By Warren Strobel and James M. Dorsey)

The administration has found new evidence to substantiate its "broad" interpretation of the anti-ballistic missile treaty, senior State and Defense department officials publicly confirmed yesterday.

Richard Perle, outgoing assignment defense secretary, told the Senate that a 15-year-old letter has been located showing that the Pentagon's highest officials believed the pact would allow the types of tests now being contemplated for the Strategic Defense Initiative anti-missile program.

The letter, from Adm. Thomas H. Moorer, then chairman of the Joint Chiefs of Staff, to then-Defense Secretary Melvin Laird, was sent in early June 1972—days after the ABM treaty was signed in Moscow.

"The gist of it . . . was that, without qualification, the testing of systems based on other physical principles—and some are specifically identified as lasers and particle beams and so forth—is permitted." Mr. Perle, an administration hard-liner, told a joint hearing of the Foreign Relations and Judicial committees.

Missile defenses based on "other physical principles"—those not known at the time of the pact—are at the heart of the dispute over the treaty and the direction of SDI.

The narrow interpretation, followed for 13 years, allows only research on such systems.

The controversial broad reading, which President Reagan advanced in October 1985, holds that the treaty allows testing and development, but not deployment, of the devices.

Last Friday, The Washington Times reported that the Pentagon recently had uncovered documents buttressing the administration position.

Officials said Defense Secretary Caspar Weinberger has understood the NSPG's request for a detailed schedule of SDI tests to be held under the broad interpretation as a go-ahead that would be announced once Congress has approved the administration's budget.

"The meetings in early February of the National Security Planning Group were strongly biased toward a practical application of the broad interpretation," a senior official said. The NSPG is composed of the president, the secretary of defense, the secretary of state and President Reagan's national security adviser.

Mr. Weinberger was asked to provide the NSPG with the schedule of the SDI tests by the end of April, the officials said.

"We know where the President's heart is," a Pentagon spokesman said adding that the Defense Department wished to avoid "anything that will have a negative impact on the program, because we know what the congressional sentiment is."

Mr. Reagan twice has run into opposition from lawmakers in implementing his view, which is based on the classified record of the Geneva negotiations leading to the pact.

The 'negotiating record' is whatever the administration can find in a file cabinet to help prove its point," Sen. Joe Biden, Judiciary Committee chairman said yesterday.

The Delaware Democrat has introduced a resolution calling for Senate acquiescence to any change in the treaty. He argued yesterday that during the Senate's 1972 consideration of the treaty, lawmakers were presented with—and voted on—a narrowly construed document.

When State Department legal adviser Abraham Sofaer, author of the broad interpretation, suggested that the Senate vote on the agreement U.S. negotiators reached, "irrespective of the explanations it is provided." Mr. Biden retorted: "That's incredible. Absolutely staggering."

"Sofaer is not looking to find a challenge to the broad interpretation," a senior administration official said. "He has to prove that he is intellectually honest. He no longer can say that a conclusion has been reached for which the evidence will be provided later."

In another development, a U.S. negotiator revealed yesterday that the administration's initial review of the treaty was sparked when the Soviet Union in March 1985 proposed banning testing and development of space-based missile defenses—something the United States already considered banned by the ABM treaty.

"I believe the Soviets probably had believed, since 1972, that the ABM treaty permitted development and testing" of such systems, deputy negotiator Henry F. Cooper said in a letter to Sen. Dan Quayle, Indiana Republican.

Mr. Sofaer, who testified only after being threatened with a subpoena, said additional evidence has been turned up in a new review of the pact which the president has ordered him to conduct.

"There are many memos, and they are continuing to turn up in the many boxes arriving in my office from many storage facilities," he said. The latest analysis is due April 30.

Mr. DOLE. Mr. President, I yield the remainder of my time whenever the majority leader has used his time to the distinguished Senator from Oklahoma, Senator NICKLES.

Mr. BYRD. Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes and 36 seconds remaining.

Mr. BYRD. Mr. President, I would like for the distinguished Republican leader to proceed to yield. I promised Mr. MOYNIHAN I would yield my remaining time to him.

Go ahead.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized.

ARMS CONTROL

Mr. NICKLES. Mr. President, first, I wish to compliment the minority leader for his statement this morning.

I have had the pleasure of serving with nine other Senators as a member of the Senate's arms control observers group. We have observed the negotiations, and been briefed countless times on arms control issues, particularly in reference to the arms control meetings that are currently taking place in Geneva.

Mr. President, I find this issue and debate over broad versus narrow interpretation of the ABM Treaty sometimes amusing because I visualize a number of colleagues and a number of attorneys, past negotiators and others going to great lengths and detail to say what was agreed to or not agreed to in the ABM Treaty of 1972.

I think what is important, though, is what the minority leader said. For any treaty to have any salutary effect, it has to be mutually binding. When we have this great discussion of what the United States is limited to, many times people forget to ask what the Soviet Union is limited to.

When we are asking the question, Does the broad interpretation allow this test or will a narrow interpretation allow this test, does the Soviet Union ask a comparable question?

I would say to the Senate that they do not. I would say to the Senate that the Soviet Union's past history on treaties has been to take the broadest possible application of any ambiguity in any treaty if it suits their purpose. They have done it in development of their defense initiatives. They have done it in their interpretation of other treaties if they found that there is a gray area, an ambiguous area. In every treaty there will be some details that are unresolved, some unforeseen events that take place, and on some points any treaty may not be totally clear.

It is quite obvious that the Soviet practice has been to take the broadest possible interpretation of whatever treaty if it suits their interest.

So I think much more important than the broad versus narrow issue is compliance. Quite frankly, the Soviet's history on the ABM Treaty and other treaties has been, in many cases, noncompliance. They have violated treaties and the United States pays little more than lip service to request explanation or compliance. I find this to be much more important than whether we should be using a broad or narrow treaty interpretation. We should be focusing on Soviet noncompliance instead of trying to hold the United States to a much tighter, much more rigid treaty than the Soviet Union itself has agreed to.

It does not make good sense to hold the United States to a much higher standard than the Soviets.

For example, Marshal Grechko, the Soviet Minister of Defense in 1972, as he was explaining the ABM Treaty to the Soviet Ministers, stated that this treaty—

> Imposes no limitations on the performance, the research and experimental work aimed at resolving the problem of defending the country against nuclear missile attack.

What that means is that the Soviets were not constraining themselves whatsoever if they could develop some type of defensive system. They would not allow this treaty to restrict the performance of research and experimental work in any way.

I might inquire of the Chair how much time remains.

The ACTING PRESIDENT pro tempore. The Senator has 10 seconds remaining.

Mr. NICKLES. Mr. President, I will conclude by including in the RECORD a copy from the White House of the President's unclassified report on Soviet noncompliance.

Mr. DOLE. Mr. President, does the Senator need a couple of additional minutes?

Mr. NICKLES. Mr. President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent that a copy of the President's unclassified report on Soviet noncompliance with arms control agreements, dated March 10, 1987, dealing with the ABM Treaty be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. NICKLES. Mr. President, these findings by the President confirm that the Krasnoyarsk radar is a direct violation of the ABM Treaty. He also mentions numerous "potential" violations and, taken in their totality, suggest that the Soviets are preparing an ABM defense of their national territory. The fact is that they are violating the ABM Treaty. They are not just taking the broad interpretation of the treaty, they are violating the treaty. I would suggest to my colleagues that Soviet compliance with the ABM Treaty should be the focus of our debate as it is a more central and critical issue than how the treaty may be interpreted.

Mr. President, I yield the floor.

EXHIBIT 1

THE PRESIDENT'S UNCLASSIFIED REPORT ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

The following is the text of a letter from the President to the Speaker of the House of Representatives and to the President of the Senate transmitting the President's report, in classified and unclassified versions, on Soviet noncompliance with arms control agreements as required by PL 99-145:

DEAR MR. SPEAKER (DEAR MR. PRESIDENT): In response to congressional requests as set forth in Public Law 99-145, I am forwarding herewith classified and unclassified versions of the Administration's report to the Congress on Soviet Noncompliance with Arms Control Agreements.

Detailed classified briefings will be available to the Congress in the near future.

I believe the additional information provided, and issues addressed, especially in the more detailed classified report, will significantly increase understanding of Soviet violations and probable violations. Such understanding, and strong congressional consensus on the importance of compliance to achieving effective arms control, will do much to strengthen our efforts both in seeking corrective actions and in negotiations with the Soviet Union.

Sincerely,

RONALD REAGAN.

THE FINDINGS

ANTI-BALLISTIC MISSILE (AMB) TREATY

Treaty status

The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each Party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

1. The Krasnoyarsk Radar

Obligation: To preclude the development of a territorial defense or providing the base for a territorial ABM defense, the ABM Treaty provides that radars for early warning of ballistic missile attack may be deployed only at locations along the periphery of the national territory of each Party and that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control agreements.

Issue: The December 1985 report examined the issue of whether the Krasnoyarsk radar meets the provisions of the ABM Treaty governing phased-array radars. We have reexamined this issue.

Finding: The U.S. Government reaffirms the conclusion in the December 1985 report that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction and the absence of credible alternative explanations have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

2. Mobility of ABM System Components

Obligation: Paragraph 1 of Article V of the ABM Treaty prohibits the development, testing, or deployment of mobile land-based ABM systems or components.

Issue: The December 1985 report examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty. We have examined this issue.

Finding: The U.S. Government reaffirms the judgment of the December 1985 report that the evidence on Soviet actions with respect to ABM component mobility is ambiguous, but that the USSR's development and testing of components of an ABM system, which apparently are designed to be deployable at sites requiring relatively limited special-purpose site preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

3. Concurrent Testing of ABM and Air Defense Components

Obligation: The ABM Treaty and its Protocol limit the Parties to one ABM deployment area. In addition to the ABM systems and components at that one deployment area, the Parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the parties from testing them in "an ABM mode." The Parties agreed that the concurrent testing of SAM and ABM system components is prohibited.

Issue: The December 1985 compliance report examined whether the Soviet Union has concurrently tested SAM and ABM system components in violation of its legal obligation since 1978 not to do so. It was the purpose of that obligation to further constrain testing of air defense systems in an ABM mode. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgement made in the December 1985 report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty. However, the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully U.S. concerns, indicate the USSR probably has violated the prohibition

on testing SAM components in an ABM mode. In several cases this may be highly probable. This and other ABM-related activities suggest the USSR may be preparing an ABM defense of its national territory.

4. ABM Capability of Modern SAM Systems

Obligation: Under subparagraph (a) of Article VI of the ABM Treaty, each party undertakes not to give non-ABM interceptor missiles, launchers, or radars "capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode. . . ."

Issue: The December 1985 report examined whether the Soviet Union has tested a SAM system or component in an ABM mode or given it the capability to counter strategic ballistic missiles or their elements in flight trajectory in violation of their legal obligation under the ABM Treaty. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that the evidence of Soviet actions with respect to SAM upgrade is insufficient to assess compliance with the Soviet Union's obligations under the ABM Treaty. However, this and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

5. Rapid Reload of ABM Launchers

Obligation: The ABM Treaty limits to 100 the number of deployed ABM interceptor launchers and deployed interceptor missiles. It does not limit the number of interceptor missiles that can be built and stockpiled. Paragraph 2, Article V, of the Treaty prohibits the development, testing or deployment of "automatic or semi-automatic or other similar systems for rapid reload" of the permitted launchers.

Issue: The December 1985 report examined whether the Soviet Union has developed, tested, or deployed automatic, semi-automatic, or other similar systems for rapid reload of ABM launchers in violation of its legal obligation under the ABM Treaty. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that, on the basis of the evidence available, the USSR's actions with respect to the rapid reload of ABM launchers constitute an ambiguous situation as concerns its legal obligations under the ABM Treaty not to develop systems for rapid reload. The Soviet Union's reload capabilities are a serious concern. These and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

6. ABM Territorial Defense

Obligation: The ABM Treaty and Protocol allow each party a single operational site, explicitly permit modernization and replacement of ABM systems or their components, and explicitly recognize the existence of ABM test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

Issue: The December 1985 report examined whether the Soviets have deployed an ABM system for the defense of their territory or provided a base for such a defense. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment of the December 1985 report that the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload and ABM mobility) suggests that the USSR may be preparing an ABM mobility) suggests that the USSR may be preparing an ABM defense of its national territory. Our concern continues.

Mr. DOLE. Mr. President, if I could proceed for 1 minute.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

PRESIDENT TO MEET REPUBLICAN SENATORS

Mr. DOLE. Mr. President, at 11:15, the President will be in the Capitol meeting with Republican Senators. This will be an effort by the President to persuade some to change their minds on the veto. I commend the President for this effort. It seems to me that it is an indication that he feels strongly about this.

I advised the White House that I am not certain he will succeed. There is no ray of hope that I know of out there, but maybe there will be. But the President will meet with Republicans at 11:15 in the Old Senate Chamber, so my colleagues will be on notice. Democrats are invited. [Laughter.]

Mr. MOYNIHAN. I would come.

Mr. DOLE. But, in any event, I think this is an indication that the President feels strongly about this issue. Win or lose, he is going to do all he can. I commend him for it.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The majority leader has 3 minutes and 30 seconds.

Mr. BYRD. Mr. President, I yield that time to Mr. MOYNIHAN. I ask unanimous consent that he may have an additional—keeping in mind, Mr. President, that there is no debate on the motion to reconsider, no time for debate, no time for debate on the veto override and that once this bit of colloquy and statements have been completed, we will be back on the nondebatable motion to reconsider—I ask unanimous consent that the distinguished Senator from New York may proceed for 5 minutes, which would be 2 minutes in addition to my time remaining.

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

The Senator from New York, Mr. MOYNIHAN, is recognized for 5 minutes.

FEDERAL-AID HIGHWAY ACT OF 1987—PRESIDENTIAL VETO

CRUCIAL DAY OF CHOICE ON THE SURFACE TRANSPORTATION ACT

Mr. MOYNIHAN. Mr. President, I thank the majority leader for letting me make this brief comment as we open this crucial day of choice on the Surface Transportation Act.

Mr. President, President Kennedy used to say that to govern is to choose—a very important essential, in his view, of the whole task that we engage here in Washington—to choose between always difficult alternatives or rarely easy ones. It is in the nature of government processes that matters that are uncontentious are resolved at the lower levels of such hierarchies as we have and the most difficult ones rise to the top.

We see such an occasion here today. We have the President coming to speak to Members of his party—and any of us, I am sure, would be welcome—on the question of this legislation.

I would make simply two observations. First, there has been a wide set of assertions coming from the Executive that there is somehow something imbalanced in the conference report; that certain modes of transportation, such as transit, are preferred over other modes, such as highways; some regions over other regions; and such like.

Might I say, in a rather long while that I have tried to follow this subject, it seems to me always implicit in any decision about transportation that one mode will be preferred over another, their consequences will be different, being one region as another, within one region as another.

The decision to commence the Interstate Highway Program was largely a decision made at the behest of the automobile industry, then incomparably the most powerful industry in America, accounting for about a quarter of the sector of the American political economy. Those who follow the subject will say to you with great confidence that it was the General Motors Futurama exhibit at the World's Fair in Queens in 1939 which showed this great Interstate System that set in mind the notion of doing it and set in mind the use of automobile transport, motor vehicle transport, for long distances.

And it is not to be surprised that 30 years later, the U.S. Government finds itself owning half the railroads in the country, in receivership in one form or another. We made a choice of motor vehicle transportation over rail transportation for long distances. That also meant we made a choice to be very heavily dependent on petroleum. Both of those items, automobiles and petroleum, seemed abundant and forever available within our borders at that

time, in the early 1950's. We learned, before long, though, that we needed foreign petroleum and we would find ourselves with an enormous inrush of foreign motor vehicles. Well, that choice was implicit in the original choice.

One of the things that disturbs me is the fact that so much of the objections the President voices—not personally concerns me but just as a matter of transportation—is the transit provisions. I mean, this is the principal source of objection. But I know the distinguished Presiding Officer comes from a city which, having found itself in an industrial surge and commercial surge, needed mass transit. You cannot have densities without transit. And choosing them intelligently is the mark of a society that will abet the natural tendencies of its economy to grow. I think we are doing that and ought to be.

Finally, and the second point that I would make, Mr. President, is that the next conference, if this highway bill, if this Surface Transportation Act is not adopted today, the next conference will be chaired in the House of Representatives. The Senate will not chair it, and we can in no way predict the outcomes will be as successful from our point of view as they have been to date.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Vermont

Mr. STAFFORD. Mr. President, I ask unanimous consent that I might be allowed to proceed for 5 minutes on the same general subject, on the legislation now in front of us.

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

The Senator from Vermont [Mr. STAFFORD], is recognized for 5 minutes.

Mr. STAFFORD. Mr. President, I know we are awaiting hopefully final disposition of the President's veto in one way or another as soon as possible so that we can, when that is resolved, get on to other important things. As my dear friend, the senior Senator from New York, has pointed out both of us have lived long enough in the public eye to have watched the Federal Highway System from concept to execution.

It was my privilege to have been the attorney general and later the Governor of my State at the time President Eisenhower was President of the United States, and actually implemented the beginning of the Interstate Highway System.

And in consequence when I was attorney general we were buying land for rights-of-way to build the Interstate System in our State. I found in supervising some of those court cases that an amazing number of motel sites happened to lie along the routes that we contemplated for interstate construction in Vermont. So some of the prices that we had to pay for these incipient motel sites were rather exhorbitant in our opinion. But I remember that aspect of it very well, and the fact that the engineers in Vermont put me through a course in vertical and horizontal site distances necessary for speed on the interstates, and all of the other details that were involved in doing the system.

Vermont, to be parochial only for a second, did decide to allow very wide spacing where it was esthetically attractive, between the lanes of the interstate so that we allowed trees, and in many cases rocks and hill extremities, to exist between the sites of our Interstate System. I think we made it a very attractive one. That is probably, we think, why many people want to drive on the Vermont system.

I think the construction of the Interstate System is one of the great success stories here in the United States in terms of public transportation. It is almost complete; practically complete. Only a few very expensive, very small elements in terms of miles still exist to be built.

It has been the result of a partnership between the Federal Government and the States. The States own the rights-of-way. They own the roads. The Federal Government has contributed very substantially to the construction of the interstate with the 90-percent Federal contribution, and also in building up the primary system where the original contribution was something on the order of 50-50, but it is now 75 Federal, 25 State.

So we have had this very successful partnership between the Federal Government, the Federal-aid highway system financed by the users' tax dollars based on gasoline consumption, and the States.

My fear in connection with that program now is that it could be wrecked in the future. I discussed this earlier, but I will very briefly touch on it once again; that is, my fear that the demonstration projects have proliferated in an undisciplined way out of control. We have gone from a few of them in earlier years of the construction of the Interstate System to 13 in the bill in 1982 on Federal highway aid and 152 on this one. It appears, as I have said and others have said, likely that no Member of the Senate or House will be able to go to their constituents the next time we have a highway bill without a demonstration project, whatever we want to call it, included in that bill.

And that is a danger in my opinion to the future of the Federal-Aid to Highway Program.

If we become nothing but projects authorized down here, specified down here, or take away from the States the option they have now to plan where they spend their money, how they spend their money, based upon their systems of knowledge as to the status of miles of their highways, the incentive for the Federal Government to play a role will be gone. And it is for that reason basically that I have supported the President's veto.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

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

QUORUM CALL

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

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

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum Vote No. 10]

Byrd	Fowler	Stafford
Cranston	Mitchell	
Dole	Moynihan	

The ACTING PRESIDENT pro tempore. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to direct the Sergeant at Arms to request the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—94

Adams	Daschle	Hecht
Armstrong	DeConcini	Heflin
Baucus	Dixon	Heinz
Bentsen	Dodd	Helms
Biden	Dole	Hollings
Bingaman	Domenici	Humphrey
Boren	Durenberger	Inouye
Boschwitz	Evans	Johnston
Bradley	Exon	Karnes
Breaux	Ford	Kassebaum
Bumpers	Fowler	Kasten
Burdick	Garn	Kennedy
Byrd	Glenn	Kerry
Chiles	Gore	Lautenberg
Cochran	Graham	Leahy
Cohen	Gramm	Levin
Conrad	Grassley	Lugar
Cranston	Harkin	Matsunaga
D'Amato	Hatch	McCain
Danforth	Hatfield	McClure

McConnell	Pryor	Specter
Melcher	Reid	Stafford
Metzenbaum	Riegle	Stennis
Mikulski	Rockefeller	Stevens
Mitchell	Roth	Symms
Moynihan	Rudman	Thurmond
Murkowski	Sanford	Trible
Nickles	Sarbanes	Warner
Nunn	Sasser	Wilson
Packwood	Shelby	Wirth
Pell	Simon	
Pressler	Simpson	

NAYS—6

Bond	Proxmire	Wallop
Chafee	Quayle	Weicker

So the motion to instruct was agreed to.

The ACTING PRESIDENT pro tempore. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. STENNIS. May we have order, Mr. President.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The minority leader, Senator DOLE.

FEDERAL-AID HIGHWAY ACT OF 1987—PRESIDENTIAL VETO

Mr. DOLE. I move to postpone the vote on the motion to reconsider until 5 o'clock tomorrow afternoon and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on the motion to postpone.

Mr. BYRD. Mr. President, no debate is in order, but I am almost tempted to take the leader up on that. I move to table the motion. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The question is on the motion to table. Is there a sufficient second?

Mr. DOLE. I wonder if I might get consent to proceed for 30 seconds?

The ACTING PRESIDENT pro tempore. Before the Chair recognizes the Senator, there is a sufficient second on the motion of the majority leader to table.

The minority leader is recognized.

Mr. DOLE. Mr. President, I have indicated before the President of the United States will be addressing Republican Members. I had included Democrats but I want to withdraw that part of it for right now.

We will try to arrange another meeting for you.

The point I want to make is that that meeting will start in about 5 minutes. I know the majority leader would like to continue making some progress, but I hope that once the meeting starts we might have, say, 30 minutes so I would not have to run back to the floor and put in another motion to interrupt the meeting. If that could be done, it will be helpful.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of this vote, the Senate stand in recess for 30 minutes.

The PRESIDING OFFICER (Mr. BREAUX). Is there an objection? Hearing none, it is so ordered.

The question is on agreeing to the motion to table. 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 Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—57

Adams	Fowler	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Gore	Nunn
Biden	Graham	Pell
Bingaman	Harkin	Pressler
Bradley	Heflin	Proxmire
Breaux	Heinz	Pryor
Bumpers	Hollings	Reid
Burdick	Inouye	Riegle
Byrd	Johnston	Rockefeller
Chiles	Kennedy	Sanford
Conrad	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
Daschle	Leahy	Shelby
DeConcini	Levin	Simon
Dixon	Matsunaga	Stennis
Dodd	Melcher	Weicker
Exon	Metzenbaum	Wilson
Ford	Mikulski	Wirth

NAYS—41

Armstrong	Grassley	Nickles
Bond	Hatch	Quayle
Boschwitz	Hatfield	Roth
Chafee	Hecht	Rudman
Cochran	Helms	Simpson
Cohen	Humphrey	Specter
D'Amato	Karnes	Stafford
Danforth	Kassebaum	Stevens
Dole	Kasten	Symms
Domenici	Lugar	Thurmond
Durenberger	McCain	Trible
Evans	McClure	Wallop
Garn	McConnell	Warner
Gramm	Murkowski	

NOT VOTING—2

Boren	Packwood

So the motion to table the motion to postpone the motion to reconsider until 5 p.m. tomorrow was agreed to.

RECESS FOR 30 MINUTES

The PRESIDING OFFICER. Pursuant to the previous order and request, the Senate will be in recess for 30 minutes.

Thereupon, at 11:31 a.m., the Senate recessed until 12:01 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. INOUYE].

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 10 seconds.

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

RECESS FOR 15 MINUTES

Mr. BYRD. Mr. President, I understand that the distinguished Republican leader would like a little additional time. I ask unanimous consent that the Senate stand in recess for an additional 15 minutes.

There being no objection, the Senate, at 12:02 p.m., recessed for 15 minutes; thereupon, at 12:17 p.m., the Senate reassembled when called to order by the Presiding Officer [Mr. PRYOR].

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[Quorum Vote No. 11]

Adams	Helms	Pell
Byrd	Inouye	Pryor
Cohen	Karnes	Rudman
Cranston	McClure	Shelby
Domenici	Mitchell	Stafford
Garn	Moynihan	Stennis

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to instruct the Sergeant at Arms to request the attendance of absent Senators.

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

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Georgia [Mr. NUNN] and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

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

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—88

Adams	Glenn	Mitchell
Armstrong	Gore	Moynihan
Baucus	Graham	Murkowski
Bentsen	Grassley	Nickles
Biden	Harkin	Packwood
Bingaman	Hatch	Pell
Boren	Hatfield	Pressler
Boschwitz	Hecht	Pryor
Bradley	Heflin	Reid
Breaux	Heinz	Riegle
Bumpers	Helms	Rockefeller
Burdick	Hollings	Roth
Byrd	Humphrey	Rudman
Chiles	Inouye	Sanford
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Cranston	Kennedy	Simon
D'Amato	Kerry	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stafford
Dixon	Levin	Stevens
Dodd	Lugar	Symms
Dole	Matsunaga	Thurmond
Domenici	McCain	Trible
Durenberger	McClure	Warner
Exon	McConnell	Wilson
Ford	Melcher	Wirth
Fowler	Metzenbaum	
Garn	Mikulski	

NAYS—10

Bond	Gramm	Wallop
Chafee	Karnes	Weicker
Danforth	Proxmire	
Evans	Quayle	

NOT VOTING—2

Nunn	Stennis

So the motion to instruct was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

FEDERAL-AID HIGHWAY ACT OF 1987—PRESIDENTIAL VETO

Mr. SIMPSON addressed the Chair.

Mr. BYRD. Mr. President, may we have order in the Senate? I would hope the distinguished assistant Republican leader is ready to give us good news and that we will proceed to a vote.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would indicate, of course, that our Members have had a very interesting visit with the President of the United States, who was very forceful and very candid with our Members.

The President has now left the Capitol and members of the Republican Party are meeting because we are obviously at a point where we have a totally partisan issue. I would not want that to escape those who observe our processes, that we have a totally partisan issue. This is no longer an issue of highways and potholes and parties. It is parties, indeed it is. It is open and distinct partisanship.

Mr. President, I appreciate the fine efforts of the majority leader, who has been very patient with us. Thirteen of our Members are visiting about their situation. They are doing that at the present time.

Senator BYRD, as I say, has been more than generous as we have dealt with a rather extraordinary situation from a situation yesterday, or course, which was quite obvious in the changing of a vote. That option is now for our discussion, the changing of a vote—or two, or three.

Mr. President, I assure the majority leader that we are not here to go a week or 2 weeks. That is not our prospect. I feel quite certain that within a very few minutes we will have something to share, but it would not be well for me to press his patience and courtesies.

With that, I would make a motion. I would move at this time to postpone the pending Byrd motion until 12 noon on Monday, April 6, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I move to lay the motion to postpone on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the motion of the Senator from Wyoming to postpone. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—57

Adams	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Graham	Pell
Boren	Harkin	Pressler
Bradley	Heflin	Proxmire
Breaux	Heinz	Pryor
Bumpers	Hollings	Reid
Burdick	Inouye	Riegle
Byrd	Johnston	Rockefeller
Chiles	Kennedy	Sanford
Conrad	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
Daschle	Leahy	Shelby
DeConcini	Levin	Simon
Dixon	Matsunaga	Stennis
Dodd	Melcher	Weicker
Exon	Metzenbaum	Wirth

NAYS—43

Armstrong	Hatch	Quayle
Bond	Hatfield	Roth
Boschwitz	Hecht	Rudman
Chafee	Helms	Simpson
Cochran	Humphrey	Specter
Cohen	Karnes	Stafford
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
Dole	Lugar	Thurmond
Domenici	McCain	Trible
Durenberger	McClure	Wallop
Evans	McConnell	Warner
Garn	Murkowski	Wilson
Gramm	Nickles	
Grassley	Packwood	

So the motion to lay on the table the motion of the Senator from Wyoming was agreed to.

Mr. BYRD. Mr. President, the distinguished Republican leader indicated to me he wanted a quorum call. I want to accommodate his request. 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. Is there objection? The Chair hears none, and it is so ordered.

The majority leader.

Mr. BYRD. Mr. President, the question is on the motion to reconsider?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. BYRD. I thank the Chair.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The bill clerk called the roll.

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

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—59

Adams	Ford	Mitchell
Baucus	Fowler	Moynihan
Bentsen	Glenn	Nunn
Biden	Gore	Pell
Bingaman	Graham	Pressler
Boren	Harkin	Proxmire
Bradley	Heflin	Pryor
Breaux	Heinz	Reid
Bumpers	Hollings	Riegle
Burdick	Inouye	Rockefeller
Byrd	Johnston	Sanford
Chiles	Kennedy	Sarbanes
Conrad	Kerry	Sasser
Cranston	Lautenberg	Shelby
Daschle	Leahy	Simon
DeConcini	Levin	Specter
Dixon	Matsunaga	Stennis
Dodd	Melcher	Weicker
Durenberger	Metzenbaum	Wirth
Exon	Mikulski	

NAYS—41

Armstrong	Hatch	Packwood
Bond	Hatfield	Quayle
Boschwitz	Hecht	Roth
Chafee	Helms	Rudman
Cochran	Humphrey	Simpson
Cohen	Karnes	Stafford
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
Dole	Lugar	Thurmond
Domenici	McCain	Trible
Evans	McClure	Wallop
Garn	McConnell	Warner
Gramm	Murkowski	Wilson
Grassley	Nickles	

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I hope that we may have order in the Senate and in the galleries. The Republican leader is going to speak, and I would urge that we all pay our closest attention.

I ask unanimous consent, Mr. President, that there may be 5 minutes allotted to the Republican leader and 5 minutes to myself.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The Republican leader is recognized for 5 minutes.

Mr. DOLE. Mr. President, I thank the Presiding Officer, and I thank the distinguished majority leader.

Mr. President, let me say at the outset that I want to thank all of my colleagues on both sides. I know we have had a number of votes, and have probably interrupted meetings, and otherwise disaccommodated a number of people. But as the leader on either side, we have a responsibility to try to win. Sometimes we win, and sometimes we do not.

We fought a good fight. I want to commend the distinguished President of the United States, Ronald Reagan, for coming to Capitol Hill. He spent over an hour and a half visiting the Republican Members—first in a meeting with all Republican Members, and then in a meeting with a smaller group of Republicans.

I think it is safe to say that no minds were changed. I am not totally sure of that. I may be mistaken. Maybe some of them will be stricken by conscience as they walk into the Chamber. But in any event, the President made the call. I think he did precisely the right thing. He feels very strongly about this issue. He came to the Hill, he made his case, he pleaded his case, and in my view in a very appropriate way. He did not bend any arms, he did not twist any arms, he did not make any deals. He came here as the President. Whether or not he succeeded will be known in about 20 minutes.

I also wish to thank the Secretary of Transportation, who also has worked very hard. I know she wants to thank all Members, those who have not returned her calls, and those who have. [Laughter.]

And those who will in the future. [Laughter.]

There will be a future.

But in the final analysis, it is our judgment to make. I thought yesterday it was all over. But I know that in this Chamber it is never over until it is over. I have told Senator BYRD that I am not certain that it is over. But I think it is time to vote. We have a lot of work to do today and tomorrow. And I am going to do all that I can to cooperate with the majority leader because I believe we might finish our work by October 1. That is something I want to help the majority leader achieve, if I can.

So to all of my colleagues, those on this side in particular, and those who stayed with us on this issue, I want to thank them very much. To those who have been against us on this issue, I want to indicate that there will be another one, maybe next week, maybe next month. And maybe there will be a different mix than this time, and we will be meeting with 13 other Republicans asking for their assistance.

But in the final analysis, we have had our shot at it. It has been over 24 hours since things started changing. And our batting average is not nearly as good as the majority leader's, but we will keep on trying.

So I will conclude by again thanking the President. When he called this morning, I said that I thought the odds were 10 to 1 or 100 to 10 that his visit would not change the outcome. To some that would be perceived as coming to the Hill and failing. But there is a constituency beyond this Chamber, and beyond this press gallery—the American taxpayers, the Americans who support Ronald Reagan, the Americans who want him to take on this responsibility. And for that constituency, I think the President thought he needed to make the fight, knowing there would be other problems. And I think he made the right call.

So I say thanks to the President, and to his new Chief of Staff, Howard Baker—whose help has been invaluable—and to all of my colleagues on both sides of the aisle.

Having said that, we are prepared for the verdict.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The time of the Republican leader has been yielded back and has expired.

The majority leader.

Mr. BYRD. Mr. President, I have seen many critical votes occur in this Chamber. I have seen the two sides on many occasions strive to win the battle. The distinguished Republican leader has fought valiantly, and like the Apostle Paul, he can say, "I have fought a good fight; I have finished my course; I have kept the faith." I do not know what the outcome of this vote will be. We have indications as to what we hope it will be.

It is a bipartisan bill. Both parties worked long and hard for the final product. This vote is not going to make or break the President of the United States, if indeed the veto should be overridden. There will be other vetoes in the future, and as one who has weathered many storms here over a period of almost 29 years, we seem to approach each thundercloud and lightning flash with the feeling that this is the final battle of Armageddon. But I have seen the lightning flash, I have heard the thunderclaps, and watched the stormclouds gather and go away. Yet, in this mad rush of life, another day brings other problems, new challenges, new battles. So we always gird again for the next one.

Sometimes we lose, and sometimes we win. We cannot win them all. I have had to lose on occasions. I have won on occasions. I have used a personal pronoun, having been the leader. I know what it is to win. I know what it is to lose. It is easy to be a big man when winning. Sometimes he who loses is the bigger man. But this instance transcends personalities in this Chamber. It is not a matter of "I lost" or "I won." It is larger than that. The American people are most involved, as they are in most votes here.

So whoever wins on the final vote today, must accept this as the judgment of the Senate, the judgment of Members on both sides of the aisle. It will not have been won or lost by any single individual in the final analysis.

So, let us be gracious in winning and encouraged and hopeful in losing, remembering that one day each of us will not be here and that this great institution will go on and on. Planes will continue to land at National, at Dulles, and they will take off. The bridges will be congested. The snows of winter will come, the flowers of spring will follow, and the seasons come and go. As I have said on occasion, nobody here today will always be here, but this institution will go on and this country must go on.

So I thank the distinguished Republican leader. He has at all times been frank with me, laying everything right on the table. I have tried to be equally forthright with him. I hope that in this debate I have measured up to what I should be. I have tried to be as accommodating as I could be because I know the distinguished Republican leader would certainly be the same with me, and has been.

Mr. President, I thank all Senators on my side of the aisle and on the other side of the aisle.

I particularly thank those Senators on both sides of the aisle who worked together to fashion this product, went to conference, and labored during the long hours of the conference. I especially thank all of those Members. And I again thank the Republican leader.

The PRESIDING OFFICER. The time of the majority leader has expired. All time has expired.

The question recurs, Shall the bill H.R. 2 pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required.

The clerk will call the role.

Mr. BYRD. Mr. President, I ask that the clerk repeat the vote after he calls the name.

The PRESIDING OFFICER. The Senate will be in order.

The clerk will repeat each name after it is called and the vote.

I ask the Senate to be in order so that all Senators may hear.

The clerk will proceed.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 67, nays 33; as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—67

Adams	Exon	Mitchell
Baucus	Ford	Moynihan
Bentsen	Fowler	Nunn
Biden	Glenn	Pell
Bingaman	Gore	Pressler
Bond	Graham	Proxmire
Boren	Harkin	Pryor
Bradley	Hecht	Reid
Breaux	Heflin	Riegle
Bumpers	Heinz	Rockefeller
Burdick	Hollings	Sanford
Byrd	Inouye	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kennedy	Shelby
Conrad	Kerry	Simon
Cranston	Lautenberg	Specter
D'Amato	Leahy	Stennis
Danforth	Levin	Symms
Daschle	Matsunaga	Weicker
DeConcini	McConnell	Wilson
Dixon	Melcher	Wirth
Dodd	Metzenbaum	
Durenberger	Mikulski	

NAYS—33

Armstrong	Hatfield	Packwood
Boschwitz	Helms	Quayle
Chafee	Humphrey	Roth
Cohen	Karnes	Rudman
Dole	Kassebaum	Simpson
Domenici	Kasten	Stafford
Evans	Lugar	Stevens
Garn	McCain	Thurmond
Gramm	McClure	Trible
Grassley	Murkowski	Wallop
Hatch	Nickles	Warner

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the bill on reconsideration is passed, the objections of the President of the United States to the contrary notwithstanding.

The majority leader.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I think that Senators should know what the business will be for the rest of the day. It is hoped that we can bring up the JEDI bill which has a time agreement of 2 hours.

May we have order in the Senate and the galleries.

The PRESIDING OFFICER. The Senate will be in order. The Sergeant at Arms will keep the galleries in order. We appreciate having guests in the galleries. The Senate will suspend until we achieve order.

Mr. BYRD. Mr. President, there are three joint resolutions on the calendar. If Senators will look at the calendar, they are Calendar Order Nos. 70, 71, and 72. Those joint resolutions are under statutory time limitations of 10 hours each. I have been discussing with the distinguished Republican leader and Senator HELMS, Senator PELL, Senator KERRY, Senator DODD, and others, the possibility of limiting the time on those joint resolutions to 1 hour each, the hour to be equally divided, and I believe that those Senators have indicated they are willing to agree to such but they——

Mr. LEAHY. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will suspend. The Senate will be in order. The Sergeant at Arms will maintain order in the galleries. The Senate will be in order.

Mr. BYRD. I thank the Chair and I thank Senators and I thank our guests in the galleries.

Mr. President, I would like to propound the request at this time for time limitations on those three joint resolutions and then I would hope that we could go to the JEDI bill. That is Calendar Order No. 63, a bill to amend the Jobs Training Partnership Act. Mr. KENNEDY will manage the bill on this side. I hope we can go to it. That already has a 2-hour time limitation. I am saying to Senators, there will be rollcall votes this afternoon. I anticipate a rollcall vote on each of the joint resolutions and perhaps more rollcall votes.

Mr. KERRY. Will the Senator yield?

Mr. BYRD. Yes; I yield.

Mr. KERRY. I believe that proponents of the joint resolutions will be happy to have a total time limit on all three because I do not believe the amount of time proposed would be necessary. If we could have the total time with all three with a vote at the end, I think that will satisfy both sides.

Mr. BYRD. All right.

Mr. HELMS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The majority leader has the floor. Does the majority leader yield?

Mr. BYRD. Mr. President, I yield to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, we have a small problem on one of the joint resolutions. I suggest we try to work out our time agreement on two of them and leave the third one open and see what develops on that.

Mr. BYRD. Very well. Will the distinguished Senator indicate on which of the three joint resolutions there is difficulty?

Mr. HELMS. Mr. President, may we have order? I cannot hear the majority leader.

The PRESIDING OFFICER. The Senate will be in order. We ask our guests in our galleries if they are going to make conversations, please leave the gallery so that the majority leader and the Senators can be heard. This is very important business.

Mr. BYRD. Mr. President, may I say, with all due respect to the Chair, that the problem is on the floor at this time.

The PRESIDING OFFICER. The Senate will be in order. Senators will be in order so we may hear the exchange.

The majority leader.

Mr. BYRD. I thank the Chair.

Mr. President, while the distinguished Republican leader is here, would it be all right, once we get this time agreement, to put the JEDI bill ahead of these joint resolutions, provided it is agreeable with the parties?

Mr. DOLE. That is fine. I think it will be if we keep the time equal.

Mr. LEAHY. Mr. President, while we are holding just for a moment, will the distinguished majority leader yield to me for a question?

Mr. BYRD. Yes.

Mr. LEAHY. And while the minority leader is here, too. We do have S. 410 on which we have been working on a time agreement. I know the distinguished minority leader has been interested in this and I have hesitated to bother him in the last few days because he has been very busy on other matters, but I am wondering if that might have been worked out, S. 410, and, if not, whether H.R. 1123 could just be brought up and passed.

The only reason I mention this, the Commission on Dairy Policy, I believe, ran out a couple of days ago. Everybody has agreed that that ought to be extended. The administration is for it. The Republican leadership of the Agriculture Committee, Democratic leadership of the Agriculture Committee, both House and Senate, are for it. I would like to get that through. I would be perfectly happy to go through S. 410 with the matters involving the Senator from Colorado, the Senator from Indiana, the Senator from Oklahoma, and others.

I think the whole business could probably be wrapped up in one rollcall vote, possibly two, and done in a couple of hours' time if it could be agreed to. If not, I say to my colleagues there is some urgency on the Commission, and if we could not agree on one, maybe we could agreed on taking up H.R. 1123 and passing it.

Mr. KENNEDY. Will the leader be willing to yield for just a brief statement, about a minute and a half?

Mr. BYRD. Yes. Mr. President, in response to the question by the distinguished Senator from Vermont, I am carrying on discussions with the distinguished Republican leader and other Senators who are involved in these matters. I prefer that they speak to them at this time if they will.

Mr. DOLE. If the majority leader will yield, I say to the distinguished Senator from Vermont that I have no problem with the agreement I was handed. As I understand, a part of that agreement would be an exchange between myself and the majority leader on H.R. 1157, and I just need to make certain that Senator GRASSLEY has no objection to that. We are trying to determine that right now.

Mr. LEAHY. Senator GRASSLEY is here and Senator LUGAR, the distinguished ranking member of the Agriculture Committee, is here. Maybe we can tie all these things down.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BYRD. I will try to accommodate the Senator from Massachusetts in a moment.

Mr. KENNEDY. I just want to speak on another matter.

Mr. BYRD. Mr. President, I will yield to the distinguished Senator with the understanding that if any agreement is ready, I would like to seize it while I can get it.

Mr. KENNEDY. I will yield to the leader at any moment he wishes.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Massachusetts, with the understanding that I do not lose my right to the floor.

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

PRESIDENT'S LEADERSHIP UNAFFECTED BY VOTE TODAY

Mr. KENNEDY. Mr. President, this bill seems to have nine lives.

President Reagan has nothing to be concerned about in terms of the effect of this vote on his leadership. The old sports saying is still true, and it is especially applicable for the Gipper: "It doesn't matter whether you win or lose, but how you play the game."

And on this day, on this issue, in this battle, President Reagan played the game very well indeed—as the leader he is and can be. If no more shoes drop on Irangate, he is clearly out of the woods, and all of us recognize that, and welcome that.

We will disagree on the issues, as we have on this bill. But the country needs a strong President—and we certainly have one.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. DOLE. Mr. President, I commend the distinguished Senator from Massachusetts for that statement, one that I share. I appreciate his comments, coming as they do following the vote on a very important measure.

Mr. BYRD. Mr. President, I wonder if we could proceed with the JEDI bill while we are working on an arrangement on the other bills.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I want to be sure the distinguished Republican leader heard the request.

Mr. DOLE. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Will the majority leader state to the Chair the terms that he is proceeding with under this order?

JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 63, S. 514, on which there is a time agreement, with the understanding that that measure cannot be displaced by any motion to proceed to any other measure or matter during the time that is provided in that agreement.

The PRESIDING OFFICER. It is the Chair's understanding that there is a 2-hour time limit on S. 514 and that no other matter is to take the floor during that period of time. Under the usual stipulations, it has been ordered that the time will be divided equally between the Senator from Massachusetts and——

Mr. BYRD. And the distinguished Republican leader or his designee.

The PRESIDING OFFICER. And the distinguished Republican leader or his designee.

Has the majority leader designated someone?

Mr. BYRD. It would be Mr. KENNEDY on this side.

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

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 514) to amend the Job Training Partnership Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to provide targeting of assistance from certain carryover funds for such individuals, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Jobs for Employable Dependent Individuals Act".

INCENTIVE BONUS ENTITLEMENT FOR EMPLOYABLE DEPENDENT INDIVIDUALS

SEC. 2. The Job Training Partnership Act (hereafter in this Act referred to as the "Act") is amended—

(1) by redesignating title V and all references thereto as title VI,

(2) by redesignating sections 501, 502, 503, and 504 as sections 601, 602, 603, and 604, respectively, and

(3) by inserting after title IV the following new title:

"TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

"STATEMENT OF PURPOSE

"SEC. 501. It is the purpose of this title to entitle each State to the payment of a bonus for the successful job placement of certain employable dependent individuals.

"ELIGIBILITY BASIS FOR INCENTIVE BONUS ENTITLEMENT

"SEC. 502. (a) An individual who is a head of a household shall be eligible to be counted for the purpose of a payment of an incentive bonus under this title if the individual—

"(1)(A) has received benefits continuously under—

"(i) a State plan approved under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or

"(ii) section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees,

for at least 2 years prior to participation in education, training, and supportive services designed to provide jobs for such individuals; and

"(B) has no work experience for the year preceding the year for which the determination of eligibility is made; or

"(2)(A) receives benefits at the time the determination of eligibility under this title is made under a State plan under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, and

"(B) has—

"(i) not attained 22 years of age,

"(ii) not completed secondary school or its equivalent, and

"(iii) no work experience for the year preceding the year for which the determination of eligibility under this title is made; and

"(3) meets the requirements of subsection (c).

"(b) An individual who is blind or disabled shall be eligible to be counted for the purpose of a payment of an incentive bonus under this title if the individual—

"(1)(A) has received benefits continuously under title XVI of the Social Security Act relating to supplemental security income program for at least 2 years prior to participation in education, training, and support services designed to provide jobs for such individuals; and

"(B) has no work experience for the year preceding the year for which the determination of eligibility is made; or

"(2)(A) receives benefits at the time the determination of eligibility under this title is made under title XVI of the Social Security Act relating to supplemental security income, and

"(B) has—

"(i) not attained 22 years of age,

"(ii) no work experience for the year preceding the year for which the determination of eligibility under this title is made; and

"(3) meets the requirements of subsection (d).

"(c) An individual meets the requirements of paragraph (3) of subsection (a) if the individual—

"(1) participates in education, training, and supportive services designed to provide jobs for such individuals;

"(2) is placed in nonsubsidized employment for at least 1 year after such participation;

"(3) receives from the employment described in clause (2) income equal to or greater than the amount of cash benefits which the family received in the preceding year under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees; and

"(4) no longer qualifies for benefits described in clause (3).

"(d) An individual meets the requirements of paragraph (3) of subsection (b) if the individual—

"(1) participates in education, training, and support services designed to provide jobs for such individuals;

"(2) is placed in employment or supported employment (as such term is defined in section 7(18) of the Rehabilitation Act of 1973) for at least 1 year after such participation;

"(3) receives from the employment described in clause (2) income equal to or greater than the amount of cash benefits which the individual received under title XVI of the Social Security Act relating to supplemental security income; and

"(4) no longer qualifies for benefits described in clause (3).

"(e) Each State shall be entitled to (subject to funds provided in appropriation Acts) receive an incentive bonus payment for the placement in accordance with the provisions of this title of individuals who are eligible under this section.

"AMOUNT OF INCENTIVE BONUS

"SEC. 503. (a) The amount of the incentive bonus paid to each State under this title shall be equal to—

"(1) 75 percent of the placement bonus base for each successful placement of an individual described in section 502;

"(2) 50 percent of the placement bonus base for the second continuous year of such employment; and

"(3) 25 percent of the placement bonus base for the third continuous year of such employment,

in excess of the number of such placements made in fiscal year 1986 or such other base period as provided by agreement between the Governor and the Secretary.

"(b) For the purpose of this section, the placement bonus base—

"(1) for an individual who qualifies under section 502(a)(1) is equal to the sum of the Federal contribution to amounts received by the individual and the family of such individual under a State plan approved under part A of title IV of the Social Security Act, relating to aid to families with dependent children, or under section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, or both, for the 2 fiscal years prior to the determination made under section 502 divided by 2; and

"(2) for an individual who qualifies under section 502(a)(2) shall be the annual amount to which such individual would have been entitled for one year at the time of the determination of eligibility of the individual, if such individual has not received the benefits described in subsection (b) for the prior year, under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act relating to cash assistance and medical assistance to refugees.

"(c) For the purpose of this section, the placement bonus base—

"(1) for an individual who qualifies under section 502(b)(1) is equal to the sum of the Federal contribution to amounts received by the individual under title XVI of the Social Security Act relating to supplemental security income for the two fiscal years prior to the determination made under section 502 divided by 2; and

"(2) for an individual who qualifies under section 502(b)(2) shall be the annual amount to which such individual would have been entitled for one year at the time of the determination of eligibility of the individual, if such individual has not received the benefits described in subsection (c) for the prior year under title XVI of the Social Security Act relating to supplemental security income.

"APPLICATIONS AND VERIFICATION REQUIRED

"SEC. 504. (a) Each State providing training to individuals qualifying for the incentive bonus under this title shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) set forth the bonus base for the placement of individuals qualifying under this title in the State;

"(2) set forth the nonsubsidized employment or supported employment (as such term is defined in section 7(18) of the Rehabilitation Act of 1973) for each such individual and the annual amount earned;

"(3) set forth the amount of cash benefits under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, received by each individual placed pursuant to clause (1) of this subsection and the amount of cash benefits under title XVI of the Social Security Act relating to benefits for disabled individuals under the supplemental security income program received by each individual placed pursuant to clause (1) of this subsection;

"(4) describe the arrangements for carrying out sections 502(c)(1) and 502(d)(1) relating to the provision of education, training, and supportive services; and

"(5) set forth such additional information as the Secretary determines to be necessary.

"(b) The Secretary may not approve an application under this section without adequate verification of the placements described in the application of the State made under subsection (a).

"PAYMENTS

"SEC. 505. The Secretary shall pay (subject to funds provided in appropriation Acts) to each State the amount to which the State is entitled by reason of an application approved under section 504.

"RESERVATION OF INCENTIVE BONUS; USE OF FUNDS

"SEC. 506. (a) The Governor shall reserve an amount which is equal to the amount the State receives for incentive bonuses under section 505 and shall distribute such incentive bonus amounts in accordance with subsection (b).

"(b)(1) The Governor shall, from the amount reserved under subsection (a), set aside an amount, not to exceed 15 percent of the amount so reserved in each fiscal year, for distribution to participating State agencies to support the costs of establishing and maintaining systems necessary for the operation of the program under this title, including technical assistance, management information systems, postprogram followup activities, and research and evaluation activities.

"(2) The Governor shall distribute the remainder of the amount so reserved in each fiscal year to participating agencies, private industry councils in service delivery areas, and service providers, including community-based organizations, who contribute to the program authorized by this title.

"(c) Funds distributed pursuant to paragraph (2) of subsection (b) may be used only for outreach, basic and remedial education, including language training for limited English proficient individuals, training and supportive services, including child care and transportation, designed to prepare participants for, or place individuals in, jobs.

"EVALUATION OF PROGRAM

"SEC. 507. (a) The Secretary shall, directly or by contract or other arrangement, conduct a thorough evaluation of the program authorized by this title.

"(b) Not later than 3 years after the date of enactment of this title, the Secretary shall prepare and submit a report to the Congress on the evaluation activities conducted under subsection (a) and the results of such activities, together with an analysis on the costs of the program authorized by this title and the savings in payments under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, under section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, or under title XVI of the Social Security Act relating to supplemental security income program.".

PROVISIONS FOR IMPROVING ASSISTANCE TO HARD-TO-SERVE INDIVIDUALS AND WELFARE RECIPIENTS

SEC. 3. (a) Section 201 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) For program years beginning July 1, 1988, and thereafter, the allotment from funds appropriated for such program year of a State shall be reduced by the amount that the unexpended balance at the end of the program year prior to the program year for which the determination under this subsection is made exceeds 20 percent of the State's allocation for that fiscal year and the unexpended balance from the program year prior to that program year.

"(2) Amounts available pursuant to paragraph (1) of this subsection shall be reallotted to States by the Secretary in accordance with States' need for and ability to use the funds for the purposes of this title.".

(b) The first sentence of section 202(b)(3)(B) of the Act is amended by striking out ", including incentives for serving hard-to-serve individuals" and inserting in lieu thereof "and incentives for serving increased numbers of hard-to-serve individuals, particularly long-term welfare recipients, including title IV of the Social Security Act relating to aid to families with dependent children and title XVI relating to supplementary security income".

(c) Section 106(e) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary shall—

"(A) provide improved information and technical assistance on performance standards adjustment approaches;

"(B) collect data that better specifies hard-to-serve individuals and long-term welfare dependency; and

"(C) provide guidance on setting performance goals at the service provider level that encourages increased service to the hard-to-serve, particularly long-term welfare recipients, including title IV of the Social Security Act relating to aid to families with dependent children and title XVI relating to supplementary security income.

The Secretary shall also reexamine performance standards to ensure that such standards provide maximum flexibility in serving the hard-to-serve, particularly long-term welfare recipients, including title IV of the Social Security Act relating to aid to families with dependent children and title XVI relating to supplementary security income.".

(d) Section 106 of the Act is amended by adding at the end thereof the following new subsection:

"(i)(1) The basic measure of performance for adult education programs under section 204 shall be the attainment of educational competence in reading, writing, and computation, including, where appropriate, acquisition of the graduate equivalency degree in order to reduce welfare dependency by increasing individual employability. In order to determine whether the basic measures are achieved, the Secretary shall prescribe standards on the basis of appropriate factors which should include: (A) satisfactory progress toward mastering the basic academic competencies, (B) measured progress through each grade level, (C) retention in the program and placement, if possible, in employment, and (D) satisfactory completion of the graduate equivalency degree.

"(2) Nothing in this subsection shall be construed to modify the performance standard prescribed in subsection (b) of this section.".

AFDC/SSI AND SUMMER YOUTH PROGRAM

SEC. 4. (a) This section may be cited as the "AFDC/SSI and Summer Youth Employment and Training Amendments of 1987".

(b) Section 104(b) of the Act is amended—

(1) by striking out "and" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof "; and"; and

(3) by inserting at the end thereof the following new clause:

"(11) for service delivery areas intending to operate or operating a program under section 254, a comprehensive plan of service in accordance with the requirements of section 254(c)(1).".

(c) Section 105(b)(1) of the Act is amended—

(1) by striking out "or" at the end of clause (D),

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof "; or", and

(3) by inserting at the end thereof the following new clause:

"(F) for service delivery areas intending to operate or operating a program under section 254, the plan (or modification) does not include the required comprehensive plan of service (in accordance with the requirements of section 254(c)(1)).".

(d) Section 106(b) of the Act is amended—

(1) by striking out "also" in paragraph (2) of such subsection,

(2) by inserting in paragraph (2) of such subsection after "programs" the first time it appears the following: "under part A of title II",

(3) by redesignating paragraph (3) of such subsection as paragraph (4), and

(4) by inserting after paragraph (2) of such subsection the following new paragraph (3):

"(3) The Secretary shall, at such time as the Secretary deems appropriate, prescribe standards for evaluating the performance of the AFDC youth and SSI youth employment and training program under section 254. In prescribing such standards, the Secretary shall designate factors which, in addition to appropriate utilization of the factors described in paragraphs (1) and (2), may include, to the extent practicable, measures of basic education gains and reduced welfare dependency.".

(e) Section 202(b)(3)(B) of the Act is amended by inserting "under this title" after "programs" where it first appears.

(f)(1) Part B of title II of the Act is amended to read as follows:

"PART B—SUMMER AND AFDC/SSI YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"SEC. 251. (a) The purpose of programs assisted under section 253 is to—

"(1) enhance the basic educational skills of youth;

"(2) encourage school completion, or enrollment in supplementary or alternative school programs; and

"(3) provide eligible youth with exposure to the world of work.

"(b) In addition to the purposes described above, the programs assisted under section 254 are intended to—

"(1) provide AFDC and SSI youth with the skills necessary for entering the labor force;

"(2) assist AFDC and SSI youth in addressing problems which prevent them from becoming productive members of society; and

"(3) reduce welfare dependency by targeting resources to help these AFDC and SSI youth, including young mothers receiving AFDC or SSI, who face multiple barriers to employment.

"AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT AND ALLOCATION

"SEC. 252. (a) From the funds appropriated under section 3(b), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Freely Associated States (Republic of the Marshall Islands and the Federated States of Micronesia), the Republic of Palau, the Northern Mariana Islands, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the programs under this part in the fiscal year preceding the fiscal year for which the determination is made.

"(b) The remainder of sums appropriated pursuant to section 3(b) shall be allotted among States in accordance with section 201(b) and allocated among service delivery areas within States in accordance with section 202(a) (2), (3), and (4).

"SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM

"SEC. 253. (a)(1) Funds available under this part may be used for—

"(A) basic and remedial education, institutional and on-the-job training, work experience programs, employment counseling, occupational training, preparation for work, outreach and enrollment activities, employability assessment, job referral and placement, job search and job club activities, and any other employment or job training activity designed to give employment to eligible individuals or prepare them for, and place them in, employment; and

"(B) supportive services necessary to enable such individuals to participate in the program.

"(2) A service delivery area shall assess the reading, writing, and mathematics skill levels of eligible participants in programs funded by this part and shall expend funds (from this Act or otherwise available to the service delivery area, or both) for basic and remedial education as described in the job training plan under section 104.

"(b)(1) Programs under this section shall be conducted during the summer months, except that a service delivery area may—

"(A) within the jurisdiction of any local educational agency that operates its schools on a year-round full-time basis, offer the programs under this section to participants during a vacation period treated as the equivalent of a summer vacation; or

"(B) use all or part of the funds under this part for conducting year round exemplary youth programs authorized under section 205 of this Act.

"(2) Except as provided in paragraph (3), individuals eligible under this section shall be economically disadvantaged youth consistent with section 4(8) of this Act.

"(3) Eligible individuals aged 14 or 15 shall, if appropriate and set forth in the job training plan, be eligible for summer youth programs under this section.

"(c)(1) Private industry councils established under title I, chief elected officials, State job coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this section as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of title II.

"(2) In accordance with the provisions of paragraph (1), each service delivery area shall establish written program goals and objectives which shall be used for evaluating the effectiveness of programs conducted under this section. Such goals and objectives may include—

"(A) improvement in school retention and completion;

"(B) improvement in academic performance, including reading, writing, and mathematics comprehension;

"(C) improvement in employability skills; and

"(D) demonstrated coordination with other community service organizations such as local educational agencies, law enforcement agencies, and drug and alcohol prevention and treatment programs.

"AFDC/SSI YOUTH EMPLOYMENT AND TRAINING PROGRAM

"SEC. 254. (a) In addition to or in lieu of the services for youth available in accordance with section 253, each service delivery area may elect to use funds available to it under this part for the program described in this section.

"(b)(1) The program under this section may be conducted on a year-round basis.

"(2) An individual shall be eligible to participate in the program under this section only if—

"(A) such individual is aged 16 through 21, or if appropriate and set forth in the job training plan, such individual is aged 14 through 21,

"(B) such individual is receiving payments, or such individual is an individual whose needs are considered in determining payments, made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act or title XVI of the Social Security Act relating to supplemental security income, and

"(C) such individual is at risk of becoming a long-term welfare recipient or long-term unemployed.

"(c) A service delivery area electing to operate a program under this section shall—

"(1) describe in its job training plan a comprehensive plan of service containing—

"(A) the process for assessing the needs of each participant (including educational, training, employment, and social service needs);

"(B) the services (including supportive services necessary to enable such individuals to participate in the program) and activities to be provided, including the agencies that will provide such services, and an estimate of the length of time service will be provided to the participant; and

"(C) goals to be attained, including the intermediate success points to be pursued during the course of participation; and

"(2) provide the necessary services, where the assessment of the participant pursuant to subsection (c)(1)(A) indicates a need, including where appropriate—

"(A) basic and remedial education;

"(B) drug and alcohol abuse counseling;

"(C) pregnancy and pregnancy prevention counseling;

"(D) child care classes; and

"(E) life skills planning classes.

"(d) Funds available for the program under this section may be used to provide, in addition to the services required under subsection (c), the following services:

"(1) classroom training, on-the-job training, work experience, job search assistance, employment counseling, world-of-work orientation, any of the activities described under section 205 of this Act, and any other educational, employment, or job training activity designed to prepare participants for, or place individuals in, employment; and

"(2) other supportive services for such individuals.

"(e) Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this section as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of title II, except that private industry councils shall have the additional responsibility under this section of ensuring that the job training plan provide for coordination of service delivery areas, local welfare agencies, and local educational agencies in the planning, program design, and the provision of services to participants.

"(f) The Secretary and the Secretary of Health and Human Services shall issue regulations jointly relating to the safeguarding and sharing, between service delivery areas and agencies administering a plan under part A of title IV of the Social Security Act, of information concerning programs under this part that is necessary for carrying out the purposes of such programs, and of the State plans approved under part A of title IV of the Social Security Act.".

(2) The table of contents of the Act relating to part B of title II is amended to read as follows:

"PART B—SUMMER AND AFDC/SSI YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 251. Purposes.
"Sec. 252. Authorization of appropriation; allotment and allocation.
"Sec. 253. Summer youth employment and training program.
"Sec. 254. AFDC/SSI youth employment and training program.".

(g) The amendments made by this section shall take effect on October 1, 1987.

CONFORMING AMENDMENTS

SEC. 5. (a) Section 104(b) of the Act (as amended by subsection (b)) is further amended—

(1) by redesignating clauses (7), (8), (9), (10), and (11) as clauses (8), (9), (10), (11), and (12), respectively; and

(2) by adding after clause (6) the following new clause:

"(7) a description of the procedures and methods of carrying out the provisions of title V, relating to incentive bonus payments for employable dependent individuals;".

(b) Section 106(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(5) In prescribing performance standards under this section for programs authorized by section 109 and title V, relating to the placement of certain employable dependent individuals, the Secretary shall weigh the placement of such individuals in accordance with the average cost of successful placement of such individuals compared to the average cost of successful placement of individuals eligible for services under part A of title II of this Act.".

(c) Section 121(b) of the Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) The State plan shall include a description of the manner in which the State will encourage the successful carrying out of—

"(A) training activities for employable dependent individuals whose placement is the basis for the payment to the State of the incentive bonus authorized by title V; and

"(B) the training services, outreach activities, and preemployment supportive services furnished to such individuals.".

(d) Section 164 of the Act is amended by striking out "titles II and III" and inserting in lieu thereof "titles II, III, and V".

(e) Section 3 of the Act is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of title V of this Act.".

(f)(1) Part D of title I of the Act is amended by adding at the end thereof the following:

"CONSTRUCTION

"SEC. 172. (a) Nothing in this Act shall be construed in any way to limit the right of persons to remain eligible for assistance under title XIX of the Social Security Act relating to Medicaid pursuant to section 1619(b) of such Act.

"(b) Nothing in this Act shall be construed to authorize the use of funds under this Act for the ongoing support services provided to handicapped individuals placed in supported employment, as such term is defined in section 7(18) of the Rehabilitation Act of 1973.".

(2) The table of contents of the Act is amended by inserting after item "Sec. 171." the following new item:

"Sec. 172. Construction.".

Mr. BYRD. Does the able Senator from Massachusetts wish to have the yeas and nays on final passage, so that all Senators will know?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. LEAHY. Mr. President, will the Senator yield so that I may ask a question of the majority leader?

Mr. KENNEDY. I yield for that purpose.

Mr. LEAHY. I ask the majority leader if we are in a position to propound the agreement on S. 410.

Mr. GRASSLEY. We have to wait until Mr. DOLE returns.

Mr. LEAHY. I understand there has been a delay. I am perfectly ready to enter into any time agreement. If we get an opening, as the distinguished majority leader has said, I hope we can seize the opportunity and lock it in.

Mr. BYRD. Mr. President, I ask unanimous consent that this time not be charged against either side on the pending matter.

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

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for the information of Members of the Senate, even though we have a 2-hour time limitation—an hour on each side—I do not think it will take all that time. We have to move quickly to final disposition. The length of the debate will not really be relevant to the importance of the matter we are considering, because this is a major piece of legislation, of very great significance. We have been fortunate in being able to work very closely, Republican and Democratic alike, in recommending this legislation to the Senate, and I hope we will be able to dispose of it in a very brief period of time. I yield myself such time as I may consume. Mr. President, today, the Committee on Labor and Human Resources brings to the Senate a bill reported unanimously by our committee. It is a bill with 45 cosponsors, and its

name is the "Jobs for Employable Dependent Individuals Act," or JEDI. The premises of this legislation are simple:

First, it is better that families have income from work rather than from welfare. Nearly 4 million American families will receive aid to families with dependent children this year. Many of these families will receive AFDC for most of the next 10 years. These are the most needy and the most expensive of the poor—they have the fewest resources, all have children, and they will consume most of the AFDC dollars spent each year.

Second, despite the pressing need of these families to find work so that they can be free of the burden of long-term dependency, Federal job-training efforts have largely missed this group. Federal efforts suffer from a lack of essential resources, and what resources we have are often misdirected toward those who are easiest to place rather than to those who are most in need. The principal Federal Job Training Program is the Job Training Partnership Act. Title II a of the act spends $1.8 billion each year on job training for the economically disadvantaged, yet less than 150,000 AFDC dependents are enrolled in the program, and of these, perhaps as few as one-third are long-term AFDC recipients. Title II B of the program spends $800 million each year on summer jobs for economically disadvantaged youth, but these funds are not available for year-round programs, and are not targetted to those most in need. The WIN program, now funded at only $115 million, provides less than $35 per welfare family, and even this paltry amount is often targetted to those for whom jobs are easiest to find rather than to those for whom job training would be most helpful.

Third, there is impressive evidence that job training efforts directed to the long-term poor can succeed. The Massachusetts Employment and Training Choices Program [ET] has reduced the number of families that stay on AFDC for 5 or more years by 25 percent, and it has reduced the average time that a family stays on AFDC by one-third.

Fourth, successful employment programs for the long-term dependent can pay for themselves. The Massachusetts program is estimated to have saved the Federal Government nearly $100 million already. And we can predict savings by looking at the individual case. We know that the bulk of the two groups that JEDI targets will be on AFDC for the long haul—most of them for 10 years or more. If a State trains and places one of these people in nonsubsidized employment for 1 year, the Federal Government has almost certainly saved money. JEDI takes advantage of this fact, and offers to return to the States a fraction of the Federal welfare savings produced by successful State efforts.

This has important effects—it means that the Federal Government will not pay for a bonus until even more than that amount has been saved. And it means that the program will be hard-nosed about results—this program does not pay for failure; it does not pay for head counting; it does not pay for make-work. JEDI only pays for success in achieving its goals—to move people off the welfare rolls and on to the payrolls.

The bill includes the administration's AFDC/summer youth proposal which will permit States to provide year-round training to AFDC dependent youth. Taken together, this bill will save at least $215 million in Federal budget authority in the next 5 years. And if the States take us up on our offer to provide services to the long-term dependent in response to the sizable incentives we provide, the Federal savings could be enormous over time.

JEDI is a challenge to the States. It challenges them to use their present resources more effectively. It challenges them to devote additional resources to a problem we share with them and to produce results that benefit the Federal and State governments. I believe that the States are eager to take on this task and are equal to it. The sooner JEDI becomes law, the sooner families all over this country will be able to depart dependency and to enjoy the benefits of opportunity.

I thank my colleagues on the Labor Committee for their hard work and their cooperation in preparing this legislation. Senators HATCH and QUAYLE have been particularly helpful. Senators HARKIN and WEICKER made important contributions on behalf of the handicapped. And of course, Senator MOYNIHAN, who was an original cosponsor of this bill, has been extremely thoughtful and supportive of the JEDI concept. I also thank the staff of the committee for their help. Sarah Von Der Lippe, Johnathan Massey, Michael Iskowitz, and Lenny Gale of my staff, Kris Iverson with Senator HATCH, Bob Guttman with Senator QUAYLE, Bud Blakey with Senator SIMON and Eartha Isaac with Senator SPECTER have been generous with their time and with their weekends so that this important legislation could come to the floor. It is my intention to offer amendments shortly which will resolve all of the minor concerns that my distinguished colleagues have voiced relevant to this legislation. I will do that after the opening statements of the minority.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator withheld the remainder of his time.

Senator Hatch.

Mr. HATCH. Thank you, Mr. President.

I am happy to be here on this floor at this time with this very important bill, and I compliment our chairman for the work he has done. I think this is one of the most important bills that will come to this Chamber this year. I think it is a tribute to Senator KENNEDY and others on the committee on both sides—this is a bipartisan bill—to have this type of legislation come to the floor that I think has so much potential for good. I would like to compliment staff on both sides. They have done a terrific job on this.

Mr. President, it is always an occasion to raise the flag when Senator KENNEDY and I are cosponsors of the same legislation, or when the Labor and Human Resources Committee is able to report a bill on a unanimous roll call vote. The legislation we are considering today is the reason for such a celebration of bipartisanship.

The Jobs for Employable Dependent Individuals Act, or [JEDI], is an innovative approach to promoting self-sufficiency for long-term welfare recipients. Public assistance is a burden not only for those citizens who bear the indignity of dependency, but for the taxpayers who always have to foot the bill for numerous public support programs. We have to devise ways of alleviating the welfare burden for both of these groups of citizens.

The administration has proposed some welfare reforms which I hope Congress will examine carefully. We should not overlook any opportunity for constructive change in this particular area. I look forward to working with my colleagues in the Senate as well as the administration on further improvements in our welfare system.

JEDI, however, is a step in the right direction.

First, JEDI does not create a new spending program, but instead encourages the use of existing funds to conduct the program. JTPA funds could be directed into training programs which target this hard-to-serve population of this country. The costs of paying bonuses to States would be offset by reductions in Federal AFDC and SSI payments.

Second, this approach does not beat States and local JTPA service delivery areas into submission with a vast array of new mandates and requirements. States may decide whether or not to make the investment in programs for JEDI eligible clients which would ultimately yield bonuses.

Third, JEDI encourages States to be innovative in their approach to training and welfare-to-work programs. We have heard a lot about Massachusetts' E.T./Choices program, but other States are also developing their own unique programs to address the multi-

ple reasons individuals actually have become welfare dependents. California, Washington, and my own home State of Utah, are several of the States that have been leaders in this area. Utah has addressed the needs of the AFDC population in two different ways, through its Emergency Work Program which allows benefits to be paid to two-parent families as long as one parent participates in a training or work program, and its pilot Self-Sufficiency Program geared for single heads of households. This successful project provides valuable private sector internships which ultimately lead to job references and permanent employment. Federal policy must provide States with the flexibility to undertake such programs.

Fourth, in keeping with our aims to provide options for States and to target young AFDC recipients for assistance, S. 514 includes a change in title II-B of the Job Training Partnership Act proposed by the Reagan administration which will permit service delivery areas to use title II-B funds for quality education and training programs for youth receiving AFDC or SSI. Title II-B, the Summer Youth Employment Program, has been used primarily to provide jobs to economically disadvantaged youth during the summer. Such jobs can be helpful in exposing a teenager to the world of work, but only rarely can such temporary work alone break the cycle of poverty. Longer term and more comprehensive training is necessary to accomplish that goal. Under the provisions of this proposal, now incorporated in S. 514, private industry councils may now devote all or part of their title II-B allocations to training services for young welfare recipients.

Fifth, the concept of evaluation based on performance has been enhanced under this legislation in several ways. First, JEDI bonuses will be paid to States only after an eligible program participant has been employed in an unsubsidized job for at least a year at wages which are equal to or greater than the Federal share of that individual's AFDC benefit. Second, a maintenance of effort provision makes it clear that Congress does not want to merely reward States for what they are already doing, but rather is seeking additional progress in helping AFDC recipients become independent. Third, the bill calls on the Secretary of Labor to develop and disseminate better data and to assist States with modifying performance standards to take into account the characteristics of the client groups being served.

All in all, this bill accomplishes many of our major goals. It focuses more attention and resources on those citizens who are most often overlooked because they require a broader and more expensive range of services in order to become self-sufficient. And at the same time it saves money. The Congressional Budget Office estimates that this legislation would result in net savings during the out years of $257 million in budget authority and $201 million in outlays. Additionally, CBO estimates on their part savings to State and local governments of $261 million during the same 5 year period.

This is the kind of legislation I hope the 100th Congress will produce: problem-solving without new bureaucracy, new mandates, or new spending. I commend the Senator from Massachusetts, Senator QUAYLE, and others for an excellent idea. I commend his staff for their hard work and cooperation working with our staff in order to enact this legislation. I also thank the other members of the Labor and Human Resources Committee. Especially, I single out Senator QUAYLE, who as a chairman of the Employment and Productivity Subcommittee in the last 6 years actually has worked very, very hard in this area and, of course, he is a person who has actively participated in making this bill a truly innovative bipartisan approach to helping actual people in poverty, such citizens, to be able to break their way out of the poverty trap.

With that, I reserve the remainder of my time and look forward to passing this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The time is controlled.

Does the Senator from Utah yield?

Mr. HATCH. I yield such time as the Senator from Indiana may use.

Mr. QUAYLE. Mr. President, I will just take a couple of moments and then I desire to enter into a little bit of colloquy with the chairman of the Labor and Human Resources Committee, Senator KENNEDY.

Mr. President, I congratulate the chairman and ranking member and all those who put together this bill, this JEDI bill, which basically rewards the placement of jobs on an incentive basis to the States. As a matter of fact, as we have pointed out time and time again, there is a saving in taking people off the welfare rolls and putting them on to actual jobs.

What this bill does for the first time—and I congratulate our chairman for coming up with the mechanism to try to provide some incentives and a mechanism for rewards when these take place. I think that he has certainly provided that kind of mechanism and I certainly hope it works. I hope it works and that we are able to gather the data in a coherent fashion, that we are able to make these decisions on which States are service delivery areas and really making those performances that we think are necessary. Because I think, if this doe work, perhaps we are opening up whole new area where we can take thi kind of concept and apply it to othe areas of legislation and other interest that I know the chairman and th ranking member have.

Second, I wish to thank Senato KENNEDY in particular, and Senato HATCH, for working with us to get ou amendment through which woul allow year-round training with funds under title 2(b) to be afforded AFDC recipients. I have for a long time advocated trying to expand and make sure that program is not just a jobs program, but a training program. I think what we have been able to achieve by this is to really focus and show the continuity and the viability of both education, training, and the jobs; that they work in tandem and are very, very important.

Also, I might point out that with this amendment, this piece of legislation, according to CBO, saves around $250 million over the next 3- to 4-year period of time. So this is a budget bill that, in fact, helps out the budget deficit, yet does some very positive and substantive things: very positive things to expand this program for AFDC recipients, to show that we have a very special commitment to trying to get them on the payrolls, and certainly lauds the new concept that Senator KENNEDY has put forth in trying to provide rewards and incentives for doing things we want to see achieved, and that is to see people placed in jobs.

Mr. President, I had contemplated and desired to offer an amendment on this piece of legislation, offer an amendment not in spirit to try to bog it down, but to improve the bill and to particularly highlight my particular interest in moving the Readjustment Assistance Program, the $980 million that is in the budget for readjustment assistance. I think that it is very important that we get on with this as soon as possible.

I know that just yesterday the Labor Committee of the House of Representatives passed a readjustment assistance by itself out of that committee to be part of the trade bill. I think that this legislation really deserves to be on what I call a fast track. We really simply cannot let this legislation become bogged down with controversial amendments. That is why I wanted to attach it to the JEDI bill, because there is strong bipartisan support for the JEDI bill and, therefore, I thought, with the strong bipartisan support we have for readjustment assistance, that this would be a logical vehicle to attach it to. It deals with education, training, and job placement. It is something I know that has strong bipartisan support.

But I am not going to offer it at this time, after a number of consultations with the chairman and others, particularly the chairman. But I want to make sure that I do have the chairman's assurance and understanding—I know he is committed to the bill—but if he would agree with me that we really need to put this on a fairly fast track, that there is no reason to delay this, that the sooner we could get this through his committee, the sooner we could get this through the Senate and send it over to the House—the House Labor Committee has already reported it out—the better off we are going to be.

There are literally thousands of people in my home State of Indiana, particularly in the Indianapolis area, where just recently we have had three major plant closings in the last couple of weeks. We had three major plant closings that desperately need some of this additional money. And, particularly for a plant that is going to close this fall, we could, if this bill is law today, we could be using some of that money for the early intervention. And I think with early intervention, when we can be able to begin to work with these people that are going to become dislocated, the transition is much easier.

So I would like to ask the chairman of the committee if he agrees with my basic premise that it would be very prudent and advisable for us to move the readjustment assistance, which I think has strong bipartisan support, in as quick a fashion as possible. I ask the chairman of the committee if he might be able to respond to a process that might accommodate the desires of the Senator from Indiana.

Mr. KENNEDY. Mr. President, I yield on my own time.

First of all, I want to thank the Senator from Indiana for not only his work on this particular legislation, but for the leadership he has provided in other Congresses in fashioning and shaping the JTPA. He was the chairman of the subcommittee and he held a great many hearings and has been very much involved in the whole effort that we have been making over a period of years, which is to ensure that training programs are going to be more effective and more efficient.

Now he has raised the issue on the readjustment assistance, a very important concept and one in which I share strong support with him.

In regard to the potential timing for legislation dealing with that readjustment assistance, I want to give the assurance to the Senator from Indiana that we intend to act expeditiously. We want to get that legislation passed. There are many of us on that committee that believe that the effective use of those resources can, as the Senator has mentioned, be used with early intervention. We do believe that notification is an important element in terms of plant closings. We do have some differences on that particular issue, and we know that we have in our committee. But we are very eager to work with the ranking minority member, the Senator from Utah, Senator HATCH, and with the Senator from Indiana in trying to find some path that can assure us early action on that issue. I hope that that could be worked out in a very short period of time. We are talking now, I suppose, just a very few weeks.

I can give the Senator the assurance that if we are unable to work it out, we will still be desirous of moving the legislation and permitting the Senate to take whatever position and that we will move ahead. Because I think I, myself, believe that the questions of notification are extremely important. We do not have to debate those issues here today. I have heard the Senator from Indiana on those questions before.

But, as he recognizes, the importance of early intervention, that is really the purpose for notification, and I would be hopeful we could work in a positive and constructive and bipartisan way and see if we cannot find some common path. That would be my intention and that would be my interest.

But I welcome the opportunity to respond positively that we hope that in a few weeks, and maybe the 2 or 3 weeks after we get back from the Easter break, which would be in the very early part of May, that we could get at least some final determination and final resolution, certainly before the trade bill comes to the floor of the Senate.

Mr. QUAYLE. Mr. President, I thank the chairman. I thank him also for his support in moving forward with that legislation. I know he is as interested as I am in that. We have a different viewpoint on, perhaps, the notice. In good faith, we have already started a number of processes in our subcommittee, and with a number of the chairmen, to try and see if we can come to some consensus. And we will go down that path. Maybe we can arrive at a consensus. And that would be the best thing, if we could, in fact, get a consensus on both bills. I do not think it would be very difficult for us to get a consensus on the readjustment assistance. I hope we could get a consensus on the notification, as well. Then we will not have any problems.

But my concern is, I just wanted to share this with the chairman, is looking at this in the past history where the House has dealt with it more than the Senate, what they have done early on is to split this off. They are going to have basically two bills, one out of readjustment assistance, and then it is my understanding they will later probably report a bill out with readjustment assistance and the notification. We do not have to answer the question here today. But I hope the chairman at some time once we begin these explorations, that if in fact we do come to a roadblock we will be able to hopefully continue our strong commitment to getting that readjustment assistance and the money on a very fast track and get that implemented.

If we could do it, attach the notification, and work out an understanding, fine. That is all the more to the credit. But if we cannot, what I am fearful of—and I do not want to see happen, and I will really quite vigorously sometime begin to oppose this if we cannot get an agreement, I really want to figure out a way to push this readjustment assistance.

If we wait for a trade bill I do not know when a trade bill is going to be sent over here. I presume the next month or so. But once the trade bill arrives at the Senate I am not sure, maybe the chairman knows, how that is going to be handled. Are we going to send it to all sorts of different committees, hold it at the desk, and report it back? Once the Senate gets hold of the trade bill, it is not like the House to move through this quite rapidly.

One can see it from my viewpoint. If I look at a case in point in any State, I have a plant closing this fall that has already given the notification; that, if in fact, as soon as we begin to pass this money, there is going to be assistance out there. There are probably literally scores of those kinds of examples around the country.

I want to point out from my viewpoint, that, yes, we are going to sit there, and we will be glad to sit down. We have a lot of processes at the subcommittee level going on to try to work out the notification. But it is urgent, it is urgent, I think, and absolutely necessary that we do not say the only vehicle we are going to be able to use for this readjustment assistance is the trade bill because I really do not know when that is going to happen. We probably could get a bipartisan agreement if you take what the House passed yesterday. We could do that in a very short order if we sit down.

I just urge the chairman to consider working at this in very, very much of an expeditious manner because the sooner we deal with this particular readjustment assistance, and we can put on any other legislation that we want to, the better off those people out there are going to be.

I say it in that guise. That is the reason I really want to attach it to this bill. After having numerous consultations with the chairman personally, a number of staff consultations—I might compliment the staff of both sides, they really worked quite well on this—I decided not to offer this amendment at this particular time.

But I hope the Chair understands it is with reluctance that I do not offer this, and that I really do want to pursue to try to figure out a way to have the readjustment assistance to go through this Chamber, through the Congress, and signed by the President as soon as possible. I think it is imperative.

Mr. KENNEDY. Mr. President, I yield myself time.

I think I responded to the inquiry of the Senator from Indiana. Let me just point out that there is some sizable unexpended funds under adjustment assistance now which are available for the very desperate situations. In some areas, in some regions, it is as high as 45 percent of all the money that has actually been appropriated.

So I want to give the assurance that we will act expeditiously. We are a strong believer in that program and strongly committed to the concept of notification. But we will certainly look forward to working with the Senator from Indiana.

I think we have made remarkable progress already, not only in this legislation and other legislation, so far, and I would certainly hope we could keep that spirit alive and make progress. But I will give the assurance that we will have early action. I would hope certainly by May that we will at least come to some type of a decision.

Mr. QUAYLE addressed the Chair.

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

Mr. HATCH. I yield to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Indiana is recognized and the time will be charged to the Senator from Utah.

Mr. QUAYLE. Mr. President, just to follow up—and I again congratulate—as the chairman knows I will sit down and be willing to go to work and see if we can resolve this.

The only thing I would point out is, as far as the money, there are some service areas and regions around the country that have not spent the money. But the discretionary fund of the Secretary of Labor, from where a lot of these title III fundings come from, is down to $7 million. If you want to look at the number of plants that are closing and the people that are being dislocated through no fault of their own, $7 million does not go a long way. Therefore, I think there is an urgency of the situation and a necessity of getting quick resolution, as the chairman indicates he will do, and it is most appreciated and most needed.

Mr. President, I am in support of S. 514, the Jobs for Employable Dependent Individuals Act. I want to commend the chairman of the Labor and Human Resources, my friend from Massachusetts, for bringing to the full Senate a bill that will assist long-term unemployed individuals to receive training under the Job Training Partnership Act [JTPA].

S. 514 also contains my amendment to the Summer Youth Program, title II-B of JTPA to allow local service areas to expand the services under that program to economically disadvantaged youth and recipients of Aid to Families with Dependent Children [AFDC] to year-round remedial and training programs.

This bill, with the amendments that I offered regarding the expanded youth program, results in overall savings to the Federal Government over a 5-year period. The CBO cost analysis shows that the year-round education program for AFDC youth will result in a reduction in welfare spending to the extent that AFDC mothers find jobs as a result of the training they receive.

The youth proposal saves $257 million in budget authority from 1989 to 1992, thereby making S. 514 a savings bill, rather than a spending bill.

The concept of S. 514 is one which I endorse; that is, providing incentives to modify behavior. In this case, S. 514 offers bonuses to States that are successful in moving the long-term welfare recipient into unsubsidized employment.

In addition to the creation of the incentives to serve the long-term welfare recipient, this package includes a number of changes I proposed to the Summer Youth Program. The new language would permit increased flexibility at the local level to design new programs for economically disadvantaged youth, including AFDC youth.

Local service delivery areas could choose to offer a new year-round program of remediation for AFDC youth or they could offer a program of model or exemplary youth programs for economically disadvantaged youth year round. The current summer youth jobs programs could, of course, still be offered.

Another change I offered will limit the amount of unexpended funds that can be carried forward from 1 year to the next at the State level. This will ensure that funds are spent in a timely fashion. Any excess carry-over funding above 20 percent of the State's allotment could be redistributed by the Secretary of Labor based on the need of other States and their ability to use the funds.

Another change would revise the performance standards to make clear that services provided to those individuals who are hard to place are encouraged. This recognizes that higher costs are appropriate when serving these individuals.

Finally, the package would establish a base year on which to begin counting placements under the incentive bonus plan.

Mr. President, the combination of the original Kennedy bill and my amendments result in increased flexibility to the JTPA system. This bill imposes no new requirements on those operating JTPA programs, but it does offer them new opportunities to serve the needy individuals in their communities.

Again, I want to commend my friend from Massachusetts for his willingness to work out the issues in S. 514. It has been a pleasure to work with you on these amendments to JTPA, and I am pleased to support S. 514.

Mr. McCAIN. Mr. President, I rise today as a cosponsor of S. 514, the Jobs for Employable Dependent Individual Act.

I must say that, initially, I was reluctant to sign on as a cosponsor. But, as I began studying the legislation, I liked what I saw.

For some time now, I have felt that we need to take responsible action and address the issue of long-term welfare dependency. The reason for this is the belief that public assistance should not foster prolonged dependence, but rather should help people become self-sufficient, productive members of society. Our Nation's public assistance programs ought to assist those who are on welfare—and are unemployable due to lack of job skills—to gain the skills needed to become employable and raise themselves from the vise known as income dependence. A vise which—for many—breeds poor self-esteem.

Mr. President, Government assistance should function as a temporary crutch enabling recipients to get back on their feet, not as a device that allows—and sometimes even promotes—a long-term dependency on society.

This legislation addresses itself to the segment of the AFDC and SSI recipient population who are long-term welfare dependents or potential long-term welfare dependents. Known by the acronym JEDI, this legislation is designed to encourage States to implement models such as the Employing and Training Choices Program which has been very successful in the State of Massachusetts. By providing job training and support services to families in poverty, Massachusetts has reduced the number of families that stay on welfare for 5 years or more by 25 percent. The average amount of time that a family spends on welfare has been reduced by nearly one-third. And thousands of families previously trapped in the vise of economic dependence now support themselves as a result of decent jobs in the private sector.

JEDI is designed to provide States with the incentive to work effectively at training and employing long-term welfare dependents through the Job Training Partnership Program. Under JEDI, if any public or private agency

within a State trains, places, and privately employs persons from the long-term dependency group, the Federal Government will pay that State a bonus based on a percentage of the benefits that would have been received by those persons had they not been employed. This approach affords States the maximum amount of flexibility, in that they determine—based on their own experience—what approach would be particularly suited to their unique needs.

Mr. President, I believe this legislation—if enacted—will have two results.

First, it will serve as a vehicle to encourage States to take action—tailored to the individual needs of their population—that would result in providing long-term welfare dependents with job training so that they might become productive members of society.

Second, this legislation will result in saving the Federal Government money because the bonus would be equivalent to 1.5 years of AFDC benefits, while the average JEDI participant would otherwise spend approximately 11 years on AFDC. The bottom line is that this program will contribute to the reduction of the deficit.

Mr. President, this legislation has a second component—utilization of summer youth program funds to better serve the youths on welfare. Under this provision, States could either establish a year-round program for AFDC or SSI recipients from 14 to 21 years of age or continue the existing subsidized summer job program for disadvantaged youth.

This provision, which first originated with the administration, is important in that it seeks to provide the children of welfare recipients with the tools to avert economic dependence. In helping people to become self-sufficient, productive members of society, we must not forget that we need to work with their children so that a generational cycle of welfare dependence does not develop.

Mr. President, I urge my colleagues to join me in supporting this legislation—legislation which will begin to move us toward the place where public assistance is about the mission of helping people to become self-sufficient, productive members of society, rather than promoting long-term welfare dependency.

In closing, Mr. President, I wish to commend my colleagues—Senators KENNEDY, HATCH, QUAYLE, and others—for taking the initiative and addressing this important issue. Their leadership is to be commended.

Mr. KENNEDY. I am glad to yield 5 minutes to the Senator from Alabama.

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

Mr. SHELBY. Mr. President, today I rise in support of S. 514—the jobs for employable dependent individuals bill. I am proud to join with 47 of my colleagues as a cosponsor of this vital and realistic approach to one aspect of the critical welfare situation our country is in.

On March 18, the Labor and Human Resources Committee voted unanimously to approve this legislation—I hear from committee staff that this is a momentous feat—the committee has not voted unanimously in a long time. I commend my colleagues on the committee for their swift efforts on this bill.

This measure would authorize the payment of bonuses to States that successfully move long-term welfare recipients into private-sector jobs. In simple terms, this measure identifies those who need Federal assistance the most and attempts, within each State's tailor-made program, to find, train, and employ in the private sector these long-term welfare recipients.

In a similar vein, the Job Training Partnership Act spends $1.8 billion for 700,000 economically disadvantaged individuals, but less than 150,000 recipients of aid for families with dependent children—the group that needs to be targeted for job training—are participating in this program. Clearly, the families which fall into this category are in dire need of the training and yet, they are not being covered under this program. Job training efforts across the Nation have missed this group.

As Senator KENNEDY has pointed out, nearly 4 million American families will receive aid to families with dependent children [AFDC] benefits this year.

In my home State of Alabama, estimates indicate that approximately half a million people are assisted on a yearly basis under various welfare programs—one-eighth of the total population of our State. Of this number, available estimates indicate that for the month of February 1987, 47,648 families were recipients of AFDC funds. This figure translates into 138,768 people involved in this one program in Alabama.

But let us talk in dollars and cents—those 47,648 families are receiving just $114.30 per family per month—just $39.25 per individual.

With the implementation of the JEDI Program, a State like Alabama could help get the heads of those 47,648 familes off welfare and out working. The benefit is manyfold: The individual, their children, the employer, the Federal Government, and finally, the State government all profit.

The JEDI Program achieves our goal: It allows the States the flexibility necessary to develop programs—either based on the successful plans of States like Massachusetts and Vermont—or tailored to meet the special needs of each particular State.

Yes, the time has come for the Federal Government to address the concerns of these special Americans and the JEDI bill is the catalyst that will help us reach such a goal.

We are faced with a wonderful opportunity in this 100th Congress—an opportunity to lay the groundwork to make welfare work—not just for Alabama, but for every State from Maine to Oregon. While we can't solve all the problems inherent in the system overnight or even in this Congress, we can face the challenge and begin to work for the future. I believe JEDI is a giant step in the direction we should travel in the next century. I urge my colleagues to support this legislation as a viable plan for our country.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield to the Senator from New York such time as he may desire.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like to thank and congratulate the distinguished chairman of the Committee on Labor and Human Resources and his able associate, Senator HATCH, for having brought to this floor so expeditiously a major change in our whole approach to the problem of welfare dependency in this Nation.

The AFDC Program, as we know it, what we generally refer to as welfare, is, in fact, title IV of the Social Security Act of 1935, enacted some 52 years ago.

As amended in 1939, the act established survivors insurance. In the event of the breadwinner's death, almost invariably the male in a husband-wife family with children survivors insurance would help to replace the family's earned income. In the normal course of events, a certain number of working men, supporting families, would die from natural causes or industrial accidents. The Social Security Program, OASI or the Old Age and Survivors Insurance Program, provided insurance for their survivors. Today, we say OASDI because disability is included as well.

In 1935, however, a bridge program was established for those widows, as they were commonly assumed to be, and children who would not be covered until the insurance system matured. President Roosevelt, in his message, observed the same sort of temporary provision would have to be made for retired persons who would not have been in the system long enough to be eligible for Old Age Insurance benefits.

President Roosevelt suggested it would take some 30 years before the direct grants of old age assistance would "wither away" as regular Social Security retirement took hold. Indeed, that is exactly what did happen.

As was expected of the AFDC Program, it, too, would gradually "wither away" as survivors insurance benefits came into play. Indeed, survivors insurance benefits are paid to some 1.3 million children in the country today. But in the meantime, a whole new social condition arose in our country: that of the female-headed family, dependent early on and dependent often for very long periods of time.

When title IV of the Social Security Act was enacted, it was assumed that mothers would not work. In the main, mothers did not. They did their work at home. They would not work in paid employment.

In that interval of a half-century, however, our employment patterns have altogether changed and the majority of wives are now in the labor force. Indeed, the majority of mothers with children under 6 are in the labor force. They do not normally work full time, but they are employed or seeking work.

A striking fact is that one group of mothers with children who do not share in the normal experiences of the rest of society are the recipients of welfare. Only 1.2 percent of welfare mothers are working full time. Another 3 to 4 percent work part time.

This, we now commence to recognize, is to deprive these welfare mothers of the normal and useful experience of gainful employment, an experience which is increasingly normal for all mothers.

To exclude these welfare mothers from employment is not only to leave them out but, in many fundamental ways we now believe, and our inquiries have shown, to leave out their children as well.

Such children grow up so ill-equipped that they cannot take advantage of better circumstances, should they arise. Indeed, to a considerable degree they do not.

We are not, Mr. President, talking about a few children, a minority of children or minority children. The average child in America today will live in a single-parent family before reaching 18. Indeed, the average child will live in a female-headed family and some others will live in a single-parent family.

If we continue as we are now going, we project that for children born in 1985, if we do not change our patterns, we will find some 37 percent will be dependent on welfare for their subsistence before they reach the age of 18. Over one-third of our children are going to be on welfare before they are 18 if we go on the way we are doing.

This legislation, which Senators KENNEDY and HATCH bring to the floor, marks the first time in a half-century that we have said we are going to expect different things and provide different expectations, hopes, and opportunities for the single-parent family. We are going to help them find work. We have talked about it, but we have never done it.

All the so-called work incentive programs, WIN, work fare, what you will, have not produced employment. Mr. President, they have produced rhetoric without results.

Here, in S. 514, is a sober commitment to help find work for a class of unemployed Americans much larger than we ever anticipated. Many of those needing work are single mothers on welfare. They are kept out most clearly by a lack of opportunity. This JEDI Program says they will be brought in. They will finally be able to share the normal life experiences of Americans, and their children with them.

It is an enormous thing that we are going to do today. The Senator from Massachusetts has brought this to the floor in less than 3 months of the 100th Congress, which is spectacular.

One of the great events of social legislation was the introduction in January 1935 of the Social Security Act and its enactment into law only 8 months later, in August. That JEDI should come before us in 3 months, in a bipartisan manner—and I think we will have unanimous support—is a tribute to an idea whose time has come and to those leaders who have brought it to the floor.

I thank them.

I would like to say that the Subcommittee on Social Security and Family Policy will be considering legislation to revise our family welfare program, specifically title IV, the AFDC Program, in the course of this Congress. We make our first step today.

Mr. President, I rise in support of S. 514, the Jobs for Employable Dependent Individuals [JEDI] Act.

My good friend and colleague, Senator KENNEDY, the most able chairman of the Committee on Labor and Human Resources, has proposed a bill that would share a portion of future Federal savings from reduced public assistance payments with those States which succeed in using their Job Training Partnership Act [JTPA] programs to train and place long-term dependent welfare recipients into unsubsidized jobs.

This legislative proposal, which I am pleased to cosponsor, improves on a good idea. JTPA is designed, in part, to assist the economically disadvantaged in training for and finding private-sector jobs. Numbered among the economically disadvantaged are recipients of the Aid to Families with Dependent Children [AFDC] Program.

DISTINGUISHING BETWEEN THE LONG-TERM AND SHORT-TERM POOR

Not all AFDC recipients are equally disadvantaged, however. As we learned during recent hearings before the Finance Committee's Subcommittee on Social Security and Family Policy, over half of those who ever receive AFDC benefits leave the rolls in 4 years or less. Roughly a quarter leave the rolls within 2 years. Thus, for the majority of recipients, AFDC serves as a temporary source of assistance.

Unfortunately, another quarter of the AFDC population receives benefits for 10 years or longer. Nearly 40 percent of these very long-term recipients began as young—under age 25—unwed mothers who first came on the rolls when their youngest child was under age 3. Although those who rely on the AFDC Program for over 10 years are a clear minority of all those who ever use AFDC, they consume about 60 percent of all benefits ever paid!

That is why, Mr. President, we should all be interested in helping long-term AFDC recipients train for and find jobs. Title II-A of JTPA is meant to do just that: To help disadvantaged AFDC adults, among others, take full- or part-time jobs where before they worked not at all. This newly earned income will help some households leave the welfare rolls entirely; others may still need help but their earnings will help defray the costs of their public assistance.

As I said, Mr. President, the underlying premise of JTPA is a good one: We should do all that we can to help the disadvantaged find jobs that will pay them more than what they can receive on welfare and, at the same time, save public expenditures on welfare programs.

TARGETING VERSUS "CREAMING"

Unfortunately, this is easier said than done. Too often, JTPA programs have been shown to work with those who are the easiest to work with, rather than with those who need the most help. This process of selecting those most likely to succeed is referred to as "creaming."

Because JTPA programs are measured against performance standards that reward "bottom line" numbers of job placements, we should not be surprised that JTPA program directors choose to work with those individuals most likely to succeed. Despite the incentives to "cream," however, we expect the JTPA program to work with those who need the most help, those who are the most seriously disadvantaged, those who end up consuming the lion's share of all public assistance benefits paid.

How then are we to translate this policy objective into programmatic terms?

JEDI

The legislation before us would provide a financial reward to States which use their JTPA programs to help long-term AFDC recipients find private-sector jobs and leave the welfare rolls. More specifically, JEDI would provide States with bonus payments for finding unsubsidized jobs for two catego-

ries of recipients: First, AFDC adults who have received benefits for longer than 2 years before receiving education and training services, and second, young AFDC parents—under age 22—who have not completed high school and who have not worked for a year prior to participating in the education or training program.

To qualify for the Federal bonus payment, the jobs found for these long-term AFDC recipients must last at least 1 year and must pay enough so that the household no longer receives AFDC benefits.

It is from the savings that accrue to the Federal Government, as a result of the reduction in AFDC expenditures, that the JEDI bonus payments to the States are paid. The bonus payment is equal to 75 percent of the "bonus base" in the first year, 50 percent in the second year, and 25 percent in the third year.

Thus, under JEDI, no Federal bonus payments are made unless the Federal Government has first reaped savings from the successful targeting of JTPA services to the more seriously disadvantaged AFDC recipients. In other words, JEDI attempts to avoid the "creaming" problems that currently characterize the JTPA Program.

EDUCATION, TRAINING, AND WORK PROGRAMS FOR AFDC RECIPIENTS

I might note, Mr. President, that in the Subcommittee on Social Security and Family Policy we are also working on the problem of long-term AFDC dependency. I will shortly introduce legislation that will, among other things, replace the current Work Incentive [WIN] Program with a more comprehensive education, training, and work program for AFDC recipients.

This new proposal will require certain long-term dependent AFDC recipients to participate in State-designed education, training, and work programs as a condition of continued eligibility for assistance. At the same time, States will be required to serve these especially disadvantaged recipients. Aside from the long-term recipients that States must serve, States will have the option of requiring other AFDC recipients to participate in their new programs.

Unlike the current WIN program, which provides Federal matching of State expenditures at the rate of 90 percent, but caps Federal expenditures, in fiscal year 1987 at only $110 million, the new program will provide a Federal matching rate of 70 percent on an open-ended basis. Funding for child care will be provided at a 50-percent Federal matching rate.

ATTACKING LONG-TERM DEPENDENCY FROM BOTH ENDS

Mr. President, Sentor KENNEDY's JEDI bill and the legislation that I will soon introduce attack the problem of long-term AFDC dependency from both ends.

Senator KENNEDY's bill will allow States to share in the savings enjoyed by the Federal Government if they succeed in using their JTPA Programs to find unsubsidized private-sector jobs for long-term AFDC recipients.

My bill will establish mandatory education, training, and work-experience programs that will, at a minimum, target services to long-term AFDC recipients. States will have all the flexibility they desire in designing these programs. A stable source of Federal funding will be provided, on an open-ended basis, for both operating the programs and providing child care to participants.

If we mean what we say about substituting work for welfare, then both JEDI and my forthcoming legislation deserve support.

I congratulate my friend from Massachusetts for his innovative approach to the problem of long-term AFDC dependency and I welcome his support for our proposal to replace WIN with a new, more comprehensive program that will help long-term AFDC recipients leave the welfare rolls for payrolls.

Mr. President, I want to express again my appreciation to the Senator from New York for his comments and most of all for his support. I have had the opportunity to talk to him at some length about this legislation. We recognize the extraordinary leadership he has provided in this whole area of trying to rethink and revamp our welfare system. I think he has made a contribution to the understanding in our country of the growth of the numbers of poor children in our society. He has awakened the conscience of this body, I think, certainly of the Senate, in trying to review those various programs to try to ensure that whatever we are going to do is going to help lift those children—generally the single heads of household, but particularly those children—out of this whole life of desperation and lack of hope.

I want to indicate to him that we all, in our Human Resources Committee, look forward to standing with him as the Committee on Finance really comes to grips with that difficult challenge. It is one worthy of the Senator from New York. It is certainly worthy of our institution. It is an issue that I think ought to be on the front burner for the American people and on the top of the unfinished agenda for the Senate.

I thank him for his comments. I look forward to working closely with him and I express my appreciation for the leadership he has provided on the issue.

Mr. MOYNIHAN. I thank my learned friend.

Mr. KENNEDY. Mr. President, for the general information of the leadership, I think we have one other Senator who wants to speak in favor of the bill. We expect him on the floor in just a few moments, then I think we shall probably, after that, request a short quorum call, then move toward the technical amendments.

AMENDMENT NO. 77

(Purpose: To make technical corrections and other modifications in the bill)

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

The PRESIDING OFFICER. The amendment will be stated. The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 77.

On page 20, between lines 13 and 14, insert the following:

"(f) An individual shall not be considered to meet the requirements of subsection (c)(1) or (d)(1) if the individual participates in employment-related services and activities in a program established under the Social Security Act. For the purpose of the preceding sentence, an individual's receipt of medical services under title XIX of the Social Security Act or registration for manpower services, training, employment, and other employment-related activities pursuant to the Social Security Act shall not be treated as participation in employment-related services and activities in a program established under the Social Security Act.".

On page 21, line 19, strike out "subsection (b)" and insert in lieu thereof "section 502(a)(2)".

On page 22, line 15, strike out "subsection (c)" and insert in lieu thereof "section 502(b)(2)".

On page 36, strike out lines 3 and 4.

On page 36, line 5, strike out "(D)" and insert in lieu thereof "(C)".

On page 36, line 6, strike out "(E)" and insert in lieu thereof "(D)".

Mr. KENNEDY. Mr. President, I know of no objection to this amendment. I have discussed the amendment with the ranking minority member of our committee and we are prepared to vote on it.

Mr. HATCH. Mr. President, I support this amendment and hope it will pass.

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

The amendment (No. 77) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I shall await the arrival of our good friend from Illinois [Mr. SIMON]. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

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

The legislative clerk proceeded to call the roll.

(Disturbance in the gallery)

The PRESIDING OFFICER. The Senate will be in order. The Senate will tolerate no outcry, applause, or talk in the gallery. If the Chair hears or identifies any further disturbance from the gallery, we will see that that individual is removed.

The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll.

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

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

NO AUTHORIZATION FOR ABORTIONS AND CONTRACEPTIVES

Mr. HELMS. Mr. President, section 254 creates the so-called AFDC/SSI Youth Employment and Training Program. This section would expand the existing Summer Youth Employment and Training Program to a year-round program. As reported by the Committee on Labor and Human Resources, section 254 in part provided the following:

(c) A service delivery area electing to operate a program under this section shall—

(1) describe in its job training plan a comprehensive plan of service containing—

(A) the process for assessing the needs of each participant (including educational, training, employment, and social service needs);

(B) the services (including supportive services necessary to enable such individuals to participate in the program) and activities to be provided, including the agencies that will provide such services, and an estimate of the length of time service will be provided to the participant; and

(C) goals to be attained, including the intermediate success points to be pursued during the course of participation; and

(2) provide the necessary services where the assessment of the participant pursuant to subsection (c)(1)(A) indicates a need, including where appropriate—

(A) basic and remedial education;

(B) drug and alcohol abuse counseling;

(C) pregnancy and pregnancy prevention counseling;

(D) child care classes; and

(E) life skills planning classes.

Upon reading this legislation, I became concerned that subsection (C) might be construed to authorize a new Federal abortion and contraceptive program, and so I planned to offer an amendment prohibiting the program money from being used to provide abortions and contraceptives.

Before the bill was considered by the Senate, the sponsors agreed to offer an amendment deleting the "pregnancy and pregnancy prevention counseling" provision, subsection (C). That amendment was offered by the bill's managers and has been adopted without opposition by the Senate.

Although key terms in section 254 remain undefined including "social service needs," "services," and "necessary services," I do not believe it is necessary to offer further amendments. In light of the manager's amendment deleting "pregnancy and pregnancy prevention counseling", and its adoption by the Senate, it is clearly the intent of this bill that JTPA money not be used—in any way—for abortions or contraceptive services including specifically the provision of abortions or contraceptives, prescriptions for contraceptives, transportation for abortions or contraceptives, counseling or referral for abortions, or counseling or referral for contraceptives.

Mr. METZENBAUM. Mr. President, I am pleased to be an original cosponsor of Senate bill 514—the Jobs for Employable Dependent Individuals Act. I congratulate my chairman, Senator KENNEDY, for developing this innovative approach which provides meaningful incentives to States to place long-term welfare recipients and the disabled in jobs, while at the same time reducing the Federal deficit by over $200 million. JEDI is a prime example of doing more with less.

This is a bipartisan effort which includes the administration's new Summer Youth Jobs Program. This new effort gives States greater flexibility to provide educational and other enrichment programs to disadvantaged youth. The proposal also allows local programs to provide these services on a year-round basis. By providing these options to local providers, it is hoped they will be able to fashion programs in a way to best serve young people.

Included in this package is an amendment I offered to retain the existing formula for allocation of summer youth funds to the States. The administration's original proposal would have shifted money from States with high unemployment to States with low unemployment. Disadvantaged youth need jobs wherever they live. But they need even more help finding jobs in States where unemployment is high and rising.

The Labor and Human Resources Committee understood the logic of this position and unanimously accepted my amendment. Therefore, there will be no change in the formula and all Senators should be assured that this bill will not affect the allocation percentage to their States.

JEDI is a good bill—it helps people in need and at the same time it saves money. I urge its quick passage.

Mr. HARKIN. Mr. President, many persons with disabilities want to work. A recent Harris poll indicates that 67 percent of all disabled youth and adults are not working. Of these individuals, 66 percent say they want to work.

Historically, there have been a number of significant factors influencing a disabled person's decision not to work, including:

Poor self-image; negative attitudes by employers and social service providers; lack of appropriate educational opportunities; lack of meaningful training and employment opportunities; fear of loss of health benefits.

Thus, for many persons with disabilities, disincentives to working resulted in a dependence on welfare payments under the Supplemental Security Income Program [SSI].

Over the past 10 years, these barriers have begun to fall.

Public Law 99-142 is providing educational opportunity, including necessary skills for our disabled youth. Handicapped youth are also now leaving schools with better self-images.

Section 504 of the Rehabilitation Act is beginning to break down discriminatory attitudes by employers and service providers.

Public Law 99-643, the Employment Opportunities for Disabled Americans Act, provides former SSI recipients with continued eligibility for health coverage under Medicaid.

The Jobs for Employable Dependent Individuals Act [JEDI] provides us with another important opportunity to eliminate a barrier to employment. JEDI amends the Job Training Partnership Act to provide a State bonus system to encourage JTPA programs to address the training needs of hard-to-serve individuals. The amendments offered by Senator WEICKER and me, which are incorporated into the committee bill, define "hard-to-serve" individuals to include blind and disabled individuals receiving Supplemental Security Income. Originally, the bill included only recipients of benefits under Aid to Families with Dependent Children.

Currently, the Federal Government is providing support for the training of persons with disabilities through the Rehabilitation Act. However, the waiting lists for this program are long—sometimes there are as many as 10 disabled people awaiting training for each person served. JEDI will make training a reality for many more disabled persons currently on SSI.

Under this bill, as amended, everyone gains: Disabled people gain self-worth through a job; Federal and State governments save money by helping people get off welfare; and nondisabled persons benefit from the opportunity to work alongside persons with disabilities.

Mr. ADAMS. Mr. President, I rise to express my support for this measure. I would first like to commend the distinguished chairman of the Labor Committee, Mr. KENNEDY, for his innovation and vision in proposing this legislation; and for his skill at working with members of the committee on both the minority and majority sides of the aisle to produce legislation that everyone can proudly support.

We have in this country today an underclass of people living in dependency. Families, often single mothers with children, subsist on a bare bones AFDC budget that too often does not even provide for basic food and shelter needs. Uneducated, often unhealthy due to malnutrition and inadequate care, these people lack the skills to compete in an increasingly complex and demanding job market. Unless we reach out and help these people help themselves, they are increasingly doomed, through no fault of their own, to continue living in poverty and dependency, generation after generation in cycles of despair.

If there is one thing we have learned, however, from the public assistance programs of the last 20 years, it is that simply giving people enough money to barely get by, as we do now, leads only to the trap of dependency. Instead, true assistance should consist of providing access and opportunity, access to education and job training, and the opportunity to meaningfully compete for employment that will sustain an individual and his or her family in independence.

The bill before us provides such access and opportunity. The bill before us assists individuals on public assistance in the truest sense of the word.

This bill modifies the Job Training Partnership Act to provide incentives for service delivery areas under the act to successfully place long-term welfare recipients in jobs. The incentive will consist of a cash bonus paid to the States by the Federal Government that represents some of the savings gained by the Federal Government in lieu of continued welfare payments. The bill also contains a new administration initiative that allows service delivery areas to use summer youth program funds to conduct year-round programs for AFDC youth.

This bill is a prime example of the fresh new approaches that are being used across the country to tackle the plight of families living in poverty and dependency. Another such effort is occurring in my State of Washington. Our distinguished Governor, the Honorable Booth Gardner, has proposed a family independence plan. This plan would assist individuals to escape dependency by providing a broad spectrum of services, including medical benefits, job training and placement, subsidized jobs, child care, and incentive bonuses during the first year of full-time employment. I am hopeful that if and when both this State proposal and the bill before us are passed into law, the success of the State program in placing long-term welfare recipients will enable the State to receive significant bonuses through the JEDI program. The possible successful interplay of those two proposals is just one example of the strides we can and must make in providing true assistance to the disadvantaged.

Mr. President, I again commend Mr. KENNEDY for his leadership, express my support for his proposal, and urge my colleagues to do the same. I thank the Chair.

BEGINNING TOTAL WELFARE REFORM

Mr. McCLURE. Mr. President, I am pleased to be listed as a cosponsor of the jobs for employable dependent individuals [JEDI] bill. I believe it is a good first step in the direction of total welfare reform.

I think all of us are concerned about the welfare cycle that at times seems almost impossible to break. The statistics are nothing short of depressing.

According to a recent White House issue brief, research shows that 65 percent of those receiving aid to families with dependent children benefits at any given time will spend a total of 8 or more years dependent on the State. Forty-six percent of AFDC children have unwed parents. In 1983, 87 percent of AFDC children had a living father, but he was not at home. The United States currently operates 59 welfare programs that spent more than $132 billion in fiscal year 1985.

Mr. President, the list of facts and figures, most of them bad, goes on and on. What is clear from all of this is that we must begin to take steps to reform welfare and most importantly, get welfare recipients back to work. I believe this bill is the first step in that direction.

The bill targets the long-term, or potentially long-term unemployed. The bill identifies those people with limited job experience, or younger people without high school diplomas. If an agency can train and then privately place these people in jobs for over 1 year, the legislation grants a bonus to the State of 75 percent of what the AFDC payment would have been if the individual had remained on welfare. The second year results in a bonus of 50 percent and the third year bonus is 25 percent. CBO estimates that by the year 1990, this program will begin to save more money than it costs.

JEDI also incorporates the administration's AFDC/Summer Youth Program. This will allow the States to use job training money for more than just "raking leaves in the park" type jobs by providing for education and training for AFDC recipients under age 21.

Mr. President, this bill does not solve all our welfare problems and it doesn't pretend to. I hope the Labor and Human Resources Committee will continue its work in this area and will seriously consider all of President Reagan's welfare reform proposals. This administration is committed to reducing welfare dependency and I support that effort.

I urge my Senate colleagues to vote in favor of this legislation which will begin the process of total welfare reform. I ask unanimous consent that my remarks be included in the RECORD at the appropriate place.

Mr. HUMPHREY. Mr. President, as a member of the Labor and Human Resources Committee which reported this bill, my remarks will address the supplementary, "necessary services" that are authorized under the AFDC/SSI Youth Employment and Training Program.

For over 4 years, the Job Training Partnership Act has provided for a wide variety of activities within youth programs. In particular, the statute, 29 USC 1503, authorizes "supportive services" to be provided "to enable an individual eligible for training * * * to participate in a training program funded under this chapter." Among these services are "health care" which can be provided in-kind or through direct cash assistance.

Mr. President, the term "health care services" means a lot of things to a lot of different people. However, under this program, the term has not been interpreted to include family planning or abortion activities. Neither the direct provision of these activities, nor counseling and referral for these activities have been authorized by the act.

It is the intention of this Senator that the 4-year record regarding "health care" not be altered by this act to authorize any such family planning or abortion activities. To do so would unnecessarily and without authority alter a history of countervailing interpretations of the program. Further, to do so would divert scarce job training resources available under the bill to unrelated and unessential activities.

Mr. BINGAMAN. Mr. President, I wish to commend my distinguished colleague from Massachusetts for bringing this important legislation to the Senate so early in the session. S. 514, the Jobs for Employable Dependent Individuals Act [JEDI], amends the Job Training Partnership Act to establish incentive bonuses for the successful placement of certain employable long-term dependent individuals. And it adds an enrichment option to the existing Youth Employment and Training Program.

Too little has been done in the past in job training for the long-term poor, even though it has been demonstrated that such training can succeed. JEDI creates a new incentive for States to find, train, and employ the long-term welfare dependent. And it accomplishes this in a way that reduces the Federal deficit.

I am especially pleased with provisions in this bill dealing with basic skills. No other population may be in greater need of basic skills than long-term welfare recipients. This legisla-

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tion defines the basic measure of performance for adult and youth educational programs in reading, writing, and computation. It also acknowledges the importance of general educational development in increasing individual employability and reducing welfare dependency.

The section on summer youth employment and training specifies that a service delivery area shall assess the reading, writing, and mathematics skill-levels of eligible participants, and provide basic and remedial education if the assessment indicates such a need. The JEDI section also highlights the individual's responsibility in improving his or her job marketability.

If we can teach basic skills, we will make significant progress in upgrading the quality of life for those dependent on welfare. At the same time, we can reduce our welfare rolls and the enormous expense they entail.

With the enactment of this legislation, we will help move long-term dependent families toward self-sufficiency. I strongly encourage my colleagues to support it.

Mr. SPECTER. Mr. President, I urge my colleagues to vote in favor of S. 514, the Jobs for Employable Dependent Individuals [JEDI] Act, which I introduced along with the distinguished chairman of the Committee on Labor and Human Resources, Senator KENNEDY, on February 5, 1987. JEDI amends the Job Training Partnership Act to pay bonuses to States for successfully training long-term welfare recipients and placing them in jobs.

Under the terms of the legislation, States will receive bonuses based on the Federal aid to families with dependent children [AFDC] savings produced by placing recipients in long-term jobs following training. During the first year of employment, States will receive a 75-percent bonus of the Federal AFDC benefits that would have been paid to the recipient if there had been no employment. The State would receive a bonus of 50 percent in the second year, and 25 percent in the third year.

Developing effective strategies to train, and place in jobs, long-term welfare recipients is one of the most important problems facing the 100th Congress. Approximately 4 million families will receive AFDC this year. Many of these families will receive welfare for 8-10 years. These are the most needy and most costly of the poor. While this group of recipients represents only about 25 percent of the AFDC population, it is estimated that they utilize nearly 60 percent of the resources.

Helping this subgroup of the AFDC population make the transition from dependency to self-sufficiency is not an easy task. Those most at risk of being long-term recipients often are young, never married mothers who come on welfare shortly after the birth of a child. Other factors, such as being a high school dropout, having little or no previous work experience, and having large numbers of children, also contribute heavily to the risk of long-term dependency.

To make this group job-ready, we must look beyond the short-term, low-cost services and relatively easy placement that has been made available to more able trainees. The long-term recipients need more intensive training and support services. Those with poor education often need classroom training. The parent of a young child will need day care. These are expensive services, and budget conscious administrators often have chosen instead to offer inexpensive services to a large number of persons with lesser problems, rather than serving this small but much more needy group. Thus, the long-term recipient often has been left to languish on welfare with very little access to education or training. It is for this reason that JEDI targets the long-term welfare recipient, and provides incentives for States to find, train, and place them into jobs.

Mr. President, I became especially interested in this problem in February 1986, when Rev. Leon H. Sullivan, founder and chairman of Opportunities Industrialization Centers of America [OIC] and I discussed the need for welfare families to receive education and job training. Subsequently, Reverend Sullivan, Mr. John Jacob, president of the National Urban League, and I developed legislation, the "Opportunities for Employment Preparation Act," and the "Aid to Families and Employment Transition Act." These bills would provide education and training to prepare long-term welfare recipients for employment, and support services to aid in the "work to welfare" transition during the first year of unsubsidized employment. This legislative package was reintroduced on January 6, 1987, as S. 280 and S. 281.

To help long-term welfare recipients have better access to job training, the "Opportunities for Employment Preparation Act" utilizes the services of existing community-based organizations such as OIC, the National Urban League, 70,001, the National Council of La Raza, and the National Puerto Rican Forum, in order to conduct outreach, and provide literacy, basic education and other preemployment preparation for individuals who need it. Community-based organizations are on the front line in providing services to the poor. They are an important resource, and should be utilized as a major vehicle to provide literacy and basic skills training to welfare recipients.

I am pleased that the basic principles of my "Opportunities for Employment Preparation Act" now are incorporated into JEDI. Under the terms of the legislation, State plans for the Job Training Partnership Act [JTPA] must include the provision of outreach, training and preemployment services targeted to long-term welfare recipients. In addition, the bill directs the Secretary of Labor to reexamine performance standards to provide maximum flexibility in serving long-term welfare recipients. Such an adjustment can reduce the monetary risks involved in serving the target population.

Mr. President, JTPA provides job training for 700,000 economically disadvantaged persons each year. Less than 150,000 AFDC recipients are enrolled in the program, and perhaps as few as one-third of these are long-term recipients. The Job for Employable Dependent Individuals Act will help us provide education and job training services to those who need it most, but who otherwise would be left untouched by Federal employment preparation initiatives.

I urge my colleagues to support this important measure.

Mr. DODD. Mr. President, 50 years ago last month, President Roosevelt made his second inaugural address to the American people. He said "the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

Half a century later, our progress as a nation is again being tested. Poverty and neglect are all around us—in our cities, our towns, and in our rural communities. In America today, 15 million people live below the poverty line. One out of every four children—and every other black child—is born into poverty and despair. You don't need a Ph.D. in economics to see that we are creating a permanent underclass of young Americans without the skills and opportunities necessary to be meaningful participants in our society.

For too many of our Nation's poor, welfare has become a way of life. They are the black teenage mother in Bridgeport, CT, forced to drop out of school in order to care for her child. They are the divorced mother of three in Boston, MA, left with no child support, no job skills, and no choice but long-term welfare dependency. Of the 11 million people who receive aid to families with dependent children [AFDC] each year, 93 percent are single mothers and their children. And one quarter of them will stay on the rolls for 9 years or more.

For these Americans, the cycle of poverty is a reality—a black hole of deprivation and dependency from which many never emerge. Limited welfare-to-work programs are available in many States but most long-term dependents cannot take advantage of these services. Many programs lack

hild care, transportation and other upport services which are essential to nothers with small children. And beause the Work Incentive Program nd the Job Training Partnership Act se placement rates as performance tandards, many training services cream" their applicants and accept nly those most likely to be trained nd placed successfully in the shortest ime. Those most difficult to train and lace—young mothers with small chilren, high school dropouts, and those vith little or no work experience—end p excluded from the very programs hat could benefit them most.

Fortunately, there is a way out and a ay up. States like Connecticut and Massachusetts have established innoative new training programs which an help to break the cycle of longerm welfare dependency. Under the eadership of Governor O'Neill and Commissioner Steve Heintz, Connectiut's Job Connection Program proides AFDC recipients with extensive ducation, training, and support servces leading to unsubsidized employent. Out of a total average State ool of 19,000 AFDC recipients, Job Connection placed 5,400 people in proictive jobs during the program's first ear alone.

We need to extend the success of ob Connection and Massachusetts' T to as many States as possible. For his reason, I am pleased to be a conponsor of the Jobs for Employable Dependent Individuals Act [JEDI], egislation to encourage States to dopt similar training and placement rograms. Through a system of bonus ayments, JEDI would reward States hich establish successful programs or long-term welfare dependents. onus payments would be based on e Federal savings produced through e placement of welfare recipients in nsubsidized employment for at least year. The States would be required reinvest their bonus payments in ngoing training programs.

As a complement to the JEDI legisation, I have also joined Senator SPECER in introducing S. 281, the Opportuities for Employment Preparation ct of 1987. This legislation would esablish an outreach and feeder ystem—utilizing existing communityased organizations—to provide reemployment and counseling servces to long-term welfare dependents. rganizations like the National Urban eague and the opportunities industrilization centers could play a vital role preparing these Americans for the ew training and placement systems ut in place to take advantage of the EDI incentive plan. I am pleased to ote that portions of S. 281 have been cluded in the measure now before us hich will enhance the focus and efctiveness of the JEDI legislation.

Mr. President, we have an exciting pportunity to help refocus our Nation's welfare-to-work system; to encourage and reward programs which train and employ long-term dependents. For every parent we help place in a productive job there is one less American family consigned to years of dependency and despair on the welfare rolls.

But let's not stop here. Let's consider this our shot across poverty's bow: The opening salvo of our two-pronged attack on the very problems which make people poor and keep them poor.

First, let's pledge to continue working for comprehensive welfare reform. While welfare-to-work programs are important—very important—they are no panacea. True welfare reform must also include a basic restructuring of the Federal benefits system to make it more responsive to people's immediate needs. We must also examine new child support enforcement mechanisms and increase access to affordable, quality child care services. I look forward to a close working relationship between our Labor and Human Resources Committee and the Senate Finance Committee as we move to tackle these and other critical welfare reform issues.

Second, let's examine the programs we already have on the books to see if we can do a better job of targeting Americans "at-risk" before they become long-term welfare dependents. For example, within the next few weeks, we will consider model legislation to address the high school dropout problem. Later this year, during the reauthorization of the Elementary and Secondary Education Act, we will also have the opportunity to improve compensatory education for disadvantaged children, to promote new literacy initiatives, basic skills education and early intervention programs. We have the resources at our disposal; the statutory structure is in place. Let's work together to launch a preemptive strike against welfare dependency.

Mr. President, we do indeed face a historic test of our Nation's progress; America is a sea of affluence but there are islands of deep neglect. We can meet this test if we are willing to invest in the productive future of our low-income families. The human benefits will be great—self-sufficiency, stronger family life, and the opportunity to take advantage of all our Nation has to offer. The payoff for society will be just as great—millions of dollars in welfare savings and a better educated and productive workforce as we move into the 21st century.

Mr. WEICKER. Mr. Speaker, I rise today in support of S. 514, an important piece of legislation which will enable many who are currently dependent on Federal benefits, to leave those benefit rolls, and join the Nation's workforce.

In large measure, S. 514 was crafted to address the so-called creaming phenomenon which has been far too common among Job Training Partnership Act [JTPA] grantees. "Creaming" refers to the practice of serving primarily those who are the easiest to train and place in jobs—leaving behind a core of chronic un- and under-employed welfare dependents. In order to address this problem, S. 514 amends JTPA to establish an incentive bonus system to get welfare dependent individuals trained, employed, and thus off the welfare rolls.

I am particularly pleased that the bill before the Senate today incorporates several provisions that will extend the proposed incentive bonus system to include job training and placement for disabled individuals receiving supplemental security income—many of whom have been victims of "creaming" practices.

Disabled individuals are currently eligible for services through JTPA. However, recent national estimates indicate that only 9.7 percent of our Nation's disabled receive job training and placement through JTPA programs. Yet a recent Harris poll indicates that two-thirds of disabled people between the ages of 16 and 64 are unemployed.

There was a time in our Nation's history when we could look at that unemployment rate—66 percent—and accept it because we thought disabled individuals couldn't measure up—that they were limited in their ability to enter the workforce and become independent, productive participants in the American way of life.

Well, no more. Fortunately for all of us, this doctrine of limitations has been replaced with a recognition of capacity—an understanding that with appropriate education, training, and support, individuals with disabilities can enter the competitive work force and take their rightful place in our communities as valued participants. And we can help them help themselves by making available the education, training, and other support needed to achieve the goals of independence, productivity, and integration.

The amendments in the Job Training Partnership Act included in S. 514 will assist in that endeavor, and remove one more barrier along the road toward full integration of disabled individuals into the mainstream of life. The amendments will encourage States to train and place disabled people who receive supplemental security income, and require States to consider the unique needs of disabled individuals in their planning and coordination of services under JTPA. Such amendments make economic sense because they will enable consumers of tax dollars to become taxpayers. Ultimately, we all gain.

I urge the passage of this legislation.

Mr. GLENN. Mr. President, few if any of us question the need for welfare reform and more effective job training. However, many people differ on the methods we should use to reach these goals. Earlier this session I became an original cosponsor of welfare and job training legislation that merits support even from people with diverse views.

This legislation is unique in that it will provide, for the first time, remedial education and meaningful job training for welfare recipients; for many such persons, education and job training are the sine qua non for permanently entering the labor force. This program will give long-term dependent individuals a hand up, not a hand out. Further, it will do this at no net cost to the Federal Government, and possibly could generate significant savings.

A number of States have already made tremendous strides in reducing the number of long-term AFDC recipients. In my own State of Ohio for example, the WIN Program has successfully placed 43,000 welfare recipients in full time jobs in the past 2 years. The Governor's office estimates that WIN returns more than $11 to the economy for every $1 invested. Unfortunately, this worthwhile program has repeatedly been targeted for termination by this administration.

Job training is an important tool in keeping this country competitive. However our Federal job training programs must begin to address the training and retraining needs of all able-bodied Americans who want to work. JEDI is a step in that direction.

Until now Federal job training programs have ignored the training needs of AFDC recipients, in part because these individuals are harder to place and more expensive to serve than most. What I find particularly attractive about this bill is that it creates an incentive for States to educate, train, and employ these long-term welfare recipients in a cost-effective way that also in the long run reduces the Federal deficit. For every individual trained and privately employed for 1 year, the State will receive from the Federal Government a bonus of 75 percent of the Federal AFDC benefits that would have been received by that person if the person had been unemployed. In the second year of employment, the State will receive 50 percent of the predicted AFDC payment and, in the third year, 25 percent. In Ohio that would mean a State bonus of $1,422 per person in the first year, $948 the second year, and $474 the third year. Another attractive feature of this bill is that the bonuses paid by the Federal Government will come not from general Federal revenues but from the savings accrued through reduced AFDC payments.

This legislation also permits States to use the Job Training Partnership Act title IIB funds for year-round remedial education and training for AFDC recipients 21 years old or younger, thus targeting much needed job training for "at-risk" populations.

Mr. President, as an original cosponsor of this bill I urge my colleagues to join me in supporting this important job training and welfare reform legislation.

Mr. MATSUNAGA. Mr. President, I rise to commend the chairman of the Committee on Labor and Human Resources, Senator KENNEDY, for spearheading the enactment of a most worthy proposal, and I am pleased to be an original cosponsor of the bill. S. 514, the Jobs for Employable Dependent Individuals Act, is intended to provide incentives to States and local job training deliverers to train more hard-to-serve individuals and to place them in permanent, unsubsidized jobs.

This goal has dual benefits:

First, it will give individuals who have been caught in the welfare cycle a chance to overcome the barriers raised by a lack of skills in obtaining employment, and to help them achieve self-sufficiency, pride and dignity. Second, because it will take individuals off the Federal and State welfare roles, it will ultimately save Government funds.

Mr. President, there has been much talk in recent years about requiring recipients of aid to families with dependent children to work in order to continue to receive their benefits. S. 514 would take a much more humane approach to getting people back to work and rid us of the assumption that individuals on welfare do not want to work. The key is to ensure that we do not set up administrative disincentives which discourage service to such individuals, but, rather, put measures into place which create incentives to train and to find employment for the neediest among us. The problem is not, as our past efforts have suggested, that people do not want to work, the problem is that we have created the wrong administrative incentives for serving our welfare-dependent population. We are provided the opportunity by this bill to begin to rectify those errors.

Mr. President, I wish, again, to express my strong support for the pending bill, and commend my colleagues on the Committee on Labor and Human Resources for dealing with a major issue in a positive and cooperative manner.

Mr. GRASSLEY. Mr. President, I congratulate my colleague from Massachusetts for bringing forth this legislation and am proud to join as a cosponsor of this bill because it addresses the complicated issue of welfare dependency. I'm sure the Labor Committee and its staff put much time and work on this proposal.

This bill represents an important step toward addressing the problems of welfare dependency. It is unfortunate that so many of our citizens must rely on Government programs for their livelihood. As most of you are aware, I have long worked to reduce welfare dependency, including that in the defense industry. Today's bill won't help the Defense Department's welfare queens, but it will help individuals truly in need of a helping hand.

This bill gets at the heart of the welfare problem by rewarding States for developing programs which help persons dependent on welfare to become self-sufficient. All people have the right to know the sense of self respect from bringing home their own paycheck and supporting themselves.

I also strongly support the part of this proposal which leaves specific initiatives up to the States. State legislators and State Department of Human Services officials know much better than we Washington politicians what kind of programs work best with their citizens.

This bill represents good public policy and I urge the support of my colleagues.

Mr. DOLE. Mr. President, the Jobs for Employable Dependent Individuals Act, commonly referred to as the JEDI bill is the first step the Senate has taken toward enacting welfare reform legislation. This is an important issue. Since the major emphasis of welfare reform will be on work, I commend the Senator from Massachusetts for his contribution and for making this a bipartisan effort.

This legislation should complement whatever the Finance Committee may choose to do. It is my understanding that there has been an agreement reached with the Finance Committee on some language relating to programs under that committee's jurisdiction. This amendment should satisfy the concerns of those of us who serve on that committee, which has jurisdiction over the AFDC Program itself.

CONCEPT IS COMMENDABLE

Mr. President, the JEDI Program is targeted on hard-core welfare recipients who have not had a fair opportunity to gain job skills or actually participate in the work force. Both Republicans and Democrats alike, liberals and conservatives, have come to recognize the importance of providing employment opportunities for women who receive AFDC benefits. It is not doing them any favors to keep them on welfare indefinitely—this approach only increases their dependency on the system, instead of providing them with an opportunity to join the mainstream of our society.

IMPORTANT STEP IN RIGHT DIRECTION

Mr. President, whatever the Finance Committee does from this point on with regard to changes in the AFDC Program and Child Support Enforcement Program will further the efforts

of those who recognize the value of a strong work component in any welfare system. The Senator from Kansas supports the concept of the JEDI Program and supports this legislation. It has been a true bipartisan effort and this Senator hopes that this type of program will be successful.

Mr. KENNEDY. Mr. President, the leadership has requested a brief quorum call. I ask unanimous consent that it be in order at this time.

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

The legislative clerk proceeded to call the roll.

Mr. SIMON. 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. KENNEDY. Mr. President, I ask unanimous consent to yield to the Senator from Illinois 3 minutes.

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

Mr. SIMON. Mr. President, I commend the Senator from Massachusetts for his leadership, and Senator HATCH, Senator QUAYLE, and others. We have a good, bipartisan piece of legislation. It does something that is important in our country; that is, it moves on the problem of unemployment. It does it not with any huge step, but with a small step in the right direction and we have to take more small steps in the right direction.

I just came from a hearing of the subcommittee I chair, where a Cleveland executive has talked about the rising number of racial incidents in Cleveland. What is true in Cleveland is true in New York City, it is true in Boston, it is true in Chicago; it is true, I am sure, in Louisville and the other communities represented on the floor.

I was on a radio call-in program in Chicago recently and a woman called in. I was talking about a jobs bill I had introduced. She called in and said, "You know the reason I am unemployed?"

I said, "Why?"

She said, "The blacks have all the jobs. If we had more people working, we would not have the kind of racial tensions that we have in our society today."

It is not simply statistics, Mr. President. I think of a young man I talked to in Chicago by the name of Willie Morris, who lives with his mother and his five younger brothers and sisters and is desperate for a job.

In talking to me, he said, "Last week I didn't eat 2 days." He said, "My mother doesn't know it, but I didn't want to take food away from my younger brothers and sisters."

It should not happen. A man in Hanover Park, 53 years old, called me, desperate for a job. This is a middle-class white suburb. He said, because of his family finances his 16-year-old daughter is threatening to commit suicide, and he asks, "Does anyone care?" And he really was not asking a question. He was really saying, "No one cares."

Yesterday, Mr. President, I had lunch with a group representing the handicapped and they gave me one statistic that is astounding. I know that handicapped Americans, Americans with disabilities face extra problems in employment. Among the employable blacks with handicaps in our society today, the unemployment rate is 82 percent. And of the other 18 percent, the average income is $4,000 a year.

The reality is we have not made the priority out of employment that we should. What Senator KENNEDY and Senator HATCH—and I am pleased to be a cosponsor—and the others have put together is a bill that makes just a little more of a priority in this Nation of putting people to work who are hard to employ. I think it is a significant step in the right direction. I am proud to be a small part of it.

S. 514 provides an important first step toward addressing the needs of unemployed individuals in America. The bill provides incentive bonuses to States that train and successfully place AFDC and SSI recipients in jobs, focusing directly on individuals who are most likely to become long-term welfare recipients absent such assistance. To be quite honest, this bill corrects a longstanding problem with the Job Training and Partnership Act—the creaming of those least in need of services and employment assistance. Performance standards under JTPA reward successful placements and so they encourage those who operate the programs and contract with service providers to serve those who will be more easily placed. I was pleased to sponsor a provision in the bill which amends the performance standards in JTPA to also acknowledge training programs which serve individuals with remedial education needs.

The bill provides incentive bonuses which are funneled back to those agencies and organizations which have provided the training—be they State agencies, educational institutions, or community-based organizations. The funds can then be used to expand or enrich training programs for these hard-to-serve groups.

In addition, S. 514 provides greater flexibility in the JTPA disadvantaged youth employment programs. SDA's may provide summer employment opportunities to disadvantaged youth, or year-round activities, or both.

While the incentive bonus and summer youth employment provisions of this bill provide an excellent first step toward meeting the needs of unemployed individuals, they are only that—a first step. I am also sponsor of two bills which reach out to displaced workers and unemployed individuals before they are forced to join the welfare roles. S. 538, the Economic Dislocation and Worker Adjustment Assistance Act, provides reemployment assistance—training, counseling, and placement assistance—to individuals before they go on unemployment compensation due to layoff or plant closure.

S. 777, the Guaranteed Job Opportunity Act, provides an employment safety net for all unemployed individuals who are unable to find work in the private sector. Individuals would not be required to hit bottom—economically and emotionally—before being lifted up. The program would provide minimum wage jobs in public sector projects for individuals who have been unemployed for 5 weeks.

Each of these legislative proposals contribute to what must be our Nation's highest priority—putting Americans back to work.

Again, I commend Senator KENNEDY for his leadership and Senator HATCH and the Republicans for putting this out also. It is a genuine bipartisan bill that nudges us a little more in the direction that we ought to go as a nation.

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

Mr. KENNEDY. Mr. President, I ask that the Senator from Michigan [Mr. LEVIN] be added as a cosponsor.

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

Mr. KENNEDY. I thank the Senator from Illinois for his work on this legislation and for his comments. We are prepared to vote.

Mr. HATCH. Mr. President, I thank the Senator from Illinois and also the Senator from Massachusetts for their kind comments. We really do appreciate this bill. It is going to make a lot of difference. We are prepared to vote.

The PRESIDING OFFICER. Both sides have yielded back their time. The question is on agreeing to the committee amendment in the nature of substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the committee amendment, in the nature of a substitute, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. No further amendments are in order. The question is on the engrossment and the third reading of the bill.

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 the bill pass?

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 Delaware [Mr. BIDEN] is necessarily absent.

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

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—99

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

NAYS—0

NOT VOTING—1

Biden

The bill (S. 514), as amended, was passed, as follows:

S. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Jobs for Employable Dependent Individuals Act".

INCENTIVE BONUS ENTITLEMENT FOR EMPLOYABLE DEPENDENT INDIVIDUALS

SEC. 2. The Job Training Partnership Act (hereafter in this Act referred to as the "Act") is amended—

(1) by redesignating title V and all references thereto as title VI,

(2) by redesignating sections 501, 502, 503, and 504 as sections 601, 602, 603, and 604, respectively, and

(3) by inserting after title IV the following new title:

"TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

"STATEMENT OF PURPOSE

"SEC. 501. It is the purpose of this title to entitle each State to the payment of a bonus for the successful job placement of certain employable dependent individuals.

"ELIGIBILITY BASIS FOR INCENTIVE BONUS ENTITLEMENT

"SEC. 502. (a) An individual who is a head of a household shall be eligible to be counted for the purpose of a payment of an incentive bonus under this title if the individual—

"(1)(A) has received benefits continuously under—

"(i) a State plan approved under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or

"(ii) section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees,

for at least 2 years prior to participation in education, training, and supportive services designed to provide jobs for such individuals; and

"(B) has no work experience for the year preceding the year for which the determination of eligibility is made; or

"(2)(A) receives benefits at the time the determination of eligibility under this title is made under a State plan under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, and

"(B) has—

"(i) not attained 22 years of age,

"(ii) not completed secondary school or its equivalent, and

"(iii) no work experience for the year preceding the year for which the determination of eligibility under this title is made; and

"(3) meets the requirements of subsection (c).

"(b) An individual who is blind or disabled shall be eligible to be counted for the purpose of a payment of an incentive bonus under this title if the individual—

"(1)(A) has received benefits continuously under title XVI of the Social Security Act relating to supplemental security income program for at least 2 years prior to participation in education, training, and support services designed to provide jobs for such individuals; and

"(B) has no work experience for the year preceding the year for which the determination of eligibility is made; or

"(2)(A) receives benefits at the time the determination of eligibility under this title is made under title XVI of the Social Security Act relating to supplemental security income, and

"(B) has—

"(i) not attained 22 years of age,

"(ii) no work experience for the year preceding the year for which the determination of eligibility under this title is made; and

"(3) meets the requirements of subsection (d).

"(c) An individual meets the requirements of paragraph (3) of subsection (a) if the individual—

"(1) participates in education, training, and supportive services designed to provide jobs for such individuals;

"(2) is placed in nonsubsidized employment for at least 1 year after such participation;

"(3) receives from the employment described in clause (2) income equal to or greater than the amount of cash benefits which the family received in the preceding year under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees; and

"(4) no longer qualifies for benefits described in clause (3).

"(d) An individual meets the requirements of paragraph (3) of subsection (b) if the individual—

"(1) participates in education, training, and support services designed to provide jobs for such individuals;

"(2) is placed in employment or supported employment (as such term is defined in section 7(18) of the Rehabilitation Act of 1973) for at least 1 year after such participation;

"(3) receives from the employment described in clause (2) income equal to or greater than the amount of cash benefits which the individual received under title XVI of the Social Security Act relating to supplemental security income; and

"(4) no longer qualifies for benefits described in clause (3).

"(e) Each State shall be entitled to (subject to funds provided in appropriation Acts) receive an incentive bonus payment for the placement in accordance with the provisions of this title of individuals who are eligible under this section.

"(f) An individual shall not be considered to meet the requirements of subsection (c)(1) or (d)(1) if the individual participates in employment-related services and activities in a program established under the Social Security Act. For the purpose of the preceding sentence, an individual's receipt of medical services under title XIX of the Social Security Act or registration for manpower services, training, employment, and other employment-related activities pursuant to the Social Security Act shall not be treated as participation in employment-related services and activities in a program established under the Social Security Act.

"AMOUNT OF INCENTIVE BONUS

"SEC. 503. (a) The amount of the incentive bonus paid to each State under this title shall be equal to—

"(1) 75 percent of the placement bonus base for each successful placement of an individual described in section 502;

"(2) 50 percent of the placement bonus base for the second continuous year of such employment; and

"(3) 25 percent of the placement bonus base for the third continuous year of such employment,

in excess of the number of such placements made in fiscal year 1986 or such other base period as provided by agreement between the Governor and the Secretary.

"(b) For the purpose of this section, the placement bonus base—

"(1) for an individual who qualifies under section 502(a)(1) is equal to the sum of the Federal contribution to amounts received by the individual and the family of such individual under a State plan approved under part A of title IV of the Social Security Act, relating to aid to families with dependent children, or under section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to

refugees, or both, for the 2 fiscal years prior to the determination made under section 502 divided by 2; and

"(2) for an individual who qualifies under section 502(a)(2) shall be the annual amount to which such individual would have been entitled for one year at the time of the determination of eligibility of the individual, if such individual has not received the benefits described in section 502(a)(2) for the prior year, under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act relating to cash assistance and medical assistance to refugees.

"(c) For the purpose of this section, the placement bonus base—

"(1) for an individual who qualifies under section 502(b)(1) is equal to the sum of the Federal contribution to amounts received by the individual under title XVI of the Social Security Act relating to supplemental security income for the two fiscal years prior to the determination made under section 502 divided by 2; and

"(2) for an individual who qualifies under section 502(b)(2) shall be the annual amount to which such individual would have been entitled for one year at the time of the determination of eligibility of the individual, if such individual has not received the benefits described in section 502(b)(2) for the prior year under title XVI of the Social Security Act relating to supplemental security income.

"APPLICATIONS AND VERIFICATION REQUIRED

"SEC. 504. (a) Each State providing training to individuals qualifying for the incentive bonus under this title shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) set forth the bonus base for the placement of individuals qualifying under this title in the State;

"(2) set forth the nonsubsidized employment or supported employment (as such term is defined in section 7(18) of the Rehabilitation Act of 1973) for each such individual and the annual amount earned;

"(3) set forth the amount of cash benefits under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, or section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, received by each individual placed pursuant to clause (1) of this subsection and the amount of cash benefits under title XVI of the Social Security Act relating to benefits for disabled individuals under the supplemental security income program received by each individual placed pursuant to clause (1) of this subsection;

"(4) describe the arrangements for carrying out sections 502(c)(1) and 502(d)(1) relating to the provision of education, training, and supportive services; and

"(5) set forth such additional information as the Secretary determines to be necessary.

"(b) The Secretary may not approve an application under this section without adequate verification of the placements described in the application of the State made under subsection (a).

"PAYMENTS

"SEC. 505. The Secretary shall pay (subject to funds provided in appropriation Acts) to each State the amount to which the State is entitled by reason of an application approved under section 504.

"RESERVATION OF INCENTIVE BONUS; USE OF FUNDS

"SEC. 506. (a) The Governor shall reserve an amount which is equal to the amount the State receives for incentive bonuses under section 505 and shall distribute such incentive bonus amounts in accordance with subsection (b).

"(b)(1) The Governor shall, from the amount reserved under subsection (a), set aside an amount, not to exceed 15 percent of the amount so reserved in each fiscal year, for distribution to participating State agencies to support the costs of establishing and maintaining systems necessary for the operation of the program under this title, including technical assistance, management information systems, postprogram followup activities, and research and evaluation activities.

"(2) The Governor shall distribute the remainder of the amount so reserved in each fiscal year to participating agencies, private industry councils in service delivery areas, and service providers, including community-based organizations, who contribute to the program authorized by this title.

"(c) Funds distributed pursuant to paragraph (2) of subsection (b) may be used only for outreach, basic and remedial education, including language training for limited English proficient individuals, training and supportive services, including child care and transportation, designed to prepare participants for, or place individuals in, jobs.

"EVALUATION OF PROGRAM

"SEC. 507. (a) The Secretary shall, directly or by contract or other arrangement, conduct a thorough evaluation of the program authorized by this title.

"(b) Not later than 3 years after the date of enactment of this title, the Secretary shall prepare and submit a report to the Congress on the evaluation activities conducted under subsection (a) and the results of such activities, together with an analysis on the costs of the program authorized by this title and the savings in payments under part A of title IV of the Social Security Act, relating to the aid to families with dependent children program, under section 412(e) of the Immigration and Nationality Act, relating to cash assistance and medical assistance to refugees, or under title XVI of the Social Security Act relating to supplemental security income program.".

PROVISIONS FOR IMPROVING ASSISTANCE TO HARD-TO-SERVE INDIVIDUALS AND WELFARE RECIPIENTS

SEC. 3. (a) Section 201 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) For program years beginning July 1, 1988, and thereafter, the allotment from funds appropriated for such program year of a State shall be reduced by the amount that the unexpended balance at the end of the program year prior to the program year for which the determination under this subsection is made exceeds 20 percent of the State's allocation for that fiscal year and the unexpended balance from the program year prior to that program year.

"(2) Amounts available pursuant to paragraph (1) of this subsection shall be reallotted to States by the Secretary in accordance with States' need for and ability to use the funds for the purposes of this title.".

(b) The first sentence of section 202(b)(3)(B) of the Act is amended by striking out ", including incentives for serving hard-to-serve individuals" and inserting in lieu thereof "and incentives for serving increased numbers of hard-to-serve individuals, particularly long-term welfare recipients, including title IV of the Social Security Act relating to aid to families with dependent children and title XVI relating to supplementary security income".

(c) Section 106(e) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary shall—

"(A) provide improved information and technical assistance on performance standards adjustment approaches;

"(B) collect data that better specifies hard-to-serve individuals and long-term welfare dependency; and

"(C) provide guidance on setting performance goals at the service provider level that encourages increased service to the hard-to-serve, particularly long-term welfare recipients, including title IV of the Social Security Act relating to aid to families with dependent children and title XVI relating to supplementary security income.

The Secretary shall also reexamine performance standards to ensure that such standards provide maximum flexibility in serving the hard-to-serve, particularly long-term welfare recipients, including title IV of the Social Security Act relating to aid to families with dependent children and title XVI relating to supplementary security income.".

(d) Section 106 of the Act is amended by adding at the end thereof the following new subsection:

"(i)(1) The basic measure of performance for adult education programs under section 204 shall be the attainment of educational competence in reading, writing, and computation, including, where appropriate, acquisition of the graduate equivalency degree in order to reduce welfare dependency by increasing individual employability. In order to determine whether the basic measures are achieved, the Secretary shall prescribe standards on the basis of appropriate factors which should include: (A) satisfactory progress toward mastering the basic academic competencies, (B) measured progress through each grade level, (C) retention in the program and placement, if possible, in employment, and (D) satisfactory completion of the graduate equivalency degree.

"(2) Nothing in this subsection shall be construed to modify the performance standard prescribed in subsection (b) of this section.".

AFDC/SSI AND SUMMER YOUTH PROGRAM

SEC. 4. (a) This section may be cited as the "AFDC/SSI and Summer Youth Employment and Training Amendments of 1987".

(b) Section 104(b) of the Act is amended—

(1) by striking out "and" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof "; and"; and

(3) by inserting at the end thereof the following new clause:

"(11) for service delivery areas intending to operate or operating a program under section 254, a comprehensive plan of service in accordance with the requirements of section 254(c)(1).".

(c) Section 105(b)(1) of the Act is amended—

(1) by striking out "or" at the end of clause (D),

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof "; or", and

(3) by inserting at the end thereof the following new clause:

"(F) for service delivery areas intending to operate or operating a program under section 254, the plan (or modification) does not include the required comprehensive plan of service (in accordance with the requirements of section 254(c)(1)).".

(d) Section 106(b) of the Act is amended—

(1) by striking out "also" in paragraph (2) of such subsection,

(2) by inserting in paragraph (2) of such subsection after "programs" the first time it appears the following: "under part A of title II",

(3) by redesignating paragraph (3) of such subsection as paragraph (4), and

(4) by inserting after paragraph (2) of such subsection the following new paragraph (3):

"(3) The Secretary shall, at such time as the Secretary deems appropriate, prescribe standards for evaluating the performance of the AFDC youth and SSI youth employment and training program under section 254. In prescribing such standards, the Secretary shall designate factors which, in addition to appropriate utilization of the factors described in paragraphs (1) and (2), may include, to the extent practicable, measures of basic education gains and reduced welfare dependency.".

(e) Section 202(b)(3)(B) of the Act is amended by inserting "under this title" after "programs" where it first appears.

(f)(1) Part B of title II of the Act is amended to read as follows:

"PART B—SUMMER AND AFDC/SSI YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"SEC. 251. (a) The purpose of programs assisted under section 253 is to—

"(1) enhance the basic educational skills of youth;

"(2) encourage school completion, or enrollment in supplementary or alternative school programs; and

"(3) provide eligible youth with exposure to the world of work.

"(b) In addition to the purposes described above, the programs assisted under section 254 are intended to—

"(1) provide AFDC and SSI youth with the skills necessary for entering the labor force;

"(2) assist AFDC and SSI youth in addressing problems which prevent them from becoming productive members of society; and

"(3) reduce welfare dependency by targeting resources to help these AFDC and SSI youth, including young mothers receiving AFDC or SSI, who face multiple barriers to employment.

"AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT AND ALLOCATION

"SEC. 252. (a) From the funds appropriated under section 3(b), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Freely Associated States (Republic of the Marshall Islands and the Federated States of Micronesia), the Republic of Palau, the Northern Mariana Islands, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the programs under this part in the fiscal year preceding the fiscal year for which the determination is made.

"(b) The remainder of sums appropriated pursuant to section 3(b) shall be allotted among States in accordance with section 201(b) and allocated among service delivery areas within States in accordance with section 202(a) (2), (3), and (4).

"SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM

"SEC. 253. (a)(1) Funds available under this part may be used for—

"(A) basic and remedial education, institutional and on-the-job training, work experience programs, employment counseling, occupational training, preparation for work, outreach and enrollment activities, employability assessment, job referral and placement, job search and job club activities, and any other employment or job training activity designed to give employment to eligible individuals or prepare them for, and place them in, employment; and

"(B) supportive services necessary to enable such individuals to participate in the program.

"(2) A service delivery area shall assess the reading, writing, and mathematics skill levels of eligible participants in programs funded by this part and shall expend funds (from this Act or otherwise available to the service delivery area, or both) for basic and remedial education as described in the job training plan under section 104.

"(b)(1) Programs under this section shall be conducted during the summer months, except that a service delivery area may—

"(A) within the jurisdiction of any local educational agency that operates its schools on a year-round full-time basis, offer the programs under this section to participants during a vacation period treated as the equivalent of a summer vacation; or

"(B) use all or part of the funds under this part for conducting year round exemplary youth programs authorized under section 205 of this Act.

"(2) Except as provided in paragraph (3), individuals eligible under this section shall be economically disadvantaged youth consistent with section 4(8) of this Act.

"(3) Eligible individuals aged 14 or 15 shall, if appropriate and set forth in the job training plan, be eligible for summer youth programs under this section.

"(c)(1) Private industry councils established under title I, chief elected officials, State job coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this section as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of title II.

"(2) In accordance with the provisions of paragraph (1), each service delivery area shall establish written program goals and objectives which shall be used for evaluating the effectiveness of programs conducted under this section. Such goals and objectives may include—

"(A) improvement in school retention and completion;

"(B) improvement in academic performance, including reading, writing, and mathematics comprehension;

"(C) improvement in employability skills; and

"(D) demonstrated coordination with other community service organizations such as local educational agencies, law enforcement agencies, and drug and alcohol prevention and treatment programs.

"AFDC/SSI YOUTH EMPLOYMENT AND TRAINING PROGRAM

"SEC. 254. (a) In addition to or in lieu of the services for youth available in accordance with section 253, each service delivery area may elect to use funds available to it under this part for the program described in this section.

"(b)(1) The program under this section may be conducted on a year-round basis.

"(2) An individual shall be eligible to participate in the program under this section only if—

"(A) such individual is aged 16 through 21, or if appropriate and set forth in the job training plan, such individual is aged 14 through 21,

"(B) such individual is receiving payments, or such individual is an individual whose needs are considered in determining payments, made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act or title XVI of the Social Security Act relating to supplemental security income, and

"(C) such individual is at risk of becoming a long-term welfare recipient or long-term unemployed.

"(c) A service delivery area electing to operate a program under this section shall—

"(1) describe in its job training plan a comprehensive plan of service containing—

"(A) the process for assessing the needs of each participant (including educational, training, employment, and social service needs);

"(B) the services (including supportive services necessary to enable such individuals to participate in the program) and activities to be provided, including the agencies that will provide such services, and an estimate of the length of time service will be provided to the participant; and

"(C) goals to be attained, including the intermediate success points to be pursued during the course of participation; and

"(2) provide the necessary services, where the assessment of the participant pursuant to subsection (c)(1)(A) indicates a need, including where appropriate—

"(A) basic and remedial education;

"(B) drug and alcohol abuse counseling;

"(C) child care classes; and

"(D) life skills planning classes.

"(d) Funds available for the program under this section may be used to provide, in addition to the services required under subsection (c), the following services:

"(1) classroom training, on-the-job training, work experience, job search assistance, employment counseling, world-of-work orientation, any of the activities described under section 205 of this Act, and any other educational, employment, or job training activity designed to prepare participants for, or place individuals in, employment; and

"(2) other supportive services for such individuals.

"(e) Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this section as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of title II, except that private industry councils shall have the additional responsibility under this section of ensuring that the job training plan provide for coordination of service delivery areas, local welfare agencies, and local educational agencies in the planning, program design, and the provision of services to participants.

"(f) The Secretary and the Secretary of Health and Human Services shall issue regulations jointly relating to the safeguarding and sharing, between service delivery areas and agencies administering a plan under part A of title IV of the Social Security Act, of information concerning programs under this part that is necessary for carrying out the purposes of such programs, and of the State plans approved under part A of title IV of the Social Security Act.".

(2) The table of contents of the Act relating to part B of title II is amended to read as follows:

"PART B—SUMMER AND AFDC/SSI YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 251. Purposes.
"Sec. 252. Authorization of appropriation; allotment and allocation.
"Sec. 253. Summer youth employment and training program.
"Sec. 254. AFDC/SSI youth employment and training program.".

(g) The amendments made by this section shall take effect on October 1, 1987.

CONFORMING AMENDMENTS

SEC. 5. (a) Section 104(b) of the Act (as amended by subsection (b)) is further amended—

(1) by redesignating clauses (7), (8), (9), (10), and (11) as clauses (8), (9), (10), (11), and (12), respectively; and

(2) by adding after clause (6) the following new clause:

"(7) a description of the procedures and methods of carrying out the provisions of title V, relating to incentive bonus payments for employable dependent individuals;".

(b) Section 106(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(5) In prescribing performance standards under this section for programs authorized by section 109 and title V, relating to the placement of certain employable dependent individuals, the Secretary shall weigh the placement of such individuals in accordance with the average cost of successful placement of such individuals compared to the average cost of successful placement of individuals eligible for services under part A of title II of this Act.".

(c) Section 121(b) of the Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) The State plan shall include a description of the manner in which the State will encourage the successful carrying out of—

"(A) training activities for employable dependent individuals whose placement is the basis for the payment to the State of the incentive bonus authorized by title V; and

"(B) the training services, outreach activities, and preemployment supportive services furnished to such individuals.".

(d) Section 164 of the Act is amended by striking out "titles II and III" and inserting in lieu thereof "titles II, III, and V".

(e) Section 3 of the Act is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of title V of this Act.".

(f)(1) Part D of title I of the Act is amended by adding at the end thereof the following:

"CONSTRUCTION

"SEC. 172. (a) Nothing in this Act shall be construed in any way to limit the right of persons to remain eligible for assistance under title XIX of the Social Security Act relating to Medicaid pursuant to section 1619(b) of such Act.

"(b) Nothing in this Act shall be construed to authorize the use of funds under this Act for the ongoing support services provided to handicapped individuals placed in supported employment, as such term is defined in section 7(18) of the Rehabilitation Act of 1973.".

(2) The table of contents of the Act is amended by inserting after item "Sec. 171." the following new item:

"Sec. 172. Construction.".

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

The title was amended so as to read: "A bill to amend the Job Training Partnership Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to add an enriched program option of employment and training for AFDC/SSI youth and to the summer youth employment and training program, and for other purposes.".

Mr. BYRD. Mr. President, I thank the managers, Senator KENNEDY, Senator MOYNIHAN, Senator HATCH, and Senator QUAYLE, and commend them on a job well done. They have demonstrated skill, knowledge, and master craftsmanship. It is a good product. It is an important piece of legislation. Again I thank them.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I do not want to get the floor and hold it while other Senators wish to speak.

The PRESIDING OFFICER. Will the Senator suspend while the Senate comes to order.

The Senator from West Virginia.

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

I will not detain Senators who wish to speak.

There are three joint resolutions on the calendar which under the law are entitled to 10 hours on each and any Senator may move to call up these resolutions. They are privileged resolutions.

I am hoping that a time agreement can be worked out whereby the 10 hours can be considerably reduced, and I have been discussing this matter with the Republican leader and with Senator HELMS and others. There are Senators at the moment who wish to speak out of order.

I take the floor at this moment to inform Senators that there will be other rollcall votes this afternoon.

I see the distinguished Senator from North Carolina [Mr. HELMS]. Does he have any suggestion at the moment with respect to these joint resolutions?

Mr. HELMS. Mr. President, I thank him very much. I really do not, because some Senators have indicated they want to speak at some length. I believe that as we move into this, there will be a tendency to reduce the time. But at the moment, no.

Mr. BYRD. Very well.

Mr. HELMS. We will just proceed and feel our way.

Mr. LUGAR. Mr. President, will the majority leader yield for a moment?

Mr. BYRD. Yes.

Mr. LUGAR. I appreciate the distinguished majority leader yielding.

Let me say I am one of the Senators who believes these issues are extremely important in terms of the foreign policy of the country. They are not trivial and the implications of even having the debate are very substantial.

I am not in a position to agree to a limited time. I have no idea how much time will be required, but I think many Senators would want to be heard in the event we are to get into these issues at all, which in my own judgment would be a mistake.

Mr. BYRD. I thank the distinguished Senator.

We will proceed shortly then in all likelihood to take up one of the three joint resolutions. At the moment there are Senators who wish to speak out of order, and who wish to introduce bills and resolutions.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the conduct of morning business, that Senators may speak therein for not to exceed 3 minutes each and that the period not extend beyond 9 minutes.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

COMMITTEE MEETING REQUESTS

Mr. BYRD. Mr. President, I have in my hands 14 unanimous consent requests for committees to meet. These all have been cleared on the other side of the aisle and each of these requests bears the initials of someone representing the majority leader. The distinguished Senator from North Carolina is standing in the leader's place. As the acting Republican leader, would he approve the consent of these requests en bloc with the understanding that they be spread severally in the RECORD and that we may proceed immediately to clear them?

Mr. HELMS. Mr. President, if the Senator will yield, that is thoroughly agreeable to this side.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER (Mr. MATSUNAGA). Without objection, it is so ordered.

(The committee meeting requests are printed in today's RECORD under Routine Morning Business.)

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I believe this has been cleared with the distinguished chairman, Mr. PELL, that the Senate proceed to Senate Joint Resolution 92 first.

Mr. PELL. Yes.

Mr. BYRD. And then to Senate Joint Resolutions 90 and 91.

Before I do that, Mr. President, I ask unanimous consent that I may yield for not to exceed 3 minutes to my good friend, Mr. DASCHLE, for some morning business.

Mr. WALLOP. Mr. President, will the majority leader yield?

Mr. BYRD. Yes.

Mr. WALLOP. Mr. President, I saw the majority leader's announcement from upstairs that he was going to go to morning business for a period not to exceed 3 minutes. I have come down and I wonder if I could follow Mr. DASCHLE.

Mr. BYRD. Yes; I will be happy to yield to the Senator.

I yield to the Senator from South Dakota and then to the distinguished Senator from Wyoming for not to exceed 3 minutes each. And I ask that I may retain my right to the floor.

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

The Senator from South Dakota is recognized.

Mr. DASCHLE. I thank the majority leader and I thank the Chair for the time.

(The remarks of Mr. DASCHLE are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. BYRD. Mr. President, I yield 3 minutes, without losing my right to the floor, with the same understanding, that the distinguished Senator from Wyoming may proceed as in morning business and may be permitted to speak.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the majority leader and I thank the Chair.

(The remarks of Mr. WALLOP are printed later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

DISAPPROVAL OF PRESIDENTIAL CERTIFICATION—MEXICO

Mr. BYRD. Mr. President, I believe that all parties who are closest involved with these three joint resolutions have been informed that I should move now to proceed to the consideration of one of them, and I am told by the parties that it is agreeable to proceed with Calendar Order No. 72. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 72, Senate Joint Resolution 92.

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

The clerk will report the resolution.

The assistant legislative clerk read as follows:

Calendar Order No. 72, Senate Joint Resolution 92, disapproving the certification by the President under section 481(h) of the Foreign Assistance Act of 1961.

The Senate proceeded to consider the joint resolution which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That the Congress hereby disapproves of the determination of the President with respect to Mexico as contained in the certification required by section 481(h) of the Foreign Assistance Act of 1961, received by the Congress on March 2, 1987; unless the President (1) formally notifies the appropriate committees of the Congress, in writing, within fifteen days from the date of enactment of this resolution into law, that he will reexamine the certification of March 2, 1987, with respect to Mexico; and (2) shall provide such committees in writing within ninety days following such notification with the detailed results of the reexamination, including (a) the definition of the term "full cooperation" as contained in Public Law 99-570; (b) any nondrug interdiction and eradication matters which he took into consideration in making the certification with respect to Mexico on March 2, 1987; and (c) a detailed description of the programs which the Government of Mexico has undertaken or will undertake within the next thirty days in order to correct any deficiencies in its drug interdiction and eradication efforts.

The PRESIDING OFFICER. The committee amendment is pending. The statute governing the consideration of the resolution does not permit amendments. The committee amendment falls.

Who yields time?

The Senator from Rhode Island.

RESOLUTIONS OF DISAPPROVAL FOR PAMAMA, MEXICO, AND THE BAHAMAS

Mr. PELL. Mr. President, the resolutions of disapproval as amended were approved by the Committee on Foreign Relations on March 26. The purpose of the joint resolutions is to seek additional information from the administration regarding the state of cooperation with the United States on narcotics matters by Panama, Mexico, and the Bahamas. Now we are dealing with joint resolutions that would have imposed sanctions if the deadline had not already passed.

I very well understand the intent of those Senators who believe that the three countries in question have not "cooperated fully with the United States," to use the expression in the provision of the Anti-Drug Abuse Act of 1986. I believe, however, that similar conclusions might be made if closer scrutiny is given to some of the other countries covered by the administration's certification. We should be demanding better and more complete cooperation from all the countries that are involved in narcotics production or in the narcotics trade, but I have reservations about selecting out certain countries for sanction.

From the foreign policy standpoint, I believe that it is not in the best interest of our relations with these countries, and I also include relations concerning antinarcotics activities, to allow this issue to affect our security and the kinds of cooperation we have received in many areas.

At the appropriate time, I will move to table this and the other joint resolution.

The PRESIDING OFFICER. The Senator from North Carolina.

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

The three joint resolutions which will be considered including the pending one, of course, are a matter of concern in terms of the enormous amount of drugs pouring into this country. In the case of this first joint resolution on Mexico, the law specifically says that unless Mexico, in this instance, has been fully cooperative in terms of money laundering, drug trafficking, and crop eradication, then certification shall be withheld unless it is given under the special national security interest waiver which is provided in the law.

I am deeply concerned about the integrity of this process of certification. This year is the first such certification under the provisions of the Antidrug Abuse Act of 1986. This is the first year in which the new certification process has been undertaken in order to implement this legislation which was passed unanimously in the Senate last October. That legislation was guided through this Chamber by the distinguished Senator from Indiana [Mr. LUGAR] who was then chairman of the Senate Committee on Foreign Relations.

In any case, now is the time for congressional action to implement this legislation to maintain its integrity, and to preserve the vital role of Congress in the certification process. We must not abdicate our responsibility in this case. Too much is at stake. Millions of people around the world and so many of them in this country are being addicted to drugs coming in from various places, with Mexico being one of the greatest offenders.

The joint resolutions of disapproval which the distinguished Senator from Massachusetts [Mr. KERRY] and I

have introduced are intended to send a clear signal to the Governments of Mexico, the Bahamas, and Panama, a signal being that Congress is serious about the war on drugs. If we fail to do this, then the message we will be sending will be that we are not all that serious, that we are not intent upon following the law which the distinguished Senator from Indiana guided through this Senate.

But I think we ought to be clear from the outset. These joint resolutions will not necessarily cut off U.S. foreign aid money to these three countries. The administration can at any time submit certifications for these three countries on the alternate basis of vital national interest rather than on the basis upon which they were submitted to us a few weeks ago; that is, the basis that these countries had cooperated fully with our antidrug efforts over the past year.

Understand, Mr. President, I am quoting from the law. This is not an opinion or position of the Senator from North Carolina. It is the law that these countries and other countries shall not be certified unless they have cooperated fully. That is the provision of the law which was guided through this Senate by the distinguished Senator from Indiana.

The point, Mr. President, is that we must have an honest certification process in order for our antidrug efforts to be successful. And the State Department certification performance to me constitutes an affront to the Congress and to the American people. Rather than present an honest certification to Congress, the State Department chose instead to obfuscate its responsibilities in public trust by engaging in what amounts to a coverup of official narcotics trafficking in Mexico, Panama, and the Bahamas. I am told that our Customs Service was cut out of the certification process by the State Department in order to facilitate the certification of Mexico, Panama, and the Bahamas.

As a matter of fact, I have the transcript of testimony by the Commissioner of Customs, Mr. William Von Raab, before the Senate Appropriations Committee on March 5, of this year, in which he said in response to a question from Senator DECONCINI:

> I cannot comment on the actual progress of the eradication program within Mexico because I am not responsible for that. All I can say is that if it has taken place, its effects have not been felt at the border.

Then Commissioner von Raab went on to say:

> The threat of drugs either being produced and manufactured and/or transshipped through Mexico remains a very serious problem and has not in any way abated in the past year or so. If anything, it continues to rise at a steady rate. In terms of Mexican efforts, the State and local authorities with whom I have worked and the customs officers to whom I am responsible have not given me any information on any cooperation of any particular nature.

Later on in further response to a question from Senator DECONCINI, Commissioner von Raab said:

> In the past year, the only connection I have had with any Mexican officials apart from the newspapers has been a meeting at which the Mexican customs head was in my office. I do not really remember what we talked about, except that nothing happened.

Then Senator DECONCINI said:

> Let me read to you a section out of the International Narcotics Control Strategy Report of March 1987 from the State Department. I ask for your comments.

The portion that Senator DECONCINI read from the report was:

> While existing laws are adequate, Mexican enforcement, interdiction and sentencing is less than adequate and in many cases nonexistent. Narcotic violators still bribe their way out of prison.

Mr. President, are we really going to certify a country with that kind of situation?

The central issue before us, then, Mr. President, is not whether foreign aid—and by that I mean the money of the U.S. taxpayers—whether foreign aid will be cut off to a country as provided for in the law. The central issue before us, it seems to me, is whether or not there will be ruffled feathers on the part of the governments not certified.

My response to that is, who cares? This Senator is interested in stopping this drug trafficking. This Senator is interested in following the law. As far as I am concerned, we are going to do the best we can on both counts. The central issue before us is not the convenience of the Department of State. The central issue is whether or not the administration and Congress are serious about the war against drugs.

We make a lot of speeches and do a lot of talking, but when you get right down to it, you hear some say that we must certify every country, or run the risk of offending the Governments of Mexico or Panama, or harming our relations with them.

Well, I think we ought to do something about our relations. We ought to send a signal to them to stop trafficking narcotics. If we do less than that, I do not think we are measuring up to our responsibility.

The central issue is whether the Government of the United States is making a serious and substantive effort to halt the flow of drugs into the United States, or whether it is just a phony war against drugs. Engaging in coverups on any issue is intolerable and it is particularly intolerable in the area of narcotics interdiction and enforcement.

Owing to our deep concerns about maintaining the integrity of the certification process and about preserving the role of Congress in this process, the distinguished Senator From Massachusetts [Mr. KERRY] and I introduced joint resolutions of disapproval against the certification of Mexico, Panama, and the Bahamas. These certifications under the law purported to assert that all three were "cooperating fully" with the United States in international narcotics matters. We do not believe that the facts support such certification.

Let me just say for emphasis, the law says "cooperating fully." It does not say "except." The law does not say "unless." It says "cooperating fully."

As I read the law, which was managed when it came up in the Senate by the distinguished Senator from Indiana, that does not leave any leeway. Either we follow the law or we do not.

Under the provisions of the Antidrug Abuse Act of 1986, countries must be certified as having "cooperated fully" in three areas: Crop eradication, interdiction of traffickers, and money laundering. Unless countries have "cooperated fully" according to the law, they are subject to stiff sanctions as provided for in the Antidrug Abuse Act of 1986. Under that law, considerations of "vital national interests" may outweigh the lack of full cooperation, and certification is allowable on that basis.

I would have no quarrel with the administration had they chosen that procedure. They did not. They certified to this Congress that Mexico, Panama, and the Bahamas were cooperating fully.

Mr. President, it simply is not so. It is an insult to the Senate that such certification would be sent up here.

Laos and Lebanon have been certified this year on the basis of vital national interests even though they are not cooperating fully with our international narcotics efforts. Laos was certified owing to sensitive bilateral discussions regarding POW and MIA issues. Lebanon was certified because it is Syria which controls the Bekaa Valley and the narcotics trade there. Massive amounts of hashish and opium are produced in the Bekaa Valley and a number of observers believe this was a major factor in Syria's decision to invade and occupy this lucrative drug producing area. The Government of Lebanon exercises no control over the Bekaa Valley, which is under Syrian occupation.

I mention that simply to stress that the administration, meaning the State Department, did not need to send a false certification to the Congress. They had an alternative, which would have been honest and forthright, but they did not choose to do that. They professed that Mexico, Panama, and the Bahamas were fully cooperating, which is simply not so.

The provisions of the Anti-Drug Abuse Act with respect to certifica-

tions and to congressional action are clear. The law states that the President must certify to Congress that,

During the previous year that country has cooperated fully with the United States, or has taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing the laundering in that country of drug-related profits or drug-related moneys.

The law states that certification includes giving consideration "to whether the actions of the Government of the country have resulted in the maximum reductions in illicit drug production which were determined to be achievable." Consideration is to be given to whether such government "has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violaters involved in the traffic in such drugs and substances significantly affecting the United States."

The law states that consideration is to be given to whether such government "has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related moneys."

THE NEED FOR HONEST CERTIFICATION

Now is the time to send a strong signal to those governments who are not fully cooperating with us. It is not the time to try to cover up their lack of full cooperation and sweep under the rug their glaring lack of regard for the destruction of our youth by drug abuse and addiction.

If the State Department wants to certify Mexico, the Bahamas, and Panama, then it should do it not on the basis of full cooperation but on the basis of overriding national security interests. It is not fair to the American people to give the impression that these three countries are fully cooperating with us when they are not. Any number of press reports as well as a substantial amount of information available to our Government clearly indicate the lack of cooperation of these three governments in international narcotics matters and, indeed, official corruption at the highest levels.

If the State Department wants to certify Mexico owing to overriding economic factors invovled in the debt issue, or to certify the Bahamas owing to our naval arrangements with that Government, or to certify Panama owing to the basing there of our Southern Command, then so be it. But I, for one, resent the State Department trying to pull a fast one on Congress and the American people by foisting on us the patent myth that these governments have cooperated fully with the United States.

THE CASE OF MEXICO

As for Mexico, unclassified and classified hearings were in the Senate as well as ample press coverage that have revealed gross corruption and involvement in drug trafficking at all levels of law enforcement agencies including governors of Mexican states and other high officials. The House of Representatives has carefully reviewed the situation in Mexico. Just last year, the House Select Committee on Narcotics Abuse and Control found:

The situation along the U.S.-Mexican border totally out of control and threatening, not only to the region itself, but to the entire country.

There have been no prosecutions for the brutal murders of DEA Agent Enrique Camarena or for the torture of U.S. DEA Agent Victor Cortez. I have been informed that the Customs Service has received no cooperation from Mexico on any drug interdiction case for the past 2 years. As recently as 1 week ago, Mr. Huerta-Perez, a Mexican Customs official, was arrested by DEA agents in El Paso, TX, on charges of running Mexican produced marijuana into the United States.

The scourge of narcotics abuse is destroying American youth. It is destroying the fabric of family life. It is subverting traditional American values. It is eroding our domestic peace and tranquility by escalating violent crime across the country. Firm action is required today in order to prevent the situation from getting still further out of control. The Anti-Drug Abuse Act of 1986 was a major legislative step forward in the war against drugs. The integrity of this legislation must be maintained and the role of Congress in the certification process must be preserved in order that an effective response to the narcotics threat can be successful.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield such time as he desires to the junior Senator from Arizona.

Mr. McCAIN. Mr. President, I rise in strong opposition to Senate Joint Resolution 92. I am not an apologist for Mexico nor for the many evils that beset that very unfortunate country. Nor do I have a lack of concern for the terrible drug traffic that is plaguing our Nation and causing such devastation both here and in Mexico. In fact, Mr. President, a case can be made that my State of Arizona has been affected by the drug traffic to a much greater extent than those represented by my colleagues who have a different view of this resolution than mine. It is difficult for me to imagine, Mr. President, a more counterproductive piece of legislation than that before us today. This resolution does not give any credit to the efforts that have been made by Mexico on drug eradication. In 1985, for example, seizures of cocaine in Mexico increased fivefold over the previous year. In the first 5 months of 1986, that record had already been equalled. The Mexicans have arrested and are now trying 50 individuals in connection with the tragic murder of DEA agent Enrique Camarena. It is worth mentioning that although all evidence points to the fact that drug smugglers killed our brave Drug Enforcement agent, some tried to convey the impression that the Mexican Government was responsible for his death through some kind of collusion.

No, Mr. President, we are not satisfied by the efforts that have been made to date by the Mexican Government in the drug war. No, Mr. President, we believe that there are incredibly larger measures that can be taken. Until those measures are taken, we will be unable to eradicate drug trafficking though Mexico.

My distinguished colleague and friend from North Carolina [Mr. HELMS] talked about corruption and coverup. There are, indeed, those difficulties. I also would like to point out that there are corruption and coverups on our side of the border as well. Just a few weeks ago, in the city of Douglas, AZ, for example, a car went across the border, circled around and came back through 20 minutes later. This car happened to have in its trunk 500 pounds of cocaine. It was apprehended only because there had been a random change of the agent in charge of the gate on the United States side of the border.

I think we all appreciate the enormous corrupting influence of drugs. When you live in a country that has tremendous unemployment, and economic conditions encourage a Government employee who makes $200 a month to make $20,000 for turning his head, there is an enormous corrupting influence.

The fact is however, that we the United States of America, tragically, are creating the demand. There are, according to latest reports, 5 million cocaine users in the United States. And, yes; Mexico has become a major transshipment point for drugs. One of the reasons for this, of course, is because the relative effectiveness of the war on drugs in the State of Florida has driven the drug traffic West.

If this resolution is passed, I believe it will send exactly the opposite signal from that intended to our enemies in the war on drugs. It will tell them that we are not ready to cooperate with the Mexican Government, which is the only way that we can be successful in this war on drugs. It also will lead to some confrontation between ourselves and the Mexican Government. Have no doubt that every word that is uttered on the floor of this Chamber is echoed and reechoed throughout the press and media in Mexico. The discussion held in the Committee on Foreign Relations last year is still a major topic of conversation in the Mexican Parliament, and in newspapers and coffee houses all over Mexico. It is referred to in Mexico as "Mexico-bashing". When you look back at the history of our relations between the two nations, and keep in mind the fact that we have invaded Mexico on several occasions, it is fairly easy to understand their sensitivity to United States criticism.

What are the consequences if this resolution is passed? It tells friends and foes alike that we are willing to end United States funding for joint United States-Mexican drug eradication efforts. It sends a signal that we are willing to end funding for family planning in Mexico. It indicates that we are willing to end any new loans for Mexico in the World Bank and the Inter-American Development Bank. It is worth noting that there are presently $1.2 billion in the pipeline of the Inter-American Development Bank and the World Bank. That funding is a vitally necessary component of the $7 billion loan package which is indispensable if we expect the Mexican Government to handle their massive debt.

At this very moment, vital negotiations are underway between Washington and Mexico City on the Mutual Legal Assistance Treaty. Those negotiations could be irreparably damaged by passage of this resolution. That treaty, on which, I am told by both Mexican and American officials, negotiations are close to conclusion, would provide a comprehensive legal framework for combatting drug trafficking. It would obligate the Mexicans to provide assistance that today they provide at their discretion: access to Mexican bank records that we could use in trials in the United States; and access to witnesses and other resources including the forfeitable property of convicted drug traffickers. As we all know, if we follow the money trail, we usually can find the wrongdoers. If this Mutual Legal Assistance Treaty is concluded between ourselves and Mexico, it will give us a giant leap forward in our cooperative effort in the war against drugs. It is no exaggeration to say that the passage of the resolution would only serve to guarantee increased drug trafficking through Mexico and result in an enormous increase in drugs in the United States. Why is that? Because the agreements that we have either would be abrogated or those that are about to be concluded would be short circuited.

No one, in my opinion, can surpass Attorney General Meese in fervently prosecuting the war on drugs. He has stated emphatically that the Mexicans are cooperating in our joint effort to eradicate drug trafficking. The Justice Department is very much opposed to passage of this resolution.

Let me repeat: Our Justice Department is opposed to passage of this resolution. They have told me that "passage of this contentious legislation would undermine every law enforcement activity that we currently have ongoing in Mexico." As Attorney General Meese has stated, "the Government of Mexico is doing the best they can in drug interdiction efforts given the economic conditions under which they operate." Acting to cut assistance to Mexico in this effort could only hurt our war on drugs. Again, we could quarrel with whether the Mexicans are giving it their best effort. As I stated before, there are many areas where improvement is vitally needed. But I repeat: Action to cut assistance in their effort would only hurt the war on drugs. For example, there is another vital program that we indicate would indicate we were willing to decertify by passing this resolution: a small but diplomatically significant $200,000 annual military training program we are providing to the Mexican Government.

The State Department is opposed to this resolution. They have stated that passage would damage United States-Mexican relations, including our war on drugs. According to the State Department, passage "would severally-injure, if not devastate, the entire range of deliberations that are ongoing with the Government of Mexico."

I implore my colleagues, before voting on this resolution, to consider one question: Will this resolution help or harm our effort to eradicate the plague and a disease of drugs on our Nation? The fact is that this resolution will harm our relations with Mexico; that without cooperation and assistance on the part of the Mexican Government, our job in eradicating the drug traffic is nearly impossible. Finally, if we pass this resolution it would cut off family planning and economic assistance to Mexico. It can do nothing but further damage their economy. It might interest my colleagues to know that last year, 900,000 people entered the Mexican work force, but Mexico was able to create only 250,000 jobs. In such an economic environment, it is indeed very easy for drug traffic to grow and flourish.

This resolution is, as the administration stated, a self-fulfilling prophecy. Passage would indicate confusion in distinguishing between allies and enemies in the war on drugs. It would discourage our friends and encourage our foes. It would ultimately produce a result opposite from that intended.

I fully appreciate the good intentions and the concern, in fact the alarm, of my friend and colleague from California [Mr. WILSON], who has labored hard and long on this issue, and that of the Senator from North Carolina and the Senator from Massachusetts. I applaud their motivation in trying to address this terrible issue. But I want to make it perfectly clear: Those of us who deal with this issue on a day-to-day basis, those of us who live in the States that are largely the victims of drug trafficking from Mexico, those of us who understand the Mexican people and their economy urge you not to deal this devastating blow to United States-Mexican relations. I urge my colleagues to vote against the resolution, and I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I yield such time as he shall desire to the senior Senator from Arizona.

Mr. DECONCINI. Mr. President, I rise today with great hesitation because of the sensitivity of the resolution that is before this body. I for one, am pleased that these resolutions have been separated and we are voting on each one individually.

Mr. President, it is an undisputed fact that our good neighbors to the south have a long way to go to bring about the type of stability necessary to have an environment where the United States and Mexico can pursue with real vigor the most despicable, the most undermining problem of our society, both in Mexico, and in this country, the trafficking of drugs. I have pondered for a long time how you do this without interfering with the sovereignty of the country of Mexico: The relationship our two countries enjoy as neighbors and trading partners. The fact Mexico's economy is turning in the right direction at this time. But it disturbs me so, after visiting there with my distinguished colleague, Senator MCCAIN, and other members of the delegation from Arizona, that the attitude remains as it has in the past, that "We're working on the drug problem. We're doing our best to combat it, don't worry, we will take care of it."

After meeting with the distinguished attorney general of Mexico, I was very disappointed. Indeed, he was very congenial, and he indicated again the tremendous commitment the Mexican Government had put forth on the

drug problem. The number of prosecutions and the number of soldiers that had been lost in pursuing drug traffickers. Yet, when it came to the issue I believe is really important, the Mutual Legal Assistance Treaty between our two nations—which would permit our countries to share bank deposit records when there is evidence indicating that individuals' accounts, or corporation accounts, may have been or are being used for transferring dollars, pesos, and other foreign currency in exchange for drugs, we have yet to see that treaty signed. When we pressed the Mexican Attorney General, he said, "We're working on it. We think it will be redrafted and it will then be before us."

When Attorney General Meese and the Director of the Drug Enforcement Administration were before the Judiciary Committee approximately a month ago, we asked, Chairman BIDEN and myself, how they thought it was coming along. We got the same kind of feeling from this administration: "Yes, don't worry; things are coming along. The negotiations are working well. We have it under control. We are going to soon have a treaty. It is just a matter of time, but things have broken down right now." I believe those were the words of the Attorney General and the head of DEA. If not "broken down," at least negotiations had been postponed for a little while.

So I find myself today, having waited for more than a year since President de la Madrid was here and the effort to put together an MLAT Treaty commenced, asking where are we, where is this Nation, where is our relationship with Mexico concerning their commitment to coordinate and work with United States law enforcement agencies to do something about the drug traffic problem. When I say something, I mean something. I do not just mean words that are going to placate the United States and continue to put us in the frame of mind that we have to work with Mexico on all fronts. I agree that we do. But, when it comes to drug enforcement, what is Mexico going to do?

Now, I have been accused by some of our colleagues in Mexico of offering a resolution that would interfere in the internal affairs of Mexico, particularly by appointing a committee of the United States Congress. That is the way it was reported in Mexico City. Quite the contrary. My resolution urged the Mexican Government to appoint a committee of Mexican citizens to review the political corruption of the election process within that country.

We are confronted with the failure of Mexico to permit United States law enforcement officials to fly into their country, with Mexican officials on board, in hot pursuit of identifiable or unidentifiable aircraft that have come into the United States, dropped drugs, then turned around and went back into Mexico. When we confront the Mexican officials regarding this, their answer is, "Well, we have sovereignty as a nation."

I understand that. We do, too. We do not permit anyone to invade our territory. I understand the sensitivity of that. Yet we pointed out that the Bahamas have permitted hot pursuit, with a member of their national defense forces on board. This is all we are asking the Mexican Government to do. We are asking to violate their territory at the discretion of an American law enforcement agency. We are asking that they supply the necessary personnel to be available to go on the airplanes that the U.S. law enforcement officials would fly along the border tracking narcotics traffickers.

I think we have a distinction between the three resolutions that were brought before the committee. That when dealing with Mexico it is important they realize the seriousness and the nature of our complaints about their failure to cooperate in the eradication program, and the MLAT. I do not know how else to do that. I have tried to express my views, both on the floor of the Senate, and to members of the Mexican Government, that I have deep feelings about the importance to the United States and our economic, cultural, and religious ties with Mexico. I do not wish to disrupt that relationship. Yet we need to make the point, that we have to have their cooperation. We have begged for their cooperation. We have asked them on bended knee. We have pleaded that they cooperate with us and turn over some of their bank records of drug traffickers, let us pursue aircraft into their territory, but it has not been heard.

So I am in a real quandry.

Here we have a resolution—and I ask the Senator from Connecticut or the Senator from Rhode Island if this is correct—that they are nonbinding because of the time limitation.

Is that correct?

Mr. DODD. I happen to believe it is. That is a question one might address to the Chair. But as I read the joint resolution as adopted, the clock began to run on March 1 or 2, and the time would toll as of the close of business yesterday on the 30-day provision which affects the Office of Management and Budget decisions. It does not affect the privileged status of the joint resolution. So there is a distinction.

Clearly, the joint resolution could be brought up. The question as to whether the financial impact would rest—I believe it does not. I suggest that the Senator from Arizona address that question to the Chair for clarification. If he does not, I will. But I believe that is the case.

Mr. DECONCINI. I thank the Senator from Connecticut.

I wonder if the Senator from Rhode Island cares to comment on that. I would like to ask the Chair that question or have the chairman do it.

Mr. PELL. The Senator from Connecticut is absolutely correct. What we are doing here is all a matter of appearance. It is not going to have any impact whatsoever on the Aid Program itself, because the time has expired.

That is my understanding, and I would like reassurance from the Chair in that regard.

Several Senators addressed the Chair.

Mr. WILSON. Mr. President, I am not seeking to usurp the function or the prerogatives of the Chair. Those of us in support of these three joint resolutions are willing to stipulate that we are in the unhappy position of the clock having run, which necessitates that for these resolutions to be effective, as they should be, they must be enforced by a joint resolution in addition to the three that are before us, that joint resolution having the effect of backdating the action to the time within the required 30 days. That joint resolution will be introduced after action has been taken on these three.

Mr. DECONCINI. Mr. President, a parliamentary inquiry: The resolution that is pending here, if it is passed, is it defective as to the restrictions and prohibitions that are stated in it relating to the Republic of Mexico?

The PRESIDING OFFICER. The Chair is advised that that would require a legal interpretation, and the Chair is not in a position to render that legal interpretation.

Mr. DECONCINI. Then, I take it, the opinion of the chairman of the Foreign Relations Committee, the Senator from Connecticut, the Senator from California, and perhaps the Senator from North Carolina, that it is not binding if passed the way it is laid before the body at this time.

Would either of my distinguished colleagues care to comment?

Mr. WILSON. Yes. We do not disagree, as I indicated a moment ago.

Mr. DECONCINI. And the Senator from North Carolina concurs with that?

Mr. HELMS. That is correct—until the joint resolution is adopted, which we intend to do one way or another.

I say to the Senator, with all due respect to everybody concerned, that we were snookered on this in terms of time. I felt that this was going to happen all along. But the circumstances, including unanimous consent with reference to the veto override, prevented timely consideration of these three resolutions. But that can be remedied by legislation and will be,

if I have anything to do with it. I repeat, it is the intention of those supporting these resolutions to take steps to remedy the effective date issue.

Mr. DECONCINI. I thank the Senator.

Mr. President, let me explain why I asked the question. I ask the question because I am very concerned about cutting off assistance to Mexico from the international banking community, including banks here, when they are on the verge of recapturing some of their economic problems which have occurred over the last several years. The feeling in Mexico is the economy is on the move, that unemployment is going to decrease.

If we do not cut them off in a trade bill, they have some hope of revitalizing their economy. I do not know how they will do that; but, God bless them, I hope they do.

We just helped them to get into debt another $14 billion—$7 billion from the World Bank and International Monetary Funds and $7 billion from private banks. So now they have a debt of $110 billion or $112 billion. In any event, they believe they can pay it off.

That being the case, I want to make it clear that I will vote for this resolution in its present form because I realize that it is not going to damage Mexico's economy per se. If it is amended, fine and good. I will have to address that problem. But I want to send a message. I have been waiting a long time. I wish I had gotten my joint resolution up last year, in Congress, to send a message to the Republic of Mexico and the PRI Party, that its time they address the problems in their country.

I do not say that on the basis that we do not have problems in our own country. We do, and I admit to those. I told the Mexican PRI Party and several Mexican Senators, that we can take our share of criticism for the drug problem. But they cannot walk away from it, much as they would like to hide their head and say, "This is an internal problem. We don't like to deal with it and don't you bother us." I cannot do that, as a responsible elected official from the State of Arizona, dealing with the drug problem going on in my State. The quantity of cocaine coming through our State right now is the highest in our history.

For those reasons, I intend to vote for the joint resolution.

Mr. DODD. Mr. President, will the Senator yield?

Mr. DECONCINI. I yield.

Mr. DODD. I thank my colleague for yielding.

What I understand the Senator to be saying is that, were these joint resolutions to have the full force and effect of law, the Senator from Arizona would oppose the joint resolution. Because it has no effect in terms of the aid to Mexico, the Senator feels that this is merely a sort of cosmetic and symbolic vote we will be casting; and were it to have the effect of law, he would oppose it.

Mr. DECONCINI. That is exactly correct; because I am looking for a symbolic effort here to make it very clear to Government officials of Mexico, including the political leaders of the PRI Party, that we as a nation, want some responsible action on their part, and we have not yet gotten it, in this Senator's judgment. Others may debate that.

At the same time, I am not interested in causing their economy to take another nosedive by this action. Some will say: "Come on, DECONCINI; either you're for it or you're not." I am not for causing them an economic downturn, as I have indicated. But I do not think we have sent the message to Mexico clearly, except by individual Senators, that something has to be done.

Mr. DODD. Do I also understand the Senator correctly that he suggests that should a resolution be offered that would make the provisions of this joint resolution and the others retroactive, he would vehemently oppose such an effort because it would do what the Senator says he would oppose?

Mr. DECONCINI. I think it is fair to say that I would not look favorably on such a binding resolution that would cause economic damage to Mexico at this time. But I must say, that if in fact this joint resolution passes, and if in fact the legal opinions are correct, if Mexico does not respond to it in a meaningful way, this Senator is ready to join anyone else to take far more demonstrative steps toward the Republic of Mexico.

Mr. DODD. Mr. President, will the Senator yield further?

Mr. DECONCINI. I am glad to yield further.

Mr. DODD. The Senator very thoughtfully and graciously submitted to the Foreign Relations Committee for their perusal a letter which, Mr. President, I ask unanimous consent be printed in the RECORD.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC. March 24, 1987.

Hon. CLAIBORNE PELL,
Chairman, Foreign Relations Committee, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express to you in the strongest terms possible my opposition to Senate Joint Resolution 90—a resolution disapproving the President's certification with regard to the efforts by the Government of the Bahamas to cooperate in addressing the drug trafficking problem in that Caribbean nation. Let me outline for you and your distinguished Committee the reasons why I believe it is particularly unfortunate that this resolution has been introduced.

First, let me quickly say in no uncertain terms that I have not condoned nor will I ever condone corruption of any kind in any country, particularly corruption connected with the insidious drug trade. As one Senator who has spent the better part of his Senate career working on ways to combat narcotics trafficking throughout the world and here at home, I will take a backseat to no one on our national effort to attack this drug menace on all fronts. I also want to make it very clear, that as the primary author of the interdiction portion of the Anti-Drug Abuse Act of 1986 including the U.S.-Bahamas Drug Interdiction Task Force, I have no doubt that there may be corruption within the Bahamas and other countries that are either a source of drugs or a major transshipment country for the drug smuggler.

At the same time, as I argued during the crafting of the omnibus drug bill, I believe that when an opportunity presents itself to move into a sovereign nation, at their request, and establish joint, cooperative anti-drug efforts, we should take advantage of those opportunities and work religiously to make those efforts effective in combating drug smuggling. In the case of the Bahamas, we have made major inroads into developing such joint operations on Bahamian soil with the prospect for even greater cooperative efforts on the horizon.

Even before the Anti-Drug Abuse Act of 1986 became law, the United States had been granted permission by the Bahamian Government to establish a sophisticated aerostat radar anti-drug surveillance system at High Rock on Grand Bahama Island. The United States Customs Service has been operating that aerostat and assisting in making arrests of airborne drug smugglers through the use of the aerostat for nearly three years. Again, prior to drafting or passage of the omnibus drug bill, the Customs Service and the Government of the Bahamas had been negotiating an agreement to allow for "hot pursuit" of Customs aircraft into Bahamian airspace and territory with Bahamian law enforcement officials onboard to help make arrests of drug smugglers who sought "safe haven" in the Bahama Islands. Finally, in the Urgent Supplemental Appropriation Bill, 1986 (Public Law 99-349), a second aerostat radar system was authorized and funded for location at Georgetown in the Bahamas. I would suggest that if other countries with similar drug trafficking problems were to provide a fraction of the cooperation that has been given us by the government of the Bahamas that we would be rushing to praise them.

In addition, the Anti-Drug Abuse Act of 1986 accelerated ongoing U.S.-Bahamas cooperative anti-drug efforts through the establishment of a formal U.S.-Bahamas Drug Interdiction Task Force, featuring cooperative anti-drug operations with the U.S. Customs Service; the U.S. Coast Guard; the Drug Enforcement Administration; the National Narcotics Border Interdiction System (NNBIS); and the State Department. Among other things, the omnibus drug bill authorized a number of critical drug interdiction initiatives that would open the doors of the Bahamian people even further to U.S. drug enforcement officials, including:

(1) Funding for a possible third aerostat radar system to be located in the southernmost part of the Bahama Islands chain;

(2) Funding for a U.S. Coast Guard—Customs Service docking facility at Georgetown

in the Bahamas, to allow the Coast Guard to permanently locate its drug interdiction vessels in the Bahamas, rather than solely in south Florida;

(3) Funding for additional pursuit drug interdiction Customs helicopters to be utilized as part of the Task Force in the Bahamas and out of the south Florida Customs air branch at Homestead Air Force Base;

(4) Funding for additional marine interdiction vessels to be jointly operated by the Customs Service and the Bahamas marine drug interdiction forces;

(5) establishment of a possible command, control, communications, and intelligence (C-31) center at the Defense headquarters of the Bahamas Government Defense Ministry in Nassau to facilitate the sharing of tactical drug intelligence among the various Federal agencies participating in the Task Force; and

(6) Funding for additional fixed wing aircraft to be used by the United States in support of the Task Force and to accelerate the "hot pursuit" arrangement with the Government of the Bahamas.

In addition to these new approaches to joint U.S.-Bahamian drug interdiction operations, the Government of the Bahamas on March 6, 1987, was prepared to sign a comprehensive Mutual Legal Assistance Treaty with the United States that would allow for the sharing of information on Bahamian banking activities and other forms of bilateral sharing of information on potential drug smugglers and their organizations. This treaty has been several years in the making, and I am hopeful that the recent media attention focused on the Bahamas and the introduction of S.J. Res. 90 will not set this important bilateral treaty back in time.

In summary, Mr. Chairman, it is not my intention to defend corruption in any nation, whether it be in the Bahamas, or Mexico, or anywhere else. It is my intention to make the point that, in the case of the Bahamas, we have a golden opportunity to make significant strides in eradicating drugs that are transshipped through the Bahamas and into the United States. The Resolution that is before your Committee can only delay or perhaps permanently damage the cooperation that we are currently receiving from the Bahamas in fighting the drug trafficker in the Caribbean. Our opportunity to combat the narcotics trafficker from within a sovereign nation is one that we should not take lightly nor jeopardize through the Resolution that is pending before your Committee.

I would be happy to discuss this important matter with you or other members of your Committee in more detail should you deem it appropriate. Thank you for your thoughtful consideration of this recommendation.

With best wishes.

Sincerely,

DENNIS DECONCINI,
Member, Subcommittee on Foreign Operations, Committee on Appropriations; Chairman, Senate Drug, Enforcement Caucus.

S.J. RES. 90

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the determination of the President with respect to the Bahamas as contained in the certification required by section 481(h) of the Foreign Assistance Act of 1961, received by the Congress on March 2, 1987.

S.J. RES. 91

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the determination of the President with respect to Panama as contained in the certification required by section 481(h) of the Foreign Assistance Act of 1961, received by the Congress on March 2, 1987.

S.J. RES 92

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the determination of the President with respect to Mexico as contained in the certification required by section 481(h) of the Foreign Assistance Act of 1961, received by the Congress on March 2, 1987.

Mr. DODD. The Senator's feelings as expressed with regard to the joint resolution that affects the Republic of Mexico, I want to be fair to say, are the same feelings that apply to the other joint resolutions that may be offered that pertain to Panama and the Bahamas.

Mr. DECONCINI. Let me say to my colleague, who is an expert in this part of the world, that with his knowledge in the area, the Senator knows I feel very strongly that the Republic of the Bahamas has made some major efforts and strides in the area of cooperation with the United States. That is not to be interpreted by any means that they do not still have problems of corruption and problems of drug trafficking. But indeed, that nation has permitted U.S. law enforcement airplanes to penetrate their territories with Bahamian defense officials on board. They have permitted our country to build a docking facility there to the tune of $20 million for our boats to chase the drug smugglers out. They have permitted the sharing of intelligence. They are going to sign an MLAT treaty, I was recently told by the Prime Minister.

Maybe we are getting horsed around again as we have with Mexico, but I do not believe so.

So I see it very detrimental to pass such a joint resolution, even symbolically, toward the Republic of the Bahamas. That country has decided to cooperate, hopefully for their own self-best interests, but certainly for the interests of the United States.

Mexico in my judgment has not moved in that direction.

Mr. DODD. If the Senator will yield for one point further, I thank the Senator for his comments. I am expressing the views here of all of us in the Chamber. I do not believe there is anyone in the Chamber who is more knowledgeable and thoughtful when it comes to the issue of dealing with drug abuse and interdiction and the like as the Senator from Arizona. The letter and comments on this matter are extremely important.

Mr. KERRY. Will the distinguished Senator yield for a question?

Mr. DODD. I yield.

Mr. KERRY. I know the Senator and I will have a further discussion later with respect to the Bahamas and I look forward to that.

He is indeed someone who has put a lot of energy in this effort.

I think it is important for our colleagues to understand and I want a clarification if I may have it from the Senator from Arizona even if these were binding joint resolutions, even if there were a subsequent passage of a retroactive measure that said we would cut off aid, it is true, is it not, that in the law we passed last year when we said we would establish a standard of full accountability, full cooperation, we permitted the President to give aid without certifying that they were cooperating fully and there is a specific measure in the law, is there not, that says you may give the aid where the country would not otherwise qualify for it if the President deems that it is in the vital national interest of the United States?

Mr. DECONCINI. That is correct to my understanding.

Mr. KERRY. So, in point of fact, even if we were to determine as a Senate, that for the reasons stated with regard to Mexico, and later with respect to other countries that they do not deserve certification on drugs, their economies do not have to be upset because we still can give them aid because it is in the national interest of this country.

Mr. DECONCINI. If the Senator will yield, sure you can make that argument. You can go ahead and pass this.

Mr. KERRY. I want to know, is that the law, the law allows that?

Mr. DECONCINI. I do not have the law in front of me. My recollection is, it does permit the President to go ahead and bring forward a certification or a statement that our national interest is served, our national security is at stake and, therefore, we can continue.

But the point is it seems to me you are asking the President to play another role. He has played his role here. and I certainly have some reservations about some of the certifications he has made, but why go through it two times? It seems to me that now you are making it a national security problem based on what the Senator reads to me. In my judgment, what this body should do is face up and if we think the Bahamians have not complied as the President has certified, then vote to impose all those sanctions.

As I told the Senate, and I repeat to my friend from Massachusetts, I am very upset with the Mexican situation as he is. I know some of the information and some of the players down there and the lack of real persistence and aggressiveness on the part of the

Mexican judicial police. Yet I am not prepared to move so far as to cause economic damage at this time.

That is why I am pleased that the Senators from North Carolina and California have brought this before us. I am also pleased, quite frankly, that at this point it is not binding because I want to use this as an example that we are prepared, just as we are prepared to support the President in the trade tariffs that he is going to impose on Japan, that we are not happy we have not had the progress in Mexico. I say it in the spirit of friendship and realizing the sensitiveness of that great nation and the people there.

I think what we are doing today is proper and I hope we can pass this joint resolution.

I yield the floor.

Mr. KERRY. I thank my distinguished colleague and again respect enormously the work he has done on this.

I simply reiterate that binding or nonbinding, no economic dislocation has to take place, but we can do greater justice to the meaning of the law.

The Senator asked me the question a moment ago, why we should do this, and I think it is very clear because we wrote a law which said we were going to do it. We said specifically we set up a standard and we passed that standard and we make a mockery of our own efforts to now duck and bob and swerve and weave and find every excuse in the world not to uphold the very standard that we set.

Mr. President, I will have more to say on this when we get to the issue of the Bahamas, but I ask unanimous consent that with respect to Mexico an article that appeared recently, October 23, in the New York Times headlined "Narcotics Output Soars in Mexico, U.S. Report Says," from our own State Department which made it clear that in heroin, cocaine, and marijuana the crops are significantly larger than they were the year before, underscoring in addition to the many other arguments made by the distinguished Senators from California and North Carolina we ought to be sending this message today. I ask unanimous consent that this be printed in the RECORD.

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

[From the New York Times, Oct. 23, 1986]

NARCOTICS OUTPUT SOARS IN MEXICO, U.S. REPORT SAYS—COUNTRY "THE LARGEST SOURCE" OF HEROIN AND MARIJUANA—TOUGH LAW AWAITED

(By Joel Brinkley)

WASHINGTON, Oct. 22.—A State Department report made public today says production of marijuana and opium poppy in Mexico has increased dramatically in the last year.

The report, the State Department's mid-year update of its annual assessment of drug trafficking worldwide, contradicts the Mexican Government's assessment of its drug eradication program.

According to the report, marijuana production in Mexico rose by more than 25 percent in the last year while acreage planted in opium poppy, used to make heroin, grew by one-third.

MEXICO "THE LARGEST SOURCE"

The report says Mexican drug control programs are faltering despite the increasingly cooperative attitude of the Mexican Government. The statistics, it says, "indicate that Mexico is once again the largest single-country source of heroin and marijuana imported into the United States."

The report takes on added significance this year because of a tough provision in the anti-drug bill approved by Congress this month.

President Reagan is almost certain to sign the bill, Administration officials say, and as soon as he does the new law will automatically suspend half the foreign aid to every drug-producing country for the current fiscal year.

If on March 1 the President does not formally certify that a country has made significant progress in controlling the drug traffic, the suspended aid will automatically be reprogrammed for other uses. In addition, the United States will end its support for loans to the country from international development banks and will suspend preferential trade agreements.

Even if the President does certify a country has made adequate progress, Congress can override the decision with a joint resolution of disapproval under the same procedures used to approve or disapprove foreign arms sales. Any member of the Senate or the House may call for a vote on the issue anytime within 30 days after the certification is issued.

On no other issue does the United States have a tougher automatic foreign sanction law.

"It greatly raises the prominence of narcotics as a foreign policy issue," said Ann Wrobleski, Assistant Secretary of State for International Narcotics Matters. She said the State Department supported the law because "it strengthens our hand."

Other officials said the law was likely to have a dramatic effect on relations with most of the 18 major drug-producing countries.

Senator Richard G. Lugar, Republican of Indiana and chairman of the Foreign Relations Committee, said the law's objective "is to insure that the United States Government uses the full measure of its economic, military and other assistance, as well as diplomatic and political leverage, in pursuit of its international narcotics control objectives."

THE MOST SERIOUS WEAPON

The bill is a significant change from existing law, which gives the President the option to cut foreign aid to drug-producing countries that, in his view, have not made adequate progress in fighting drug trafficking. That law, enacted in 1983 but never invoked, contains provisions for ending bank loan support or for suspending trade agreements. And it does not give Congress the ability to override Presidential decisions.

Administration officials say the Congressional override is potentially the most serious weapon. Congress was openly angry with Mexico this fall, for example, and if Presidential certification were to come at a similar time "there's no doubt we would overrule it," said a Senate aide involved in drafting the new measure. "Politically it would be impossible not to overrule it."

The President could decide to provide aid despite a Congressional vote of disapproval, the bill says, if he can demonstrate that "overriding vital national interests require the provision of such assistance."

The bill includes a section that urges the President to issue a formal advisory that it is dangerous to travel in Mexico "unless substantial progress is made in the near future" in the investigation into the killing last year of a Drug Enforcement Administration agent, Enrique Camarena Salazar, and the torture of another. Victor Cortez, by Mexican policemen in August.

PLANES 'NOT USED EFFICIENTLY'

The bill also says Congress has concluded that the 80 or so planes the United States has provided Mexico for drug eradication "have not been used efficiently."

The State Department report says Mexican drug eradication was laggard in the first half of 1986, but has improved in the last few weeks because the Mexicans agreed to undertake a special eradication campaign in the fall.

Overall, Ms. Wrobleski said, "you now see higher eradication statistics, but you see higher production figures as well."

One positive change, she and others said, was that the level of cooperation by senior Mexican officials had improved markedly. John Gavin, who was United States Ambassador to Mexico until May, said today: "President de la Madrid and his entire Cabinet realize, as I do, that they confront very difficult problems fighting this cancer of drug trafficking. My dealings with him on this subject were excellent and mutually respectful."

At the Mexican Embassy, an official said the embassy had not received a copy of the report and therefore could not discuss it. But a spokesman, Leonardo Ffrench, said: "Yes, trafficking has increased. But demand in the United States has increased, and so has Mexico's efforts to combat the drugs."

Nonetheless, the report says marijuana production in Mexico has increased almost tenfold in the last four years.

In sections on other countries, the report says marijuana production in Colombia continues to decline because of Government eradication programs.

In Guatemala, it says, "there are now alarming signs of fairly extensive opium-poppy cultivation." There had been almost none.

Marijuana production has dropped dramatically in both Jamaica and Belize because of effective eradication programs, the report says, but opium production in Laos has tripled in the last year and "enforcement measures are almost nonexistent."

In Thailand the Government is devoting increased resources to marijuana control because of the "the explosive expansion of cannabis cultivation," the report says, and Pakistan has warned farmers it will now enforce a ban on opium cultivation after production tripled this spring.

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

Mr. WILSON. Mr. President, the distinguished manager for the opposition had indicated to me his intention to yield time to the Senator from Connecticut. The manager is off the floor. We have no objection, though, to Senator DODD proceeding.

The PRESIDING OFFICER. The Senator from Connecticut may use the manager's time.

Mr. DODD. I thank the Chair and I thank my colleague from California. I yield myself such time as I may consume. I will be brief because I know others have statements to make on this subject matter.

Let me, if I can, just briefly address both the procedural and substantive points here because both are important.

I disagree with our colleague from Massachusetts. I think last year's legislation, which has now led us into this mire, was a mistake. With some frequency, we have two reactions in the Congress of the United States. We either do nothing or over-react.

Last year we got caught in the frenzy of the drug question and rapidly considered one proposition after another, portraying them as tests of concern and commitment in the Oval Office and elsewhere. The result was a litany of bills adopted and passed. Frankly, I think in this particular case, despite the good intentions of some, we just went overboard.

I do not know of anyone who believes that the entire foreign policy of this country ought to be linked to a single issue, no matter how important that issue may be, and this is an important one. I do not know of anyone in this Chamber who disagrees with the importance of the issue. It is a plague in our society, infecting millions of people suffering from drug abuse and addiction.

The financial cost, putting aside the human cost, is tragic and certainly there are volumes of testimony as to that particular fact.

We need not, it seems to me, today to be engaged in lengthy debate on whether or not we have a serious problem here at home in terms of consumption, or whether or not there is a serious problem in Latin America and elsewhere in terms of production, supply, and financing of these products that find their way to our shores and contaminate the people of this society. That is a fact.

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

Mr. DODD. Let me complete, if I can, the point, and I will be glad to yield.

The point I am trying to make in all of this is that there are more reasonable ways of dealing with this problem with respect to our neighbors.

To cut off 50 percent of all aid to a country, a neighbor, a major trading partner, to a country with whom we share many issues in common and a frontier of some 1,500 miles; to suggest somehow that we are going to bog down our relationship with the Republic of Mexico on this issue and this issue alone in terms of the aid and the trade—I might add because these resolutions were introduced in the Finance Committee and the Ways and Means Committee with respect to the trade questions as well—I think is terribly shortsighted.

That does not mean we should not come up with a mechanism that would allow us to send a message, and also to deal with the aid question. I do not disapprove of that at all.

But it seems to me we put ourselves on a fast track, as we have done with the legislation adopted last fall, signed into law in December, where 24 countries are identified under the legislation and 50 percent aid is cut off to those countries unless the President delivers his certification by March 1 of the calendar year, and then, within 30 days, no resolutions of disapproval of that certification are introduced. If they are introduced in the Foreign Relations Committee of the United States Senate, those joint resolutions are privileged, privileged to such a degree that the Senate Foreign Relations Committee is discharged from its duties automatically and those joint resolutions come to the floor of the Senate and may be called up by any Member of the United States Senate, with a guaranteed 10 hours of debate. They take precedence over every other motion that could be offered, except a motion to adjourn.

That seems to me a rather dangerous way to proceed. You could literally have 24 joint resolutions introduced. That is 240 hours of debate that could be guaranteed.

I do not need to tell anyone here that none of these countries, or very few of them, have constituencies. They do not vote. They do not have large groups back at home. With all due respect, if you get up and offer a joint resolution on Pakistan, Panama, the Bahamas, that is not a hard thing to get a vote on. So a lot of people want to go ahead and do it. In fact, we have all, from time to time, done that.

My concern rests in the process, the process of trying to address a serious, legitimate problem that must be dealt with. When engaged in a process, in a procedure that I think shortchanges, that short circuits what ought to be a long term, intelligent, thoughtful, and engaging kind of debate, I think we do a disservice to ourselves, to our neighbors, and the issue.

So while I know my colleague from North Carolina and my colleague from Massachusetts feel strongly about it, I feel as strongly as they do on it. I would say to both of them that this is a fast track. I appreciate their concerns about what are we going to do with it. Both of them have spoken eloquently about their frustration, as have both of our colleagues from Arizona. I would like to associate myself with the comments of Senator McCain from Arizona in his earlier remarks. We all feel strongly about it.

But there has to be a better way in which we can set up a procedure and a framework for seeing to it that we get the message out to Mexico, Panama, and the Bahamas, and the rest of the countries, that we are dead serious about this problem, and that we can go through that process in a way in which we can make decisions about how best to deal with it without putting everything on the line, if you will, where we do not seem to have the adequate information.

That is what we have the committee structure for. We really did not even get a hearing. We got a couple of hours, only because we coincidentally had the Assistant Secretary of State for Inter-American Affairs coming before the committee 24 hours before we would have been discharged. We never would have been able to have had a hearing had that not already been set up for different reasons.

I asked at that time that the people from the Justice Department and elsewhere come before the committee and talk about why they certified in these three cases—what was the justification, what information did they use? For about an hour and a half, we went through it. Hardly adequate, I would point out to my colleagues here today, certainly not what I would consider an exhaustive hearing as to what the rationale was for the certification in these cases. But had we not done that, we would have had no hearings whatsoever.

We are here on the floor debating this matter based on a report that was filed but with little discussion of how they arrived at those conclusions.

I would respectfully suggest that what we need to do is have hearings on this. Why did the administration certify in these cases? What was the justification? What data did they rely upon? Were there extraneous circumstances that were not involved with drugs that caused them to certify? What were those reasons?

It seems to me that is the appropriate and proper way to proceed. Then you could make a decision in the committee on whether or not you ought to go forward, rather than to be discharged automatically. And we were just catching up, if you will, in the last few days before this would have to come to the floor.

I will come back to the other points later on. I hope we do not have to go on all evening and into tomorrow on this, because I do not think anyone's interest is being served by it. But my hope would be that we amend the law in the coming session so that we have the ability to have good hearings and to address this issue in the coming year, because it will come back again. It will come back in a way that meets the concerns of the Senator from Arizona, Senator DeConcini, who talked

about the ability of us to be able to send appropriate messages to countries that have us concerned about what they are doing or not doing as it affects not only this issue but other issues, as well. My hope would be that that will be the case.

I point out, as well, of course, that these resolutions could have been introduced as early as March 2. They were not introduced until March 17. Certainly, while we were confronted with the highway bill, which no one could have predicted, I say to my friend from North Carolina, but there were ways in which we could have had this matter come forward in a way I think would have been more appropriate. As he knows, I submitted an amendment in the committee which disapproved the certification and gave the administration a period of days in which they would agree to perform and notify the Congress as to why they certified these three cases in a detailed fashion so that we could learn all about it.

I would still say—of course, it is the call of our distinguished chairman—but if Senators would like further hearings on this so that we could look into this matter in greater detail, I, for one, would be prepared to do that. I know others would be, also. I think that is something we might do to serve the concerns of some of our colleagues, regardless of what happens on these votes.

But I hope we would realize how important it is, I might add particularly with Mexico. I will make the case, as well, in the other two. But in this particular case of Mexico, there are a lot of issues we have to grapple with. We have a lot of disagreements with them on a lot of things they do. They have disagreements with us, as well.

But I point out to my colleagues, there are only three examples in the world where an industrialized nation shares a common border with a Third World nation. South Africa, Israel, and the United States are the three industrialized nations. And while our relationships with Mexico could be better, they are certainly far better than the other two examples with their neighbors.

What is amazing—and I think ought to be amazing to many—is not how bad our relationships are, but how good they are in many areas. And we need to improve upon those.

My concern is that this kind of joint resolution, despite the proper intentions of its authors, jeopardizes those other issues that we have to grapple with by placing it all on this one. And that, to me, is my major, fundamental concern with this particular procedure.

Mr. President, I yield the floor at this point.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have a number of problems with some of the comments made by my distinguished friend from Connecticut.

First of all, the message that we are sending to this administration—my administration—is to send us an honest certification. The certification they have sent is simply not honest. It is not accurate to say that Mexico, in the case of this joint resolution, has been fully cooperative. And that is what the law says.

The administration—and that means the State Department—certified something that was simply not so. That is my problem with the U.S. State Department.

Now, it is not accurate to say that foreign aid—that is to say, the American taxpayers' money—will be shut off to Mexico in the case of this joint resolution now pending. The administration could come right back with an honest certification—national interest, our national interest, whatever. That is provided for in the law.

But we are talking about cutting 50 percent. Even if the administration did not do what it ought to have done in the first place, we are still only talking about 50 percent. That is about $100,000 to the Bahamas, as I recall, $200,000 to Mexico, and $19 million to Mr. Noriega, Mr. Noriega down in Panama. If anybody wants to find out about Mr. Noriega, they ought to read the Reader's Digest of last month. There is a very fine article in there about what kind of man he is and what kind of ally he is—consorts with Castro; Panama, the number two or three banking center in this hemisphere, drug laundering, drug money laundering.

What I want from the U.S. State Department is an honest certification, in compliance with the law passed unanimously by this Senate. I also want to send a message to Mexico and to Panama and to the Bahamas.

Now, I beg to differ with my good friend—and he is my good friend—from Connecticut.

There have been plenty of hearings on this general subject. There were something like five last year on Mexico. There were three on Panama that I recall. There was one just a few weeks ago presided over by the distinguished Senator fron North Carolina, Senator SANFORD. The Senator from Connecticut was not able to be there. The Assistant Secretary for Narcotics testified about the certification process.

So we have had hearings. And we do not need any more hearings to decide that this Congress ought to do something instead of talking about it, in terms of drug trafficking pouring into the United States of America and corrupting our society. That is what this joint resolution is all about, Mr. President; honesty and certification as surely we have not only the right and duty to demand that of the U.S. State Department, and send a message to Panama and Mexico and the Bahamas. That is about all there is to it.

I understand the distinguished Senator from New York, Mr. D'AMATO, is ready to make some comments. I will yield to him as much time as he may require.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank my distinguished colleague, the Senator from North Carolina, not only for yielding so that I may express my views on this most important matter, but also for rocking the boat. It is correct and it is right that we rock the boat. It is time that this country began to back up its stated policies, which we put forth and abandon with regularity, on the issue of international drug trafficking.

When we run for office we are all opposed to the scourge of drug trafficking. We say, "Oh, it must be stopped. We must beef up the law enforcement efforts. We must see to it that we have drug education and rehabilitation programs. We will get the guys and put them in prison." Why should or how can our allies have confidence in what emerges from this body or the White House when we are not consistent?

We make a sham of it. We would not treat our children the way we treat good allies by saying one thing and doing another.

I understand there are some very serious ramifications of what this resolution proposes to do to follow the law. Indeed, we are going to mystify our allies because maybe for the first time we are following up on a clearly stated policy. In fact, some of the Members here are going to be put to the test.

I remember when we got up on this floor and we talked about the scourge of drug addiction, and I also remember when we said, "Let us put up the money to build the prisons for the real pushers, the guys who should be in prison"—I am not talking about users, I am talking about dangerous criminal felons; the same group. But when it comes time to back up a program with action we say, "Oh, no, we do not have the money." Chances are that it is not going to take place here because, for whatever reasons, we find the easy and expedient way out.

Let me tell you. Do not blame the Japanese because they see that we talk one thing when passing legislation, and then when it comes time to implement the legislation, we back off. That is as it relates to trade. And let us not blame the Mexican Government either, or any other corrupt government, and they are corrupt—one of

the most corrupt. The wealth and affluence accumulated by those who serve in public office is scandalous. No wonder why they hang on by their fingernails and we are worried about keeping them in power. Governors in various provinces have become multi-multi-millionaires, and every President receives a palace after he leaves. How did that come about? Then they wonder why the people are seething, they wonder why they have revolutions, and we do not have the courage to back it up.

Why pass these bills? Why pass these laws? Is it for political window-dressing so when we go home and are running for election, we can say, "I voted to cut off aid to those countries who are producing and distributing drugs, but who are not doing anything in the battle against drugs?"

It is about time that we backed up our words with some action. I am sick and tired of hearing the institutions of the State Department. And by the way, I do not care what administration is in, Republican or Democratic, it is the same cadre up and down that line, they are there whistling to the same old tunes. They go to all the embassy parties. They know the ambassador. They know the ministers. They know they are nice people. Consequently, we get the same kind of claptrap.

We wonder why when we really mean it they do not understand. We have to wait for something earthshaking to take place. They actually take our law enforcement officers, capture them, torture them, kill them, and only after a tremendous international incident, only after maybe one person has the courage, the Commissioner of Customs says, "Look, you have some corruption." We, however, make believe there is no corruption. Poor Winnie von Raab got himself into trouble, and he is supposed not to see, not to say, not to know. We have our own out of office. The Attorney General came running down, and the State Department went wild.

Well, things are not going to get better if we do not pass this joint resolution. It is going to get a lot worse. Maybe it is about time that we began to say to the State Department, "Look, when we pass laws they have meaning, and you have to implement them." We need them desperately.

Just go through the litany of the abuses—and I do not intend to because they are clear and well known. The facts have been stated here and they are correct. The facts that we get come out of the State Department. The International Narcotics Control Commission writes its reports and its surveys. I did not write them. I did not write on page 154, "While existing laws are adequate, Mexican enforcement, conviction and sentencing is less than adequate."

This is the same group, the same State Department that then sent facts to our President and said yes, certify that their policy is adequate.

I did not go out and provide the details. But I am wondering how they can say there should be certification and, in the same breath, say their report is full and replete, page after page, of their own information that shows they are doing less than nothing. This report that I have in my hand, the International Narcotics Control Strategy Report, is worth nothing, absolutely worth nothing.

My committee, the Foreign Operations Subcommittee of Appropriations, raised this matter when it was a hot political issue back in October. We asked some very telling questions. We asked, "How many people arrested in 1986 have been convicted?" The State Department's response was "That figure is unavailable."

Then we raised other questions. We have been told that the process began with an instructional cable sent to the respective U.S. embassies on October 25, 1986. At the various embassies and departments, the CIA and AID people began getting back memos on February 3. A major memo was then distributed setting forth the instructions for so-called final preparation, for the final clearances which were done on February 19.

However, the Bureau of International Narcotics did not retain all of the message clearances. When they asked the various embassies, agencies, the CIA and AID people, et cetera, for what was taking place, they in fact did get the messages, but they never retained them. Why not? Why did they not keep the responding messages? I can only conjecture, but I do not think they liked the messages that came back from Mexico with respect to drug enforcement, et cetera.

On February 26, Assistant Secretary Ann Wrobleski briefed the National Drug Enforcement Policy Board on their recommendation. The White House received this recommendation on Friday, February 27—at 6:08. February 27, that is 1 day before the President signed the certification. Do you know something? I think that is 1 day before the new Chief of Staff, Howard Baker, took office, and the same day the Chief of Staff, Donald Regan, saw the documents. I am wondering what information was given to the President, and I would suggest it certainly was not accurate information that led him to sign this certification.

We asked the State Department, "What information did you give the President?" They said, and the State Department's exact words are: "State did not retain all the phone messages, draft copies and so forth, that were generated during this process, but the presumption on final clearance, given on instructions of February 3, was and had to be that the persons communicating the clearances were authorized to do so by the heads or responsible officials in their agencies."

Mr. President, I think every American citizen has been told by some politican, Republican or Democrat, at some point in time, that, "Yes, we are fighting this menace; we are out there; and we are telling the drug-producing and drug-distributing countries that we are not going to tolerate it."

Unless you support this joint resolution, do not ever get up and talk about fighting the drug epidemic and mean it. Do not get up and say you are determined to do something about it, because if you oppose this amendment you are afraid to rock the boat.

I do not always agree with my distinguished colleague from North Carolina, but I want to commend him for rocking the boat. Do not blame our allies if they do not believe us when we say one thing and do another. We do it all the time.

We are not truthful, and we are not committed. In this case, we not only deceive our allies, but we deceive the American public.

Mr. President, I hope that we give meaning to what the Senator and we have all said here by seeing to it that this joint resolution is supported overwhelmingly.

Mr. PELL. Mr. President, I yield such time as he may desire to the Senator from Indiana.

Mr. LUGAR. I thank the distinguished chairman of the Foreign Relations Committee.

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

Mr. LUGAR. I am happy to yield.

Mr. BYRD. I thank the Senator.

Mr. President, I have had discussions with the principals who are on the floor, the chairman of the Foreign Relations Committee, [Mr. PELL], and Senators DODD, KERRY, WILSON, HELMS, and LUGAR.

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

The PRESIDING OFFICER. Is there objection?

The majority leader has the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I did not realize the majority leader had the floor, but I do suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time does the Senator suggest the absence of a quorum?

Mr. BYRD. Mr. President, I ask unanimous consent that the time not be charged to either side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I owe the Senator from Indiana an apology. He had the floor and yielded to me and I took the floor and forgot about his rights. I am sorry.

Mr. LUGAR. There is no need for an apology, Mr. President.

Mr. BYRD. We are all working together trying to resolve the matters that are before the Senate and are going to be before it tomorrow. If the distinguished Senator will allow me just another minute, Mr. President, for the benefit of all Senators who may be listening, there are three joint resolutions on the calendar: Senate Joint Resolution 90, Senate Joint Resolution 91, and Senate Joint Resolution 92. All of these are privileged resolutions; each of them has a statutory time limit of 10 hours. These joint resolutions can be motioned up by anybody.

The debate will go into the evening for a while, as I find in making inquiry with Senators on the floor. Rather than keep Senators into the evening for a rollcall vote, I hope that we can go over and have the rollcall vote on this pending joint resolution tomorrow morning at 10 o'clock, then take up the other two joint resolutions in succession, beginning with Senate Joint Resolution 90 and then, finally, Senate Joint Resolution 91. I hope that we can also get a time agreement of not to exceed an hour and a half on each of those two joint resolutions. There will be rollcall votes on the three joint resolutions—at least one, on each.

Senators who are closest to the situation here have agreed tentatively on the proposals. I have sent an inquiry to the distinguished Republican leader and he is on his way. When he arrives, I shall put the request.

I thank the distinguished Senator from Indiana for yielding.

Mr. HELMS. Mr. President, will the distinguished Senator from Indiana yield to me just a moment?

Mr. LUGAR. I am happy to yield to the Senator.

Mr. HELMS. Was it the distinguished majority leader's understanding that Senator KERRY agreed—it was my understanding that he did. He wanted additional time, but my understanding was that he was agreeable to the hour and a half.

Mr. PELL. He was agreeable to the hour and a half.

Mr. DODD. Mr. President, my impression was that Senator KERRY wanted 2 hours on the Bahamas. He said probably he would not use all that time, but he wanted 2 hours.

I am informed otherwise, I apologize.

Mr. BYRD. I thank the Senator from Indiana for his kindness in yielding. I again apologize.

Mr. LUGAR. I thank the leader.

Mr. President, let me review the situation for a moment so that all Senators——

Mr. BYRD. If the distinguished Senator would yield, I suppose I would be safe in telling all Senators there will be no more rollcall votes this evening, because, as I understand it, the Senator from Indiana himself is prepared to speak at some length yet this evening. That may interest other Senators who want to speak on the same resolution. So, rather than keep other Senators in tonight, I shall just make the announcement now. There will be no more rollcall votes this evening.

Mr. CHAFEE. That is sweet music.

(Mr. ROCKEFELLER assumed the chair.)

Mr. LUGAR. Mr. President, let me review the situation for a moment.

Section 481 of the Foreign Assistance Act was amended last year, as has been mentioned in the debate thus far, as part of the Anti-Drug Abuse Act. The new provision in the Foreign Assistance Act provides for a 50-percent reduction in foreign aid to those countries which do not cooperate fully with the United States in stopping the flow of international drugs. This legislation also includes a provision by which Congress can pass a resolution of disapproval objecting to a Presidential certification that a given country has fully cooperated with the United States in combating international drugs.

If a joint resolution of disapproval is introduced, the law provides that Congress follow the same procedures it follows on a resolution of disapproval involving an arms sale proposal. That includes the expedited procedures we have been discussing today, in which the Senate Foreign Relations Committee has 10 days to report out such a resolution.

Mr. President, it is agreed in the debate that we have had thus far that 30 days have passed since the President sent a finding to the Congress, including the Foreign Relations Committee and the U.S. Senate. Therefore, it has been agreed—in fact, the distinguished senior Senator from Arizona stipulated that he might be inclined to vote in favor of the resolution before us on Mexico, on the basis that his action would be symbolic. By "symbolic," he means that it would not have force with respect to the rejection of foreign aid or with respect to any of the international loans in which Mexico is involved.

But, Mr. President, earlier in the debate, we heard a dialog involving the distinguished Senator from North Carolina [Mr. HELMS] and others in which it was pointed out that a resolution would be advanced in the Senate at some point which would make binding the effects of the three joint resolutions of disapproval on the three countries we are considering—namely, Mexico, Panama, and the Bahamas. We do not know, Mr. President, whether any of the three joint resolutions will be successfully advanced. It may be the pleasure of the Senate to defeat all three. In the event that the Senate should pass all three, following logic which has already been expressed in the debate that these are, after all, only symbolic actions, and then the Senate is confronted with a joint resolution making them binding, it would appear that one has the best or the worst of both worlds.

In short, we are dealing with a proposition in which we have agreed that any such resolution has no effect, yet it is being advanced for some reason on the floor of the Senate today, even with the 30-day time period having expired.

Mr. President, let me suggest respectfully to all who are involved in this debate—and there have been eloquent speeches thus far as part of a spirited debate—in my judgment what we have with this particular joint resolution is what I would term "Mexico bashing." It has been a popular sport from time to time but let us call it for what it is. I simply cite the fact, Mr. President, we are in a debate in which a deliberate attempt is being made to alter the perception of the relationship between the United States and Mexico, a debate which cannot have any effect with regard to foreign aid or with the banks, but certainly the people in Mexico or the United States or anywhere in our hemisphere—for that matter anywhere in the world—hearing this debate know that we are proceeding toward a vote of censure of a country.

I would like to quote, Mr. President, from a perceptive article written by William D. Rogers, who is now a Washington attorney, former Assistant Secretary of State for Latin Affairs, which appeared in the Washington Post last June 14, 1986. Mr. Rogers said in part:

> Mexico is in deep crisis. Oil prices have plummented; inflation and unemployment are up. The government is in the final stages of sensitive negotiations with the International Monetary Fund on further adjustment measures that can only add to the sacrifices the Mexican people have borne so courageously since the beginning of the crisis in 1982. Brutal attacks from Washington on the central institutions of the nation are particularly gratuitous just now.
>
> If the United States has one truly special relationship with another country in all the world, that country is Mexico. Standard diplomatic textbooks do not teach it. No other nation's internal developments impact so directly on us. With no other do we have such a range of concerns, from security to drugs,

migration, border industries, energy trade and finance.

Nowhere else is there such a long border dividing—but not separating—a rich nation and a poor one. No other frontier in the world is marked by such stark contrasts of history, culture, language and living standards. And with no other country is the common relationship so asymmetrical.

It is said that the United States represents three-quarters of Mexico's foreign policy. When Washington speaks, the echoes are heard instantly in Mexico City. But for the United States, Mexico is a concern to which we turn only as an afterthought or in times of crisis.

Carlos Fuentes has said that for the United States it is "the most difficult frontier of all, the strangest, because it [is] the closest and therefore the one most often forgotten, most often ignored and most feared when it is stirred from its long lethargy." And so, he suggests, when we suddenly rediscover Mexico, there is a tendency to think we need to save it, to fashion it in our image, metaphorically to occupy it once again, to assimilate it to our own national experience, to make it something it is not.

This time around, Congress has become the base for what appears to Mexicans to be an organized attack. Mexico's economy is said to be in ruins. Its officials have been accused of complicity in the drug trade and of being guilty of rampant corruption. The very nation that for decades had been the toast of the hemisphere for its stability, its avoidance of coups and its distaste for military dictatorships is now alleged to be threatened by political dissolution.

Such rhetorical excesses do not serve the management of the delicate relationship. Noisy attacks on Mexico strike back at our own national interests. They are bound to increase nationalism, unite the factions of Mexican politics, inflame the always latent distrust of gringos and dissuade the leadership of the country from staking its political future on working with the colossus of the north.

The attacks on Mexico sit even less well because there is an element of self-righteousness about them. Mexicans know that their drug problem would not exist but for the insatiable market for drugs in the United States; they regard capital flight as a function of the fact that the U.S. financial markets are driven by our deficit to suck up the savings of others; they know that no nation, and certainly not the American South, has a perfect record of electoral honesty.

And I would include at least in that description my home State of Indiana, hardly a paragon of virtue in terms of electoral honesty throughout the ages.

Solutions to the Mexican financial crisis, the drug crisis and the migration crisis can come only with growth in Mexico—more production, more ligitimate exports, more jobs. This, in turn, means bilateral development cooperation between the United States and Mexico, not unilateral confrontation.

A nation can choose its friends, but not its neighbors. We and Mexico are fated to live together. For richer or for poorer. No death can us part. We had best learn to exist side by side, with civility and understanding. What injures Mexico does damage to our own vital national interests as well.

Mr. President, it seems to me very important to note, now that we are into this debate, which I believe is unfortunate to begin with, and which need not have occurred because of an irrelevant resolution that cannot have effect—the movers of this joint resolution were determined to have a go at Mexico today, and make no mistake about it, that those who want to talk tomorrow will have a go at Panama and the Bahamas. This it is a deliberate attack, because the Presidential Determination No. 87-9 of February 28, 1987, is on the stationery of the White House, the White House, Washington, DC, the President of the United States.

Now, it has been stated a number of times in this debate that this is simply a matter of debating a State Department evaluation, some have suggested a very superficial one, of the drug problem in Mexico and the efforts that they have taken to eradicate the problem. Suggestion is made in low voices that it is State Department bureaucrats that are the problem.

Mr. President, the finding is signed by the President of the United States, Ronald Reagan. This is his finding, the President's. I think we need to get that very clear. And the memorandum says, "Memorandum for the Secretary of State." Not the other way around, but from the President to the Secretary of State. "Subject: Certification of Narcotics Source in Transit Countries under Public Law 99-570," the drug certification we have referenced earlier on. The President says:

By virtue of the authority vested in me by Section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, as amended by the Anti-Drug Abuse Act of 1986 (Public Law 99-570), I hereby determine and certify that the following major narcotics producing and/or major narcotics transit countries have cooperated fully with the United States, or taken adequate steps on their own, to control narcotics production, trafficking and money laundering.

Then the President lists "The Bahamas, Belize, Bolivia, Brazil, Burma, Colombia, Ecuador, Hong Kong, India, Jamaica, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Panama, Paraguay, Peru, and Thailand."

Then he says:

By virtue of the authority vested in me by Section 481(h)(2)(A)(ii) of the act, I hereby determine that it is in the vital national interests of the United States to certify the following countries.

There, the President certifies Laos and Lebanon in that category.

He says, further:

I have determined that the following major producing and/or major transit countries do not meet the standards set forth in Section 481(h)(2)(A): Afghanistan, Iran, and Syria.

In making these determinations, I have considered the factors set forth in Section 481(h)(3) of the Act, based on the information in the International Narcotics Control Strategy Report of 1987.

You are hereby authorized and directed to report this determination to the Congress immediately and to publish it in the Federal Register.

RONALD REAGAN.

The President took this act very seriously. It is not easy for him to do so. The act was passed last October. It calls for the first report to come March 1, 1987, and each March 1 thereafter. This is a fairly short period of time.

In looking at drug control programs, most of the strategies that are set out with the United States and other countries span a period of time, as I will cite in a moment, when I quote from the International Narcotics Control Strategy Report of March 1987, a report on which the President has based his finding. There are plans, and the Mexicans have agreed with Americans, and so have other countries, about how to eradicate drugs and make progress on those plans.

So this is not a trivial finding. It is not something done with a push, a shove, or a wink, as one colleague mentioned this afternoon. This, in fact, is serious business. The International Narcotics Control Strategy Report is a fairly thick record, because it covers a lot of countries and quite a few strategies.

It is important for the sake of this debate, now that we are in it, with regard to Mexico, that we take a look at the accomplishments in 1986 on page 150 of the International Narcotics Control Strategy Report. This refers to our narcotics control with respect to Mexico. I read from the strategy report:

Mexico has made a political and financial commitment to anti-narcotics efforts and, as President de la Madrid stated in a December 19 letter to President Reagan, has recognized that an effective narcotics control program benefits Mexico as well as other countries. Meetings in 1986 between senior officials from the United States and Mexico have underlined the commitment to mutual cooperation by the Government of Mexico. Presidents Reagan and de la Madrid discussed the problem in depth in their August meeting and the Attorneys General of both countries have met frequently to discuss joint cooperation during the past twelve months. Mexico has also worked actively to bring about greater regional and international cooperation in narcotics matters. One important step was the 1986 meeting of Western Hemisphere Attorneys General in Puerto Vallarta which Mexico organized and hosted.

INM was instrumental in convincing the PGR in early 1986 to reinforce the spraying strategy for the aerial eradication program, fumigating all immature opium poppy and marijuana fields immediately after detection, regardless of the stage of the growth, in order to reduce the amount of illicit crops reaching harvest. In February INM funded an aerial survey of the critical tri-state growing area of Sinaloa, Chihuahua, and Durango to provide a better estimate of total illicit hectarage. PGR navigators were then trained by U.S. instructors in photo interpretation, and plans were made to systematize these surveys.

Other program improvements included: strengthening flight safety by establishing a training center with regularly scheduled refresher courses for PGR pilots; employing fixed-wing Turbo Thrush agricultural spray airplanes (with greater capacities for herbicides, range, and altitude) in an intensification of the campaign against opium poppy; institution of a comprehensive reporting system; and restructuring the ordering of spare parts by the aviation maintenance contractor so that all procurement is computerized. Two U.S. aviation advisors and one aviation maintenance advisor assisted Mexico in 1986.

I cite these items, Mr. President, not to take the time of my colleagues, but simply to point out that this is a serious record—the United States Department of State and Bureau of International Narcotics, matters going into detail on specific achievements with the Mexicans, working in cooperation with the United States.

The report continues:

U.S. persists in efforts to ensure that major arrests be forthcoming in the 1985 torture/murder of DEA Special Agent Enrique Camarena. While none of the major violators still detained in connection with this investigation have yet been convicted, the GOM has indicated that verdicts will be handed down in early 1987. On November 17, 1986, Javier Barba Hernandez, presumed to have been present for the abduction and murder of Agent Camarena, was killed by Mexican Judicial Federal Police near Mazatlan in a shoot-out that followed detection of a drug trafficking operation.

Mr. President, the report also points out, in the course of detailing the problems in Mexico, a very large number of problems. This is not, as has been suggested earlier in the debate, a whitewash or a trivial pursuit. The United States of America has, I think, a very candid view, as do Mexicans, of what is occurring in that country. The report says:

Mexico continues to be the major single source country for the production, processing and trafficking of heroin and marijuana entering the United States. Mexico's economic crisis with its concomitant falling living standards, declining government revenues, growing rural poverty and scarcity of domestic credit works to the advantage of drug traffickers while undercutting efforts directed at them. Despite Mexican and U.S. remedial measures, corruption and inefficiencies in the eradication campaign still to impede efforts to reduce the flow of drugs to the United States from Mexico.

Mexico's heroin exports to the United States are surpassed only by Southwest Asia in terms of total quantities supplied to the U.S. (2-4 MT of heroin for Mexico vs 3 MT for all of Southwest Asia). The Tri-State region of Sinaloa, Chihuahua and Durango is the primary growing area.

The U.S. report goes on to say:

Marijuana cultivation is large-scale and found throughout the country in varying stages of growth and quality. The 1986 estimate is 4,670-5,370 MT available for export to the United States from gross production of 4,990-5,645 MT.

Over one-third of the cocaine consumed in the United States transits Mexico from production and refining locations in South America. The Yucatan Peninsula is a major transshipment point for cocaine. Although some refining of cocaine hydrochloride reportedly occurs within Mexico, the majority of the cocaine transits Mexico in final form via small- to medium-sized aircraft, utilizing both clandestine and registered airstrips.

Finally, Mr. President:

Mexico's production of controlled substances has diminished and the existence of the major amphetamine laboratory which was seized in the state of Tamaulipas in July 1986 appears to have been an unusual incident. The situation is being monitored, however, in the even that controlled substance production should once again become a serious problem in Mexico. The diversion of licit drugs does occur, but on a relatively small scale and does not significantly affect the illegal market in the United States.

I make that a part of the RECORD Mr. President, because the relationship with Mexico in the eradication of drugs both in production and transit is a very serious one.

The United States has not blinked in taking a look at the facts, nor have our Mexican friends. This effort is a source of great danger to those who are involved in the administration and law enforcement in Mexico, and cooperation with our officials has subjected many public officials in Mexico to unusual stresses and difficulties. Many have exhibited great courage in working with our officials, as our DEA officials have in working with the Mexicans.

I simply point out, Mr. President, that although much will be said about the circumstances in which the Anti-Drug Abuse Act was passed last year—and it was a rush to the finish—that it is an important piece of legislation. Members on both sides of the aisle, as pointed out several times, unanimously embraced the idea that this body ought to speak to the problem of drug control and drug abuse in the United States and we did so in a multifaceted way.

This Senator joined 98 other Senators in voting for that legislation. It has been pointed out that this Senator was responsible during the chairmanship of the Foreign Relations Committee with particular parts of that legislation that are now a part of our Foreign Assistance Act.

I am just here to say, Mr. President, that I am proud that the President, those involved in drug administration, those involved in the Department of Justice, and those involved in the State Department have all taken that responsibility very seriously in a short period of time, and have compiled, I think, very good statistics about the extent of the problem.

Likewise, the plan for action is the important element, Mr. President. It seems to me that as we take a look further in this report we note that there is still no complete database for narcotics, and yet the President has certified to the best of our knowledge to all of those benchmarks so we have some idea where we are heading.

Let me just note for the benefit of the Senate that under A.3 Plans, Programs and Timetables, we get a fairly good idea what the benchmarks ought to be for the year that we are now in.

During the first quarter of 1987, a joint USG/GOM evaluation team will undertake a study of the PGR/INM aerial eradication program, to determine need and deployment of the PGR's 89 unit air fleet. Aircraft utilization, present spraying techniques, use and composition of herbicides will be included in the study.

The Operation Vanguard verification program will concentrate on ground truth intelligence during the upcoming year as the chief need in this effort.

The Government of Mexico continues to expand its resource commitment to the narcotics control program with an increasingly larger share of the Attorney General's budget. The eradication campaign received 1.6 billion pesos, or 40 percent of the PGR budget, in 1983 and is projected to receive 23.6 billion pesos, or 60 percent of the PGR budget, in 1987.

Steps are being taken to send a PGR aircraft to the United States for conversion to a photographic platform for future aerial surveys by the Mexicans.

I mention that point, Mr. President, because there are some sophisticated cooperative efforts that are ongoing.

The effect of raising this type of resolution as a gratuitous slap at Mexico is surely to jeopardize some of the enthusiasm and cooperation with which these ventures are being entered.

I appreciate the exasperation of colleagues who are angry about drug abuse, about that part of it that might be attributed to Mexico.

Mr. President, it is not our pleasure simply to express anger and hostility. We need to recognize that we are working cooperatively in very detailed sophisticated ways with equipment and personnel with another sovereign country in a program of mutual benefit. This is, as I pointed out earlier, a unique relationship because of our proximity, our shared boundary, and the numbers of our citizens that go back and forth across the boundary.

Mr. President, this resolution would be difficult enough if we were simply talking about the drug control effort. The point of my remarks today is simply to say that I believe we will do better to continue to work the plan. I think we have a good plan. I think that we are making progress. I think we have a very realistic idea of the enormity of the problem.

We do not have a very good idea in this country of how to dry up demand. We have tried a good number of ways to persuade people not to want cocaine or marijuana or opium, or whatever. We have not been fully successful. The demand is still there. We are working with another sovereign country to try and dry up the supply, dry up the distribution, dry up the profits,

and make the law have penalties. I think we are making headway.

But, Mr. President, we have a relationship with Mexico that goes beyond work on drug abuse, important as that is. We have to consider, Mr. President, the fact that our good friends in Mexico have a very, very large political and economic relationship with our country. It is a relationship that is dynamic, has enormous possibilities, but, as we have noted during the renegotiation of the loans this year, is fraught with dangers for both of our countries.

It is not my province today to discuss the entirety of the Latin American debt situation, but I would simply say that Mexico and Brazil owe countries in the rest of the world about $100 billion each.

It is not clear how that debt can be repaid. It is not clear whether it will ever be repaid. It is not clear whether interest can be paid on that debt. In the case of Brazil, there is reticence to do this in a regular matter right now.

In the case of Mexico, as has been cited again and again, there has been extraordinary cooperation and at a grievous cost to the citizens of that country.

In the course of the last 3 years, most economists in Mexico estimate that the average wages or the real value of income for the ordinary Mexican has declined by one-third. That is a very, very severe decrease for tens of millions of persons who already were in what we would have to consider dire poverty. It is not our fault in the United States. It is not the fault of Brazil or Europe or Japan. The fault lies in many, many ways and some of the fault lies with the Government of Mexico itself. We could draw up a critique of a way the Government of Mexico has handled its macroeconomic problems. The Mexican friends could draw up quite a critique the way we handled our macroeconomic problems, the impact upon which has been very substantial.

Mr. President, we are dealing, it seems to me, in a relationship here and our Mexican friends, I think, will agree it is not only delicate, it is precarious. In the event there are defaults on loans, that there are further difficulties with regard to currency exchange and devaluation and further unemployment, there may be further possibilities of what approaches a degree of nongovernment in certain parts of the country due to the lack of infrastructure, the lack of opportunity, and even the lack of hope.

That situation will not happen in a vacuum in Mexico. The impact upon the United States will be substantial and it already is substantial so that we do not buy that argument on faith.

We try to think through in all our policies, whether it be immigration or the bank situation or trade or whatever, how to manage it.

Mr. President, it was not my choice that all of this relationship should come before us in this particular form. The President of the United States has already certified that Mexico has fully cooperated. It was not a casual assertion and it was made by the President of the United States. It was made on the basis of a detailed report from which I have cited relevant quotations both on the nature of the problem as well as the plan toward solution, the cooperative elements that are involved.

In the event that there was a situation in which the President felt that Mexico had not been fully cooperative, he could have reached that finding, and some have indicated he should have reached that finding. Some have said he should have indicated Mexico was not fully cooperating, but the national interest still is satisfied by our certifying Mexico and reducing Mexico to the second group of countries that the President cited, that is, those countries certified under a national interest waiver. He did find two in that category. That was one of his alternatives. But that was not the alternative the President chose. He said Mexico was fully cooperating.

And he listed 19 countries, as I recall, explicitly that are also in that category.

Mr. President, when all this came before the Foreign Relations Committee, the distinguished Senator from Connecticut, I believe, has stated it accurately, that it might all have simply been disposed of in one short business meeting. There had been no bill of particulars with regard to the situation, no vigorous debate, no hearings.

The suggestion has been made that the committee had hearings on Mexico last year; and, indeed, we did. But they did not deal with the finding of the President of the United States—and that is what this resolution is all about—or the specific progress entailed the U.S. Government officials. We have really not had that issue before us.

The distinguished Senator from Connecticut and others suggested, working with the distinguished chairman of the committee, Senator PELL, that it may be well for us to hear from Assistant Secretary Elliott Abrams, and from others; Assistant Attorney General Trott came before the committee as did Ms. Ann Wrobleski, who was an author, or at least a contributor to this report. So these witnesses did appear the next day and the Senators had an opportunity, within the limited timeframe, to ask questions.

And it was the resolution of the majority of the committee, with only four dissenting, that this was a situation that ought not to progress to the Senate floor in this form. It was pointed out that the law, as written, simply discharges the committee from consideration after 10 days, in any event. Whatever action we took in the committee we were told was irrelevant. Once a Senator, any Senator, raises these resolutions within a 30-day period, they become highly privileged.

In this particular instance, they were not raised within 30 days. I have not argued with the decision of the distinguished majority leader, who said, "Notwithstanding that, let us have a go at it if a Senator wants to raise these issues," and so they have been raised. And irrelevant or not or gratuitous or not or symbolic or not, here we are.

But we are talking about a foreign policy question of monumental dimensions. We are doing so on the basis that the President of the United States certified that Mexico had complied fully.

Now any one of us can dispute the President's finding, but to take on this type of monumental issue in this forum seems to me—it is clear to me it justifies our taking time to think a little bit about the relationship.

Mr. President, I would suggest that the raising of the issue jeopardizes the relationship. But I do not leave it at that. It could very well be that if this debate proceeds in a way which I hope it will, the relationship between the United States and Mexico might in fact be strengthened.

It is not a debate that this Senator sought, but now that we are in it, it seems to be important that Senators speak out for the strength of that relationship and to say that we care about Mexico. We care about all of the problems that our friends in Mexico face. We are mindful of their failings, as they are of ours. We have disagreed with many elements of their judicial system. We are outraged when Americans are murdered in Mexico or any other country and we do not take that lying down. We note the enormous amount of narcotics production in Mexico and the transit of drugs there which is horrendous.

But we note also the aircraft, the training, the meeting of the attorneys generals, and the other concerted efforts, given the supply and demand situation of hideous proportions. And we deem that that is important.

And we further note that this comes, as I stated to begin with, at a time in which Mexico-bashing sometimes is popular, but Mr. President, it is never a good idea. We live with a very important relationship that deserves better treatment.

So for these reasons, Mr. President, I am hopeful the resolution will be defeated. I hope that the vote, in terms of its defeat, will be overwhelming. I hope that if there is to be a message sent, that that will be the message: That Senators did bring this joint resolution to the floor, but other Sena-

ors spoke up, had something to say that was positive to try to treat this relationship with a great deal more care and accuracy than broad brush strokes about drug abuse, about murder, about political corruption. Those elements are there, Mr. President, but, thank goodness, the evolution of the relationship has led to something else. And it must, we all pray, lead to something a whole lot better.

We are in precarious shape. This debate might not help that. But I pray, Mr. President, that the debate will turn out to have a silver lining; that the relationship was helped; that what started as an attempt to embarrass and repudiate and censure a friendly country turned around into something else. And I make that appeal to my colleagues in hopes that the joint resolution will be defeated.

Mr. DODD. Will my colleague yield?

Mr. LUGAR. I am happy to yield to the distinguished Senator from Connecticut.

Mr. DODD. I just want to express to my colleague from Indiana that I cannot tell him and my colleagues here how much I regret that the hour is late and that I fear many of our colleagues, with the announcement there would be no further votes this evening, have probably done what most normal people do at this hour and have gone home, and probably have not had the benefit of listening to the distinguished former chairman of the Foreign Relations Committee, the Senator from Indiana, this evening.

I hope that their staffs, if they have been viewing or listening to this particular action on the floor, would encourage their respective Senators to read the comments of the Senator from Indiana. It is one of those speeches that I wish I had given. He has eloquently framed what this debate could be and could turn into, an opportunity to discuss the relationships, to discuss the shortcomings of our relationship with Mexico, and also, as he so eloquently points out, the strengths that exist, the positive relationship, and the considerable achievements we have made working in concert with our neighbors in a constructive way.

As the Senator from Indiana knows, Mexico is our third-largest trading partner with the United States, following Canada and Japan. In 1985, United States exports to Mexico totaled $13.6 billion. This is not just any other country. This is our neighbor with whom we share so much, with whom, in no small measure, the economy of this country has a certain dependency. And when we talk about the kind of issue that draws us together this evening, we ought to be able to talk about the broader context.

I say to some of my colleagues who have gotten particularly inflammatory about this subject, some of them ought to take a close look at where they come from. The Senator from Indiana was candid enough to say that his home State has not always had exactly a squeaky clean report on political activities. I would say the same is true of the State of the Senator from Connecticut, of the Senator from New York, of the Senator from California, and of others. We can all point to problems in our States over the years where our political exercises have not worked to the extent where we would be proud to have them examined as closely as we want to examine Mexico's.

I might add, certainly there is corruption, certainly there is a problem of drug production and support. But, again, as the Senator from Indiana said far more eloquently than I could, the reason there is a problem of production is that there is an awful lot of consumption up here in the various States. Many Members of this body are getting up and excoriating Mexico. I wish they would make as strong a speech about political corruption in their own States, and consumption of drugs and narcotics in their own States, and what they are doing or not doing about it back there.

So I just want to associate myself with his remarks. I am proud to serve with him. I hope my colleagues will read his remarks.

Mr. LUGAR. Mr. President, I thank the distinguished Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield to the distinguished Senator from California such time as he may require.

The PRESIDING OFFICER. The Senator from California.

Mr. HELMS. Mr. President, will the Senator yield to me for just a moment?

Mr. WILSON. By all means.

Mr. HELMS. I am indeed grateful.

My problem with the comments of my very good friends from Indiana and Connecticut respectively is that much of what they said was irrelevant, irrelevant in terms of what the law says. The law does not say, I will say to my friend from Connecticut, "cooperating fully except Mexico or except our neighbor." It says fully, cooperating fully, with all of these countries. I know the Senator has a copy of the law.

We did not walk blindly into this. The distinguished Senator from Indiana when he was serving ably as chairman of the Foreign Relations Committee introduced this bill himself. And I have here a copy of the New York Times of October 23, 1986, in which the State Department praises this law, the Antidrug Abuse Act of 1986; and in which Ann Wrobleski, Assistant Secretary of State for International Narcotic Matters said, "It greatly raises the prominence of narcotics as a foreign policy issue." And she said that the State Department supported the law because "it strengthens our hand." Then it quotes the distinguished Senator from Indiana, identifies him correctly as a Republican of Indiana, chairman of the Foreign Relations Committee, as saying that the law's objective "is to ensure that the U.S. Government uses the full measure of its economic, military, and other assistance as well as diplomatic and political leverage, in pursuit of its international narcotics control objectives."

So I do not understand where we get the implication that we are supposed to live by the law, "except"—because there is no "except" in the law. That is the reason this Senator proposed the three resolutions of disapproval of certification. And I say again that all this Senator is saying, Mr. President, is that either we are going to abide by the law or we are not. Either we are serious and sincere about doing everything possible to stop the enormous deluge of drugs into this country or we are not.

If we are going to engage in rhetoric, if we are going to say we are going to crack down on everybody except this one, and this one, and this one, because Mexico is our neighbor, or Panama. I do not know why anybody would try to defend Panama, under Mr. Noriega's leadership, down there. It baffles me that anyone has any reluctance to do whatsoever and say whatever is necessary to show up the likes of Mr. Noriega in Panama for what he is or the likes of the one-party dictatorship in Mexico. If we are going to play pat-a-cake, pat-a-cake with such dictators, let us say so, and back up and amend the law.

Mr. LUGAR. Will the Senator yield for a question?

Mr. HELMS. Certainly.

Mr. LUGAR. The distinguished Senator perhaps heard my comments about the law. I do think it is a good law. I quoted it correctly, and I pointed out—perhaps the Senator heard—that the President of the United States and all who work for him moved rapidly in the enforcement of the law. The President certifies, as a matter of fact, certain things that he is required to do with regard to the law.

Is the Senator of the judgment that I have been arguing that the law is not a good one, and it should not be enforced?

Mr. HELMS. No. I am just saying that the Senator is on both sides of the issue. One cannot pick and choose what part of the law, Senator, that one is going to enforce and debate.

Mr. LUGAR. As a single party, I have not said that I am not in favor of enforcement. I have not heard myself testify to that point.

Mr. HELMS. Yes, by the implications of what the Senator said. He does not think that in the case of Mexico that the words "cooperated fully" apply. It is absolutely clear that Mexico has not cooperated fully, yet he does not think the Senator should act to overturn a false certification.

Mr. LUGAR. Does the Senator recognize that the President of the United States has certified that Mexico has cooperated fully, that this is his certification, from the White House, Washington, DC? That is at least what we are talking about to the best of my recollection.

Mr. HELMS. I will say to the Senator that he knows, as I know, that this certification is the work of the U.S. State Department. The President of the United States has so many papers going over his desk, whoever the President may be, whatever his political affiliations may be, that he has to accept the work of the State Department. This is the work of the U.S. State Department and the Senator knows that.

Mr. LUGAR. I acknowledge they had a great part in it. I would simply say to the best of my knowledge the State Department is also in favor of enforcing the law. I have not seen any backsliding in the timeliness of the reports that are required nor in the plan that is detailed in the narcotics strategy book that I have cited. It seems to me a comprehensive account. The Senator perhaps recognizes that it offers some promise of drug eradication.

Mr. HELMS. I will say to the Senator—and then I will not impose on the time of the Senator from California anymore.

Mr. DODD. Mr. President, will the Senator yield to me for 1 second?

Mr. HELMS. I do not have the floor. The Senator from California has the floor.

Mr. DODD. Will the Senator from California yield for a second?

Mr. HELMS. I say to the Senator from California that I ask him that I may be able to complete my thought, and then he can use his own judgment about to whom he wishes to yield.

But the representation was made in the Foreign Relations Committee, and just now on the floor, that everybody in the administration involved in drug enforcement agrees that Mexico is doing a great job.

A little while ago I read into the RECORD, and I am going to read again, the comments by Commissioner von Raab, the U.S. Customs Commissioner. I ascertained after the committee meeting, after it was said by the witness from the State Department, that the Customs Director was consulted. I checked. And I found out that was not so. And then earlier today I read Mr. von Raab's testimony into the RECORD when he appeared before the Senate Appropriations Committee on March 5. He said, in answer to a question by Senator DECONCINI, with reference to Mexico:

> The threat of drugs either being produced or manufactured and/or transshipped through Mexico—our neighbor—remains a very serious problem, and has not in any way abated in the past year or so. If anything—

Mr. von Raab said—

> it continues to rise at a steady rate. In terms of Mexican efforts, the State and local authorities with whom I have worked, and the Customs officers to whom I am responsible have not given me any information on any cooperation of any particular nature.

Here is the official of the U.S. Government whose people are on the front lines down there, some of them are getting killed saying that there is no "full cooperation." This is a direct contradiction, Mr. President, of what has been represented in terms of the testimony and statements that we have heard.

I alluded earlier to a New York Times story of October 23 of last year. It began:

> A State Department report made public today says production of marijuana and opium poppy in Mexico has increased dramatically in the last year.

How's that for cooperation? The report says Mexican drug control programs are faltering despite the supposedly cooperative attitude of the Mexican Government.

Mr. DODD. Will the Senator yield?

Mr. HELMS. The statistics, it says "indicate that Mexico is once again the largest single-country source of heroin and marijuana imported into the United States."

Mr. DODD. Will the Senator yield on that particular point?

Mr. HELMS. I thank the Senator from California for yielding to me. He can do as he wishes.

I thank the Chair. I thank the Senator from California.

Mr. DODD. Will the Senator yield to me for just 2 minutes to respond?

Mr. WILSON. For 2 minutes, I will be happy to yield to my friend from Connecticut.

Mr. DODD. I thank my friend for doing so.

Just to make two points to rebut the sense of what the Senator from North Carolina suggested: If we abide by his argument, then the suggestion could also be made in this country, despite I think what all of us would agree are the sincere intentions of our Governors, our State legislatures, of the President of the United States, and both Houses of Congress, that we have increased over the years our funding for drug abuse programs, drug treatment programs in this country, police, training, to try to reduce consumption in this country.

I do not think anyone would argue for a second that the political community of this country is not committed to trying to reduce the tremendous consumption. Yet, I do not think anyone is going to argue with me over the fact that our consumption despite all of those good efforts has increased in this country.

What the certification calls for is cooperation from the Government of Mexico. Yes. There is more substance growing, and, yes, there is a greater problem. The issue before us is whether or not that government is cooperating. The President of the United States has said they are. And the authors of the legislation have said that fully cooperating is not a standard that can be met 100 percent.

The testimony before us was that these countries fall in between zero and 100 percent. There is cooperation.

I think it is important to make that point, that full cooperation should not be read literally, if we listen to the authors of the legislation. That is an extremely important point.

The last thing I want to say to my colleague is if we take what the Senator wants to do and cut in half foreign assistance to Mexico, last year we gave $15.5 million to Mexico. This year we are proposing to give $16.9 million to Mexico. Let us cut it in half. What are we cutting in half? The only money we give to Mexico is for international narcotics interdiction. The irony of the Senator's joint resolution is, if adopted, we would cut in half the only assistance we are giving to Mexico and that is to interdict the problem he is addressing. That puts us in an awkward situation, to cut in half the money to try to solve the problem he raises.

I thank the Senator from California for yielding.

Mr. HELMS. Will the Senator yield for a moment?

Mr. WILSON. Yes.

Mr. HELMS. The statement was that the most that could be involved with Mexico in terms of reduction is $200,000. I think we should keep the facts straight in debate.

Mr. WILSON. Mr. President, I think that last point deserves a great deal of attention. Funding of joint United States-Mexican efforts in drug interdiction will not be threatened by the passage of this resolution. Reduction in aid would come in other areas, not in those efforts. So I think we should be clear on that point.

Mr. President, let me take you back a few months to the very end of the session when we violated all the rules of good legislation, presumably, and in a great rush, without having had committee hearings, put together what was called the Omnibus Drug Act. It

eceived wide acclaim. It received enhusiastic support.

And why? Well, because, as is always rue, Mr. President, when the public eads, Congress follows, and virtually very public opinion survey in the Iation had registered the dismay, the utrage, the concern of the American eople at what was happening to their outh, and a situation that seemed eyond control of their governments—'ederal, State, and local.

And well they might, because what hey were reading in headlines all cross the land were headlines like his one from the New York Times on he very eve of our passage of that Omnibus Drug Act.

"Narcotics Output Soars In Mexico, J.S. report says."

The deck, the subhead, "Country he Largest Source of Heroin and Marijuana. Tough Law Awaited."

The tough law, Mr. President, had een awaited for a long, long time, ome relief to the growing urgency of his problem that could be measured n so many ways but in no statistics nore dramatic, more compelling than n the number of deaths from drug verdose.

And, by the way, as you have been old, but let me reemphasize, the U.S. eport referred to in that headline was ne from the State Department, a State Department report.

Quoting now from the news story hat followed that headline:

> * * * made public today says production of marijuana and opium poppy in Mexico has ncreased dramatically in the last year. The eport, the State Department's midyear pdate of its annual assessment of drug rafficking worldwide, contradicts the Mexian Government's assessment of its drug radication program. According to the eport marijuana production in Mexico rose y more than 25 percent in the past year hile the acreage planted in opium poppy sed to make heroin grew by one-third.

Mr. President, there is a serious redibility gap, not only on the part of he State Department issuing this and pdates to this same report that ecord additional lack of progress. There is also a very serious credibility ap on the part of the U.S. Congress. f, having enacted the tough law that vas so long awaited, we now find one eason after another to address this ubject that is too sensitive, let me ust say that perhaps the time might e better spent not reiterating what as been said, the all too clear statenents by Commissioner von Raab to he Senate Appropriations Committee his past month, that there has been o evidence of cooperation; that if nything the situation has grown vorse.

We might cite the rather palid lanuage from this report that so outaged my colleague from New York, he International Narcotics Control Strategy Report, March 1987, pubished by the U.S. Department of State, Bureau of International Narcotics Matters.

The reason for his outrage is because the report is in the diplomatic language calculated not to offend that there has been so much less than the full cooperation which this law demands, that there can be no serious contention that the weak efforts that are paraded as evidence of good faith on the part of the Mexican Government are anywhere close to being adequate, much less full cooperation.

Whether they recognize it or not, Mr. President, my colleagues on this floor and others off the floor who counsel greater patience say that we dare not base this complex set of relationships on the failure of the Mexican Government to deal adequately with these abuses, to deal with the corruption that threatens Mexicans as well as Americans, law enforcement officials as well as victims of drug abuse.

Those that counsel us to do so, whether they recognize it or not, are saying, "Ignore the law," because the law is clear. It defines in precise terms what is required, what the President must certify to.

The Senator from North Carolina is absolutely accurate when he says the State Department having provided the evidence that there has not been compliance with the law is now urging the President to certify that there has been.

Mr. President, we cannot stand that kind of credibility gap.

Last fall, we were all sporting these little buttons, "Say no to drugs." Ironically, I just found it in my desk when I opened it looking for a pad of paper.

Mr. President, there are lots of ways to say no to drugs, but they have to include interdiction of the supply.

Let me say to those who way that Indiana is not doing a good enough job, or that California is not doing a good enough job, or that New York or Rhode Island or any State is not doing a good enough job, you are right. I will remind them that last fall I said that to speak of a war on drugs and not provide the resources to fight it is worse than giving lipservice, worse than making hollow the promise that we are least implied by the passage of what was supposed to be a tough antidrug law.

If we are unable, having passed this law, to urge the action necessary for its enforcement, then we have done worse than if we had never even entertained this subject, because we have raised false expectations.

Worse than that, we will now create the expectation in those that continue to flout this law that they can get away with it, that these will be no cost, that they can continue to do so with impunity, that they can fail in efforts at eradication, that they can continue to ignore those who are battling this poisonous traffic; that they can continue the kind of conduct that literally is life-threatening, not only to American but to Mexican youth who are the victims of this vile traffic; and as well to those who lay their lives on the line, literally, daily, as Drug Enforcement Administration agents the world over but, in this instance specifically, in Mexico, which has a record of having engaged in violence against them without yet any adequate response on the part of the Mexican Government.

Mr. President, let me address another point. To say that what we are doing in urging the passage of these joint resolutions is Mexico-bashing is nonsense and I resent it. I challenge any Member on this floor, frankly, to speak to a record of greater friendship, greater efforts to promote interchange with the Mexican people and with the Republic of Mexico than my own. I am proud of that record. I suspect I may be the only Member of the Senate who, long before coming here, received the honor of honorary citizenship of Mexico City in recognition of my efforts to build bridges between our two peoples and to promote not only cultural but commercial exchange.

That desire on my part has not changed one iota. Indeed, we have not begun to explore the opportunities for mutual commercial gratification, the kind of thing that can lead to expanded economies on both sides, to the kind of jobs that are so desperately needed in the Republic of Mexico to deal with their admitted economic crisis.

But that is not what is at issue here, Mr. President. It is not Mexico-bashing to insist upon the enforcement of United States law. It is not Mexico-bashing to demand the protection of American young people from the kind of traffic that has brought about an ever-increasing statistic in terms of death by overdose.

By all means, let us address our own problems. To say that we are not without sin is to belabor the obvious. That drug law that we passed last fall contained some resources, perhaps not enough, for rehabilitation. I will tell my colleagues, having worked for many years at many levels—State, Federal, and local—with law enforcement officials that they would be the first to plead for the kind of effort that they hope can one day succeed in curbing demand and making unnecessary the expensive and dangerous efforts that they are required to make daily at interdiction of supply.

By all means, let us seek to improve what we do by way of education and otherwise to curb demand.

Yes, we are the market. That is no revelation. But, Mr. President, it is also true that there is someone supplying that demand.

Yes, we have to concentrate on curbing demand and we have to do something about starving the supply. Let me just say it is not Mexico-bashing to insist that drug agents of the United States, working in Mexico, be free from the threat of abduction and torture and murder by Mexican law enforcement officials, which was in fact the fate of Enrique Camarena, a U.S. Drug Enforcement Administration agent. Mr. President, I had the anguish of attending the funeral services for Enrique Camarena, of seeing the torment in the eyes of his mother, of his widow, his children. That is an experience I do not want ever again.

Worse than that, we are false, terribly false, on this floor if we one day say to the Drug Enforcement Administration and its agents, "We are going to give you a tough law; we are going to demand that Mexico and other drug-producing nations give use the assurance that they protect you, that they will not turn a blind eye to that kind of thing where law enforcement officials in the pay of drug traffickers abducted, tortured, and murdered an agent."

Not just one. Within the year after the Enrique Camarena incident, Agent Victor Cortez was also abducted—again by law enforcement agents. Indeed, he was found by U.S. agents and rescued from the headquarters of the Judicial Police in Guadalajara. Mr. President, that is intolerable and it is not Mexico-bashing to demand that our agents be protected.

I doubt that anyone else on this floor has as many friends on the other side of the border. I doubt that they have had the privilege of cooperation as I have. I will take pride not just on my own behalf but on behalf of the city that I served as mayor for 11 years in a relationship that I think is a model. But I will tell you as well, Mr. President, that generations of good will in my community and all across the Nation toward our historic good neighbor are threatened, understandably, by resentment of the kind that is inevitable when we see American agents dealt with by people in the pay of the traffickers and there is no response by the Government of Mexico, no adequate response.

Mr. President, what we need is not more patience in the face of corruption. When you are dealing with corruption and malfeasance caused by corruption, the answer is not more patience. The answer is to change and say we demand what we are not just entitled but under a duty to demand in order to protect the people of our Nation. This is not an internal concern of the Republic of Mexico; it is one which, unhappily, we are compelled to share with them. The failure to deal with corruption on that side of the border inevitably breeds the kinds of traffic, the sales, the street sales, the risk to the street cops, the death by overdose that has become a commonplace in our headlines every day.

Mr. President, there will be many with good intentions who, on this floor, counsel more patience, as there used to be some who counseled more patience that we not offend another good neighbor, Japan, from whom we were suffering unfair trading practices. Yet, very recently, this body, by a unanimous vote, an overwhelming vote of 93 to 0, urged the President of the United States to take retaliation against our good neighbor, our security ally, our trading partner, Japan, because they violated an agreement, an agreement on semiconductor chips. People on this floor were outraged; I was outraged. I sponsored that resolution.

Well, Mr. President, what is more important, the semiconductor industry or the lives of American young people and the lives of young American drug enforcement agents? Are not those lives of greater or equal value to semiconductor chips and the jobs that we, quite rightly, are concerned about, whether in Providence or Silicon Valley? The answer to that, obviously, is of course, they are infinitely more precious.

Mr. President, we decided on this floor very recently that further patience would not end those unfair trading practices; that turning the other cheek, turning a blind eye to the violation of that agreement would only encourage further violation, further unfair trading practices.

Mr. President, that was a good decision. It was right.

There is a time when infinite patience is folly. There is a time when infinite patience, having been rebuffed, is worse than folly; it is a dereliction of duty.

Mr. President, that time is upon us. It is not as though the United States, through the Justice Department, the State Department, and any number of other agencies, has not afforded cooperation and infinite patience to the Republic of Mexico in mutual efforts to eradicate this mutual common problems, but there has not been full cooperation.

The murderers of Enrique Camarena have not yet been prosecuted. They have not yet been prosecuted. The law requires that when the United States requests it, we be permitted hot pursuit into Mexican airspace to pursue aerial drug smugglers. We are denied that because the Mexican Government asserts it is a violation of Mexican sovereignty.

Mr. President, that is not a good enough answer. We are not in any way challenging Mexican sovereignty. We are demanding, as good neighbors have a right to do, as we as U.S. Senators are obliged to do, that the people of this Nation be protected from a peril that is threatening them and emanating from the Republic of Mexico.

I hope that we will do a much better job in all the States of the Union. There is much to do. But to say that because we are not without sin, that we have not yet done a good enough job, to say that Mexico is not the only offender, that there are other nations, misses the point. Indeed, Mexico is not singled out. There are two other resolutions pending. There are 10 other nations listed in the law as drug-producing nations requiring certification from the President of the United States that they are in compliance with the law, and apparently most have been able to find a means to satisfy that requirement, but these have not. The evidence is plain that they have not if not only Commissioner von Raab's statement, the Commissioner of the Customs Service, that service which, second only to the Drug Enforcement Agency, is on the line daily dealing with the problem, at least dealing with it internationally.

Mr. President, it is stated that the cooperation is evident because seizures have increased at the United States-Mexican border. Believe me, they have increased because the volume is increasing and cocaine and marijuana have increased dramatically in terms of the traffic coming into this country since the time that we passed this law.

Within the past 5 years we have seen a dramatic increase in Mexican production and export to the United States of this perilous but very profitable cash crop.

Good friends on this floor have stated cooperation with Mexico will be threatened if we pass these regulations. Mr. President, I beg to differ. The kind of cooperation that we must have we will not get by turning a blind eye, as we are being urged to do. There are some who say, "Well, I could vote for the resolution except the one that follows it will really make it effective, that will really make it sting." There are others who say, "Well, I could vote for this resolution if it in fact has some teeth but we have passed the deadline for action."

Mr. President, we could construct, I suppose, any manner of elaborate catch-22 situations, any number of excuses for failing to take action, but what those who are urging that we not pass these resolutions are urging, like it or not, is that we ignore the law, the law that we enacted with much fanfare and with great promise when we told the American people last fall we were going to do something finally, belatedly about drug abuse.

Mr. President, wearing these little buttons is not going to cut it. Let us not delude anybody. Let us not raise false expectations.

My good friend, whom I deeply respect, my long-time friend, the former chairman of the Senate Foreign Relations Committee, the Senator from Indiana, stated that Mexico is in crisis, economic crisis, occasioned by falling oil prices and other factors. It is, indeed. But, Mr. President, the United States is in a crisis as well, and a crisis every bit as serious at least to the parents of those youngsters dead on drug overdose. Their number increases, and it will increase unless we do something to halt the supply as well as to curb the demand. That is our responsibility. It is no good to say we have not done a good enough job on this side yet. Let us do a good enough job but let us not default, let us not engage in this dereliction of duty in the interest of not offending on a sensitive subject.

Mr. President, we could engage in symbolic action and simply pass these joint resolutions, which, having passed the legal deadline last night, will have no legal effect unless they are implemented by a subsequent joint resolution which backdates the action to give it legal effect.

That can be done and, indeed, I think that is what we must do if we are not to prove false to the promises we made and the expectations that we raised.

Let me point out, as good Senator KERRY did earlier in the day in seeking to assuage the very proper concerns of my dear friend from Arizona, Senator DECONCINI, about this Mexican economic crisis, it is real and many of us have been concerned about it. Many of us have sought to do something about it for a long time. The President of the United States has not just the ability but the express option in the law in recognition of extraordinary circumstances to take the action that is required to exempt any nation which has failed under the terms of this law to fully cooperate if he feels it is in the best interests of the United States to do so. He can, indeed, give them one more chance. In fact, he can do so annually if in his judgment the circumstances warrant it. And it may be that they will.

We do, indeed, have a special relationship with Mexico. We have more contact points with them than with any other nation. But I will tell you this, Mr. President: If we fail to pass these resolutions and if we fail to give them effect by passing a subsequent Senate joint resolution, we have defaulted, we have deceived the American people, we have played false assurances that we gave to young drug agents who risk their lives daily to protect our sons and daughters, and I want no part of that. I want to be proud of the U.S. Senate. Most of all I want us to live up to the obligation that we assumed.

Mr. President, I do not ask Senators to ignore the economic crisis in Mexico, but I demand that they not ignore the crisis that exists on the streets of every city in the United States, large or small, urban or rural. We are a nation in peril and the peril will grow. It will become more menacing if in fact we lack the guts to make good on the promises we made. Mr. President, I implore my colleagues that we not be guilty of that dereliction of duty. There is simply too much.

As to those who might be concerned about offending our Mexican friends, I say that the Mexican friends I have understand—they understand that their Government has not yet made an adequate response; that the situation there is intolerable, where corruption has permitted a government within a government, one that challenges the very authority of the legitimate government.

Mr. President, let us do our duty. If we fail to, the American people—all of them, not simply those who have suffered the tragedy of being parents of the victims of drug abuse—will rightly take us to account.

Mr. President, I yield the floor.

Mrs. KASSEBAUM. Mr. President, will the Senator from Rhode Island yield the floor?

Mr. PELL. Mr. President, I yield such time as she might desire to the Senator from Kansas.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Rhode Island.

Mr. President, I greatly respect the knowledge and the understanding of the Senator from California about the Republic of Mexico. Having served as the Mayor of San Diego and serving now as a Senator from California, he has particular sensitivity to that relationship that I admire and respect.

I would also agree with him that there is not one of us on the floor of the U.S. Senate who does not share a deep concern about the tragedy of drug abuse. It touches all our homes and communities and States.

However, I say to the Senator from California that this really is not a question of ignoring the law. This really is not an issue of trying to find one other reason not to abide by tough legislation. What troubles me is really a question of how we have reached this point procedurally and a question of fairness in interpreting what indeed this vote is all about. That is why I am concerned about the particular junction we are at tonight.

The President has certified that 19 countries—and this has been stated many times very well on the floor—including the three countries in question, have cooperated fully with the United States.

In the one hearing we have had on these three countries, we were told by administration officials that the efforts of the three countries in question certainly warranted certification by the President.

These three countries have been picked out to be decertified without a full review of the entire list—a list, for example, which includes Pakistan, where opium production has more than doubled in the past year. I do not think this is a fair way to treat the three countries in question. Nor do I think it is a responsible procedure for a congressional challenge of a Presidential certification.

What I find troubling is really that we have not given enough careful consideration to how this certification is made, our role in analyzing the certification of these 19 countries, and how we interpret "fully cooperating."

If we had had a hearing in which we reviewed in a thorough fashion the certification of all 19 countries and had found wanting these three countries, rather than somehow picking them arbitrarily, then I think we would all join in full support of a decertification resolution. But that has not been done. I think that for us at this juncture to question the President's certification is not wise. It is not a question of ignoring the law. It is not a question of our deep concern about drug abuse. It really is a question of how we should responsibly proceed on an issue that is not a trivial one in the U.S. Senate.

This current debate has only indicated that we need, I think, to review more carefully the provision in the drug bill we passed last fall which has established this certification procedure—under, I might say, expedited procedures.

There does not appear to be any consensus on what the requirement for full cooperation means. We may in fact be requiring from foreign governments something that we could not even expect from the 50 States.

The expedited time period for review is also inadequate for a serious congressional challenge to a Presidential certification.

These decertifications are not fair to the countries being challenged, nor are they fair to the President. As a body, we have a responsibility to handle this issue with much more careful review. That, I suggest, is the issue at hand.

I would be happy at this juncture, without the manager of the legislation on the floor, to yield to the Senator from Washington [Mr. EVANS].

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I ask unanimous consent that I be given as much time as I may desire, to be charged against the opposition to the joint resolution.

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

Mr. EVANS. Mr. President, I sometimes despaired today whether we would ever hear a voice of reason. I, of course, along with many of my colleagues on this side of the aisle, was deeply disappointed when some of our own colleagues failed to support the President on a very important issue, but that is not the issue in front of us.

The issue in front of us is an extraordinarily important one. Unfortunately, it is unlikely to be given the kind of attention it deserves, and certainly our colleagues will not have the opportunity to listen before the vote tomorrow to all of the issue and all of the debate.

I listened quite carefully to much of the debate on this issue, part of it from my office; and, finally, a clear voice of reason did come across. Senator LUGAR, in a cogent and eloquent statement, I think, more clearly stated the case better than I could. Senator KASSEBAUM has just added to that.

I also listened carefully to some of the comments and the theatrics of some of my colleagues, which includes tearing books in half and pounding the desk and thundering. At least in one case, one of my colleagues said that this is a chance to vote on drugs, and those who fail to vote for the resolution will, in essence, be somehow weak in their opposition to drugs.

I heard my colleague from California just a few moments ago talk about those who would vote against this resolution deceiving the American people. I resent that. Colleagues ought to be a little more careful in the use of language on the floor of the Senate.

We will not deceive the American people. There is not one Senator here who does not care very much about the abuse of drugs and the best way in which to eradicate them. We may differ on how to do it and this may well be an issue on which we can have honest differences of opinion but they ought to be just that, on differences of opinion rather than the overwrought emotions that does not add much to our knowledge.

We all seek to do a job here and the Senator from Kansas has pointed out very clearly that a complete job simply has not been done. I sat in on the entire meeting of the Foreign Relations Committee when these resolutions of disapproval were brought forward. Nineteen nations were approved by the President. Out of those, three were chosen for these resolutions of disapproval. Those who were the sponsors and those who were the supporters admitted quite candidly during that committee meeting that they have not examined the other 16, they did not know whether the 3 were the worst, the best, or somewhere in between in that long list.

Mr. President, that is shabby work. We are capable of doing better than that. If we are going to really seriously look at resolutions of disapproval, then it is up to us to take the time, go through the effort of analyzing each country on that list, reading carefully what the President certified, listening carefully to those who can testify best to the cooperation between nations and the United States, and then make a carefully calculated decision as to who really has not cooperated.

If we are talking about fully cooperating and use that in its narrow sense, we might as well get back to the equivalent of the interpretation of the ABM Treaty, when we take a broad or narrow interpretation of the treaty. Ironically, some of those who would take the narrow interpretation here are the same ones who would take the broad interpretation of the ABM Treaty. So it is in how you interpret the intent of the law and how it should be carried out.

If "fully cooperate" means that every time the United States says "jump" the other nation says "how high," it seems to me that is a ludicrous interpretation of the law.

"Fully cooperate" I think must be interpreted in terms of the overall relationships between the two nations on this subject. Certainly we have to be tough in what we ask for and we have to be accurate in our interpretation of the results, and I think the administration has to give to Congress their best view as to whether each nation has, taken in the overall, met a legitimate test of fully cooperating.

I believe the administration has done that. They have clearly done it from their point of view and, while there may be some differences between some of our colleagues and the administration, if those are to be legitimate differences, then they ought to be couched in the ranking of each of these nations, looking comprehensively at all of them and then making a determination and presenting to the Senate all of those countries. There may be three, there may be six, there may be 19, or there may be none on that list who legitimately ought to be cut off from all aid.

My colleagues say it is law. I suggest to my colleagues we may very well have a chance sometime to vote on another issue and some may stand up and say it is the law. It is the law that the President must make a report, which he has just a day or two ago, to this Congress, on those nations who supply military weapons to the country of South Africa, and it is potentially possible for the President to then send to the Congress a proposal to reduce military aid to any nation who is shipping arms to South Africa and who draws military aid from the United States.

If that were to be sent to the Senate for a vote many of these same colleagues who say it is the law would desperately duck and dodge and find a way out to keep from voting on that particular provision which also it could be said is the law.

I think it is terribly important for us to attempt to understand and use more than the usual amount of understanding of our neighbor to the south. Mexico is no Nicaragua or other Central American country. It is not a nation with a population less than most of the States of the United States. It is a big nation, with population soon to cross 100 million and, in not too many years, it will be the nation more than half the size of the United States in population. It is a nation headed toward poverty, not toward economic recovery. It is a nation whose people are desperately trying to find some way to survive. And it is a nation which, I believe, is trying better than before to help us in the effort to control drug trafficking.

The real question before us is will the disapproval resolutions, if adopted, really aid us in what we are all seeking, and that is cooperation with other nations to reduce the amount of drug trafficking and the amount of drugs coming from those nations or through those nations into the United States? It seems to me the answer is clearly no.

Do you think we are going to get greater cooperation by kicking a neighbor? Do you think it is really going to make that nation suddenly fall all over themselves to be more helpful? I think not.

I have always believed that you gained far more by attempting to work together and cooperate and find better ways of working together and gradually, maybe slowly, maybe even too slowly, maybe keep working toward a positive goal.

I think the end result of a resolution of disapproval would be a deterioration in that relationship, a showdown, not a speedup, in terms of cooperation, a setback, not a forwarding of our war against drugs.

I simply believe it would be a foolish action on the part of the U.S. Senate.

Senator LUGAR did say something in the closing paragraph or so of his remarks, and I hope he is right when he said this issue would have been better not to have been brought to the floor of the Senate, but since it has, perhaps some good will come out of it, perhaps we will show some common sense, perhaps we will recognize that there are better ways to gain cooperation than by kicking a neighbor and that we will actually vote this resolution and the other two resolutions of disapproval down.

In doing so, we might send a better signal, a signal that will do more to aid

us in this war against drugs than these, I believe, unwarranted and unwise resolutions which are before us.

Mr. SYMMS. Mr. President, I rise in support of Senate Joint Resolutions 90, 91, and 92, legislation to disapprove the President's certifications that Panama, Mexico, and the Bahamas have fully cooperated with the United States, or taken adequate steps on their own, to control narcotics production, trafficking, and money laundering.

Last year, Congress passed overwhelmingly legislation to control the use and abuse of illegal drugs within our Nation. I was proud to be a participant in that legislative effort. Moreover, upon my arrival in the Senate, I joined several of my colleagues in forming the U.S. Senate drug enforcement caucus. It is the caucus' responsibility to aid in the efforts to combat drug abuse and provide stricter enforcement of our narcotic laws.

Congress, parents, teachers, and other elected officials have taken a responsible role in educating our children on the facts about drugs. I sincerely believe that by putting trust in our youth, and instilling in them a sense of responsibility, they will realize the dangers of drug abuse. However, the buck does not stop here.

While it is necessary to work within the borders of our country, we must also work with the nations known for producing narcotics and the countries used for transporting illegal drugs into the United States. But, Mr. President, we need their full cooperation. Passage of Resolutions 90, 91, and 92, would demonstrate the Senate's discontent toward Mexico's, Panama's, and the Bahamas' failure to cooperate to the best of their ability.

Mr. President, it is evident that these countries have not discouraged the production and trafficking of drugs; rather, they have aided and participated in these illegal acts. In fact, several reports cite instances where Government officials in Panama have protected major drug kingpins while they held clandestine meetings in the country. Moreover, there is reported evidence that General Noriega, who is in effect the leader of Panama, attended a meeting in Peru with major drug kingpins. It is believed that at the meeting the decision was made to murder Dr. Hugo Spadafora, the former Vice Minister of Health of Panama. Prior to the meeting, Dr. Spadafora had written articles in the press with regard to his participation in the Drug Enforcement Agency's efforts to uncover the role of General Noriega and the Panama Defense Forces [PDF] in money laundering and drug trafficking. The Spadafora murder case was closed last year, without any credible investigation.

Although Panama recently passed an antidrug law, there is no indication the law has been implemented. I repeat, Mr. President, we need the full cooperation of these nations, not halfhearted attempts. The United States should not look at their attempts at face value. No law, in any country including the United States, is worth the paper it is written on without full and effective enforcement. Furthermore, certification is based on full cooperation in the past 12 months, not on what these countries say they will do next year.

While the nation of Panama has not cooperated, neither has the country of Mexico. In 1982, approximately 30 percent of the marijuana, 3 percent to 5 percent of the cocaine, and 25 percent of the heroin arrived in the United States from Mexico. Recent reports estimate that those figures have dramatically increased. Although the marijuana importation has remained relatively the same, cocaine importation has increased to 35 percent and heroin importation has increased anywhere from 35 percent to 50 percent. Much of the marijuana and heroin is actually grown in Mexico. Cocaine, however, is merely transported through the country.

Mr. President, last year, the Washington Post printed an article describing the ongoing problems with Mexican authorities in controlling the transportation of illegal drugs into the United States. The article quotes U.S. Customs Commissioner William von Raab, who calls the southwest border of the United States and Mexico, a "modern day horror story" and has asked the Reagan administration to declare it as a "crisis zone."

Commissioner von Raab cites several developments that have alarmed U.S. authorities. For example, Glenn Miles, a Customs patrol officer, was murdered on February 21, 1986 near Sells, AZ, by three drug smugglers believed to be working for Colombian traffickers. The smugglers conveniently fled back across the border into Mexico avoiding United States officials and prosecution. There also have been several firearms attacks on border patrol agents and stations in the past months. And, in Naco, AZ, Customs officers opened the trunk of a car and found 150 pounds of marijuana. As reported in the Post, the "Mexican driver assaulted the Customs inspector, who grabbed him by the jacket. The man escaped, leaving behind the jacket identifying him as a Mexican Customs officer."

The United States needs the assistance of the Mexican Government at the borders. While the U.S. border patrol agents can enforce the immigration and drug laws on the U.S. side, we need the same action taken on the other side. I want to quote an excerpt from a New York Times article that describes the lack of assistance from the Mexican Government:

> Every evening Border Patrol officers, looking down at a plan they call "the soccer field" just on the United States side of the border from Tijuana, watch while as many as 5,000 Mexicans gather, waiting for dusk. For several miles on either side of this field, hundreds of other Mexicans sit on rocks or lean against the northern side of the border fence.
>
> Observing them a few hundred yards inside the United States, lone Border Patrol officers sit in four-wheel-drive vehicles roughly every half-mile.
>
> As darkness falls, the Mexicans are joined by hundreds of others and begin pouring north in streams. Some walk behind guides in straight, tight lines as many as 100 people long, others in less organized groups, hundreds and hundreds of Mexicans, including entire families with women and children.

As I stated earlier, Mr. President, the United States needs the help and cooperation of the Mexican Government, to control the flow of aliens into the United States. But, over and above the incidents at our borders, it is most important to note the Mexican Government has not prosecuted anyone for the brutal murder of U.S. DEA agent, Enrique Camerena, and the torture of U.S. DEA agent, Victor Cortez. In my mind, these are egregious miscarriages of justice that deserve rectification before the United States allows the certification of Mexico. Last August, Newsweek magazine printed an article regarding the arrest and torture of DEA Agent Victor Cortez. The arrest occurred at a time when Mexico's President Miguel de la Madrid had just met with President Reagan to discuss growing United States-Mexican problems including the drug flow into the United States from Mexico. President Madrid's ability to handle the corruption of his own officals and police, besides controlling the drug traffickers inside Mexico, is questionable.

I urge my colleagues to review these articles. I believe they point out the distinct problems the United States faces in the efforts to control the drug trade. I ask unanimous consent that the text of the articles be printed in the CONGRESSIONAL RECORD.

We cannot halt the use and abuse of drugs within our borders, and we cannot dissolve the drug trade outside our borders without the necessary cooperation of other countries.

Finally, Mr. President, I wish to commend Senators HELMS, KERRY, MCCONNELL, D'AMATO, WILSON, and TRIBLE for introducing these resolutions in an expeditious manner, and thank the majority leader, Senator BYRD, in bringing them before the full Senate. I believe it is time to take a firm stand against these nations who have not cooperated, and I urge my colleagues to support these important measures.

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

RIO GRANDE: REFUGE LINE FOR DRUG-MOVING ARMY

(By Mary Thornton)

EL PASO.—Federal agents say that just southeast of here, tons of marijuana, protected by Mexico's Federal Judicial Police and the local Chihuahua state police, regularly roll into the Mexican town of La Isla, a dusty collection of small houses built of scrap metal and adobe.

Based just across the Rio Grande River from Fabens, Tex., the drug traffickers rely on the incentive of escaping poverty to provide a small army of backpackers, eager to earn up to $200 a trip by strapping 100 pounds of marijuana to their backs and wading across the river to "stash houses" on the U.S. side. A 4,400-pound load of marijuana was seized on the nothern side of the border earlier this month.

To the east and the west, federal law enforcement officials say, the picture is much the same. Marijuana in record quantities is streaming across the border on foot and in four-wheel drive vehicles. Overhead, low-flying planes carry cocaine and heroin, landing at private airstrips, on straight stretches of highway or even on the desert floor.

U.S. Customs Commissioner William von Raab, calling the southwest border a "modern-day horror story," said he has privately asked the Reagan adminstration to declare it a "crisis zone."

In making the request, he cited runaway drug trafficking, violent attacks on federal agents, suspicious cash movements in the area, and ongoing problems with Mexican authorities.

In addition, von Raab has charged that Columbian drug traffickers have moved in along the southwest border—on both the U.S. and the Mexican sides—because it is now easier to smuggle drugs across that border than into Florida. He said the Columbian traffickers are paying Mexicans to provide protection and transport the drugs.

Sources at the federal Drug Enforcement Administration confirm that they have seen a sharp increase in Colombian involvement along the Mexican border in about the past 10 months.

"It's obvious that it's easier [for the traffickers] than Florida," von Raab said in an interview earlier this month.

"If a bad guy comes into Florida, we can chase him," he said. "But with the Mexican situation, all they have to do is step three feet over the border and thumb their noses at us—and they do . . . . The Rio Grande is the line behind which the bad guys can take refuge."

Federal officials say that as drug enforcement resources were redirected into southern Florida, smugglers began to realize that the southwest border with Mexico was left unguarded.

Horace Cavitt of the El Paso Intelligence Center, a multi-agency organization that concentrates on smugglers of narcotics, firearms and aliens, said, "It's easier to get the dope in here. Police are running all over each other in Florida and the Mexican border has been ignored. It's 2,000 miles long, and there are a million places you can cross.

Saying that the traffic is "escalating rapidly", Cavitt added, "We're knee-deep in cocaine. Seizures are up, and prices are down."

Von Raab said drug enforcement along the Mexican border has deteriorated badly since the late 1970s when Mexico authorities actively assisted U.S. agents.

He said it is "10 times worse than three or four years ago. It's a runaway operation right now. . . . It's a no-man's land."

He added that the situation is worsening as the Mexican economy deteriorates.

In his efforts to persuade the administration to redirect resources toward the southwest border, von Raab has cited several developments that he finds alarming:

Glenn Miles, a Customs patrol officer, was murdered Feb. 21 near Sells, Ariz., by three drug smugglers, believed to be working for Colombian traffickers, who fled back across the border into Mexico.

During a three-day period early this month, more than 4,200 pounds of cocaine was seized on both sides of the border from a trafficking group bringing the drug through Tijuana, Mexico, into the southern California area.

There have been about a half-dozen firearms attacks on Border Patrol agents and stations in the past several months.

Major changes in financial patterns are occurring along the southwest border. For example, von Raab said, the Chamber of Commerce for the Lower Rio Grande Valley, one of the poorest areas in the nation, has reported that, as of January 1985, deposits in local banks showed an increase of $720 million over the same period a year earlier.

The Federal Reserve Bank in El Paso, which showed a negative cash flow in 1981 and 1982 as dollars flowed away to other parts of the country, reported a $600 million cash surplus for 1984.

Barriers to smugglers attempting to cross the border are virtually nonexistent. Starting in El Paso and extending eastward, the Rio Grande is shallow enough in many areas to wade across. In the places where there are chain-link fences, there are gaping holes.

West of here, the "border" consists mostly of a waist-high, four-strand barbed wire fence. In many spots it has been cut down or simply knocked down by four-wheel-drive vehicles.

Customs agents freely admit that they are understaffed along the border and that there are stretches of as much as 150 miles between border stations.

James Wait, the Customs agent who heads enforcement for the El Paso region, adds that planes carrying drugs regularly arrive undetected from Mexico because the air radar coverage along the southwest border is the worst in the country.

Many of the planes fly low through the valleys of mountain ranges that extend south to north—flying without lights and with their identification numbers taped over. On the rare occasions when they are detected, they make a dash for the border. "They know we can't follow them," said Al Souza, a Customs agent based in Tucson.

Wait cited Customs charts of the border showing that in many areas military radar coverage starts only at 14,000 feet and above. The radar is intended to detect incoming missiles, not small drug planes.

One agent added, "I don't know what they think we're going to do if the Russians decide to fly in over Mexico at 5,000 feet."

Von Raab has been scathing in his criticism of Mexican authorities' lack of cooperation.

"Mexico is . . . a serious national security concern," he said. "If law enforcement can be so easily bought by drug smugglers, it can be just as easily bought by terrorists."

Leonardo French, a spokesman for the Mexican Embassy, has responded, "Mexico has done its best for many years and is firmly determined to continue to do so in the war against drug trafficking. But in order to have any possibility of success, it is indispensable to attack simultaneously all the links in the chain of this criminal activity . . . as well as to discourage or even finalize demand and consumption. Most of the links do not have their main bases in Mexico.

"Sometimes we think it is unfair to keep criticizing the actions of Mexican authorities. . . . Instead of strengthening the necessary cooperation between our nations, [the criticism favors] the drug traffickers who certainly take advantage of it."

Von Raab was especially critical of a recent incident in Naco, Ariz., in which an agent opened the trunk of a car and found 150 pounds of marijuana. The Mexican driver assaulted the Customs inspector, who grabbed him by the jacket. The man escaped, leaving behind the jacket identifying him as a Mexican Customs officer.

"We passed the word that we were very very happy," the customs chief said. "They first denied he was Mexican Customs. Finally, they said they would deal with him administratively. I was in Mexico [recently] and asked for a status report. All they did was ask for his jacket back. Von Raab returned the jacket.

"Their typical response is, 'Oh, we're very concerned. Give us the specifics.' But unless you can provide the name, rank and serial number, the whole thing is dropped," von Raab said.

He added that the Mexican government has refused to agree to proposals to allow Customs planes to chase smugglers into Mexico with Mexican authorities aboard.

Without more help from the Mexicans, he said, the border situation is almost hopeless.

"The first thing that has to be done is to seek the cooperation of noncorrupt Mexican officials," von Raab said.

"As long as it's a safe haven," he said, "we can put thousands of people into Customs uniforms, but we can't do anything."

DRUGS AND TORTURE IN MEXICO

(By Harry Anderson, Elaine Shannon, and Mark Miller)

Mexican police were supposed to be working with Victor Cortez in the battle against drugs. But in downtown Guadalajara last week, a group of cops arrested the 34-year-old U.S. Drug Enforcement Administration (DEA) official and hustled him into a car. Charging him with illegal possession of firearms, they drove him to the Jalisco state police headquarters. There, they tortured him for six hours. They tied him up and beat him. They goaded him with electric prods, then stuffed a cloth into his mouth and forced fizzy mineral water up his nose. All the while they peppered him with questions on other DEA agents and operations in Mexico. Only after frantic DEA agents in Guadalajara alerted the U.S. Embassy in Mexico City—and officials there lodged an urgent protest with the office of the Mexican attorney general—was Cortez finally released, bruised and badly shaken.

The incident could not have come at a more embarrassing time. Mexico's President Miguel la Madrid had just met with Ronald Reagan at the White House to discuss growing U.S.-Mexican strains over everything from drugs and economics to immigration and the war in Nicaragua. Administration

officials were also preparing to unveil Operation Alliance, a program to staunch the flow of drugs across the U.S.-Mexican border. White House officials insisted the Mexicans were sincere in offering their cooperation in the fight against narcotics. But the Cortez affair sharpened the question of whether de la Madrid can control his own corrupt cops and officials. The Mexican attorney general's office even went so far as to deny that any torture had taken place. "I think it stinks," said Democratic Rep. Lawrence Smith of Florida. "What do you say when you're not sure whether the bad guys are worse . . . than the police?"

Wary of offending the Mexicans, Attorney General Edwin Meese III tried to play down the Cortez incident. Appearing before reporters to announce the border plan, he failed to report that the arrest and torture had occurred. Only when he was asked about the incident did Meese admit that a DEA agent had been "allegedly mistreated." Later on NBC's "Today" show, he cautioned that "it is important to recognize that this was done by some state policemen in Jalisco and does not represent either the approach or the commitments that we have received from the president of Mexico and the attorney general there."

Meese's hedging nearly sparked a mutiny at the DEA. Although the Justice Department instructed DEA agents not to comment to the press, many talked eagerly and in most cases unprintably. One veteran agent predicted that "to make this Operation Alliance plausible and workable and fundable and acceptable, they're going to have to find a way to excuse the Mexicans. "They're going to say, 'The guy's alive; no one has been hurt, we have to take the pressure off Mexico again, we have to show them that we're all together on this'." Thirty-six hours after Cortez was freed White House spokesman Larry Speakes did issue a tough condemnation of the incident—but the DEA was still fuming.

LUKEWARM PURSUIT

Even without the Cortez case, Congress would have given strong support to Operation Alliance. The plan calls for $266 million to beef up manpower and equipment along the 1,900-mile Mexican border. Among other things, it provides for hiring 384 new Customs Service agents and relocating 275 FBI, DEA and IRS agents to the Southwest. It would deploy sophisticated radar aircraft and five huge radar-equipped balloons to detect smugglers in low-flying planes. In a signal of their hopes for the operation, administration officials plan to hire 60 new federal prosecutors to handle the arrests it will generate. Their only complaints is with Mexico's refusal to permit U.S. planes to pursue suspected smugglers into Mexican airspace. The Mexicans have agreed to fly a small number of their own planes, but critics aren't impressed. "Best we can tell," says Rep. Glenn English of Oklahoma, "Mexico has two aircraft that could be used, and they aren't equipped to fly at night" (when most drug smuggling takes place).

The Cortez incident is also bound to lead Congress to press for a tougher U.S. stance on Mexican corruption. During de la Madrid's visit, Sen. Dennis DeConcini presented him with a letter listing drug charges against a number of Mexican officials, including the governor of Sinaloa, who has been accused by numerous DEA and Customs informants of collaborating with traffickers. Congress is pushing for an intensified investigation of the murder of Enrique Camarena Salazar, another DEA agent kidnapped in Guadalajara last year. "What does a DEA agent who puts his life on the live have to look forward to?" asks Representative Smith. "The United States government is not going to back him up? I find that intolerable." But in Mexico, there often seems to be little the United States can do to protect DEA agents against drug traffickers or even the police.

The PRESIDING OFFICER [Mr. DECONCINI]. Who yields time?

Mr. BYRD. Mr. President, will the distinguished manager on this side yield to me?

Mr. PELL. I yield as much time as he may desire to the majority leader.

Mr. BYRD. Mr. President, I thank the chairman of the Foreign Relations Committee.

Mr. President, I have cleared the following request with the chairman of the Foreign Relations Committee, Mr. PELL, also with the following Senators, Mr. HELMS, Mr. DODD, Mr. KERRY, Mr. WILSON, and with the Republican leader, Mr. DOLE, and with all other Senators on this side of the aisle through the cloakroom and the following request, therefore, I am advised is agreed upon.

UNANIMOUS CONSENT AGREEMENT

Mr. BYRD. Now to formally present the request: I ask unanimous consent that when the Senate completed its business today, it stand in recess until the hour of 9:20 a.m. tomorrow; provided further, that the time of the two leaders be reduced to 5 minutes each; that the Senate then at 9:30 resume consideration of Senate Joint Resolution 92, relating to Mexico; provided further, that there be 30 minutes, to be equally divided, on the joint resolution and controlled in accordance with the usual form; provided further, that no quorum call be in order, that the vote occur on or in relation to Senate Joint Resolution 92 at the hour of 10 a.m.; provided further, that following the disposition of Senate Joint Resolution 92, the Senate proceed to the consideration of Senate Joint Resolution 91, relating to Panama; that there be 40 minutes, equally divided, on Senate Joint Resolution 91; that a vote occur on or in relation to Senate Joint Resolution 91 at the hour of 11 a.m.; provided further, that no time be allowed for debate on any debatable motion or point of order or appeal; that there be no time for debate on any motion to reconsider in connection with either of these two joint resolutions; provided further, that all remaining provisions of the statutes governing consideration of these two joint resolutions remain in effect.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. DODD. Reserving the right to object. I was not clear on the last line of the unanimous consent request, I say to the majority leader.

Mr. BYRD. I must say to the distinguished Senator that I am not as deeply ensconced in knowing the contents of the statutes at this point governing the consideration of these joint resolutions as the Senator is. But, other than those elements I have mentioned in this request, any remaining provisions of the statutes governing the consideration of the joint resolutions would remain in effect. This does not mean that the status of the resolutions is as they would have been yesterday. I do not intend that to be the case. They are not to be put back into that status. I think that the Senator from Connecticut probably has that in mind.

Mr. DODD. The majority leader is correct. I appreciate his explanation.

Mr. BYRD. Would the Senator be very specific and we will just be very careful that the RECORD is clear on that point.

Mr. DODD. If the majority leader would yield, reserving the right to object further, Mr. President, it would be my hope—and perhaps the majority leader would care to respond—that his interpretation of that provision would be such that the effect of it would not be to retroactively apply whatever is adopted by the Senate tomorrow to an earlier date, which would make these provisions effective as if passed at an earlier date. Is that the majority leader's interpretation?

Mr. BYRD. That is my intent and I think it was the intent of everyone who participated in the discussions of the time agreement. That point was not raised, but I am sure that was generally understood on the part of everyone. That would have to be a part of this agreement.

Mr. DODD. I thank the majority leader.

Mrs. KASSEBAUM. Mr. President, it is my understanding that this agreement has been cleared on this side of the aisle.

Mr. BYRD. Yes; it has been cleared with Mr. DOLE and with Mr. HELMS, through Mr. HELM'S aide; and with Mr. WILSON, who was present as the conversation occurred just moments ago in the Democratic cloakroom. And it was cleared with Mr. LUGAR. I believe Mr. LUGAR had an aide present. Can a Senator verify that for me?

Mrs. KASSEBAUM. Yes; I say to the majority leader, it was cleared. It is my understanding everybody had signed off on it.

Mr. BYRD. Incidentally, that reminds me, I did not mention Mr. LUGAR'S name the first time I referred to Senators by name. That was an inadvertence.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

The text of the agreement follows:

91-059 O-89-24 (Pt. 6)

Ordered, That at 9:30 a.m. on Friday, April 3, 1987, the Senate resume consideration of S.J. Res. 92, a joint resolution disapproving the certification by the President, relating to Mexico, under section 481(h) of the Foreign Assistance Act of 1961, and that debate thereon be limited to 30 minutes, to be equally divided and controlled, with no quorum calls to be in order, and with a vote on or in relation to S.J. Res. 92 to occur at 10:00 a.m.

Ordered further, That upon disposition of S.J. Res. 92, the Senate proceed to the consideration of S.J. Res. 91, a joint resolution disapproving the certification by the President, relating to Panama, under section 481(h) of the Foreign Assistance Act of 1961, and that debate thereon be limited to 40 minutes, to be equally divided and controlled, with a vote on or in relation to S.J. Res. 91 to occur at 11:00 a.m.

Ordered further, That no debate be in order on any possible points of order, debatable motions, including a motion to reconsider, or appeals thereto.

Ordered further, That all remaining provisions of the statutes governing consideration of these joint resolutions remain in effect. (April 2, 1987)

Mr. BYRD. Mr. President, I will just proceed for another minute or so, aside from thanking all Senators.

Let me state the program now. The program will occur at the end of the day just prior to the motion to recess over.

(The statement of the program appears at the end of today's proceedings.)

Mr. BYRD. I ask unanimous consent that it be in order now to order the yeas and nays on a tabling motion on each of the two resolutions; and that those rollcall votes may be acceded to by the same show of seconds.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. DOLE. Mr. President, reserving the right to object, I do not think I will.

Mr. BYRD. I understand from Mr. PELL that he will make a motion to table each of the joint resolutions, and that if the motion to table fails, he will not ask for a rollcall vote on the joint resolutions. The request now pending is that it be in order at this time to order the yeas and nays on each of the two tabling motions, and with one show of seconds.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I will shortly relinquish the floor. There may be other business tomorrow following the action on the third resolution. It should be started at this point again that the third resolution is not covered at this point by any unanimous consent cutting the time. There is a 10-hour limitation of floor debate on the third resolution. I take it in discussing the matter with the principals involved that they do not intend to require the full 10 hours be taken.

Mr. PELL. We earnestly hope not.

Mr. BYRD. Very well. I will be discussing with the Republican leader at that time what we should do for the rest of the day tomorrow.

I hope that on tomorrow we will be in a position to announce to the Senate what actions may occur on Monday and throughout the next week as far as the Republican leader and I can foresee.

I thank all Senators for their participation in the debate. I thank them for their cooperation in connection with the time agreement that has just been entered into. And whenever the Senators are ready to go out for the evening, the distinguished Republican leader and I are already.

UNITED STATES-JAPAN RELATIONS

Mr. DECONCINI. Mr. President, the White House recently decided to impose up to $300 million in tariffs against Japan because of Tokyo's failure to live up to a joint accord on semiconductors. This response by President Reagan is the first instance for trade retaliation against Japan. This is an extraordinary action, especially in light of our long trade history with Japan and the enormous impact of Japanese imports on our economy. However, an extraordinary action was required. This impending chip war with Japan is not a pleasant event, especially with such a strategically vital partner and economic ally, but additional "extraordinary action" could be inevitable.

Semiconductors present a clear and blatant example of predatory pricing—pricing which is held below the cost of production to buy a dominant share of a market. This is an illegal practice for American companies in this country. This should be an illegal practice in international trade. In an agreement between the United States and Japan last year, the Japanese pledged greater imports of American chips into their market and promised no more dumping in third countries. We have tried to deliver this message, but the Japanese have not listened. Hopefully, they are listening now.

By itself, the U.S. decision to impose tariffs will not lead to a turnaround in the overall $170 billion U.S. trade deficit. It will probably not reform Japanese trade practices. It will probably not provide a major boost for the U.S. semiconductor industry. For this to have happened, the decision should have been made years ago.

However, Mr. President, we do not have years to wait. We can no longer afford to be patient. We can no longer afford to be passive. Tokyo's practice of one-sided trade is devastating to United States businesses. This is particularly true in the construction industry. Construction should be the next battleground for the White House's fight to win expanded market opportunities for American business. This is an obvious example of biased and one-sided trade by the Japanese.

For instance, the Japanese are currently building a state-of-the-art airport facility on a manmade island. This is called Kansai International Airport and is projected to cost almost $7 billion dollars. By mid-1986, U.S. trade policymakers projected that U.S. companies were able to win only $1.4 million worth of contracts in connection with the Kansai project. United States construction companies say they have been trying to participate in the Kansai project for 5 years. Five years and $1.4 million in contracts out of $7 billion—this seems blatantly unfair. It would seem fair to ask, "How do the Japanese do in the United States market?"

Kumagai Gumi Co., for example, jumped past the top three Japanese construction companies on the strength of overseas contracts. Of their total business, 43 percent was from projects in the United States, Australia, and Great Britain. Included in this was $574 million in U.S. work; of this amount, $336 million for the construction and renovation of luxury hotels in Hawaii; and $193 million for the construction of three high-rise buildings in Manhattan. This one company acquires over $574 million in development contracts and United States companies are restricted to $1.4 million out of $7 billion in Japan.

Mr. President, the truly outrageous part of this discrimination against U.S. construction firms is that it has only just begun. The Kansai Airport project is just one of perhaps a dozen huge Japanese public works projects scheduled for completion by the turn of the century. Let me list a few more: Expansion of four other airports—$10 billion; a bridge and tunnel project across Tokyo Bay—$7 billion; an expansion of Yokohama—$11 billion; and railway, port, and bridge projects—$25 billion. This totals $61 billion, including the Kansai Airport project. There are construction companies in Arizona as well as 49 other States that would be happy to compete for these projects.

An impartial and open-minded board of judges hearing these trade figures would probably conclude that Japan has enjoyed general access to United States markets for long enough without granting equal access for American goods and service. If Japan would remove trade barriers, United States products and services such as rice,

beets, oranges, and construction services compete in the Japanese markets.

Markets which are open to American goods can help reduce the trade imbalance in America's foreign trade deficit. This will not be accomplished with a trade war in the chip industry or by opening up only the Japanese market. The Japanese are not the only violators. Moreover, added efficiency, competitiveness, and hard work are essential. The United States is finding itself in a quickly changing world economy with a host of strong partners. The central fact remains that Japan is not off the hook with the semiconductor decision. While this is a step in the right direction, along with a recent decision to give an American company a "token" contract on earth-moving machines in the construction industry, these decisions alone are not sufficient. Mr. President, Japan is reeling from this recent "extraordinary" action initiated against them, but construction contracts loom on the horizon as the next "extraordinary" action. This will remain as a flash point in bilateral relations with the Japanese. The United States will do well in competition with anybody, but it must be open and fair competition. So far, the Japanese are not willing to let this take place.

S. 466, THE HANDGUN VIOLENCE PREVENTION ACT

Mr. CHAFEE. Mr. President, I am pleased to join Senator METZENBAUM as a cosponsor of S. 466, which would require a 7-day waiting period for handgun purchases. This legislation can help to reduce the number of guns which are falling into the wrong hands in the United States.

Six years ago, an impulse buyer, John Hinckley, walked into Rocky's Pawn Shop in Dallas, purchased a handgun, and then headed for the Nation's Capital with just one thought in mind. Once he arrived here, he pulled the trigger of that gun and shot President Reagan, gravely wounded James Brady and managed to hit two law enforcement officers as well.

Currently, laws governing the sale of handguns make the purchase of guns a relatively routine act. For John Hinckley or anybody else with murder on his mind, buying a handgun is as easy as going to the store for candy. There are no delays, no address checks, no hassle and no reason to change your mind. A prospective gun purchaser must only sign a form certifying that he or she is not a convicted felon, a minor, a drug addict, or adjudicated mentally incompetent.

Handguns purchased by criminals are used in the commission of thousands of crimes every year. A major contributing factor is the lack of an effective procedure to verify the identity of gun purchasers. Three of this country's leading law enforcement organizations have come to Congress to urge support of a bill that would help resolve the problem. These groups—the International Association of Chiefs of Police, the Fraternal Order of Police and the National Association of Police Organizations—are well known for their backing of our Nation's police forces. Their support for this legislation provides strong evidence of how seriously the Nation's law enforcement agencies view the proliferation of handguns.

This legislation establishes a 7-day waiting period during which gun dealers and private individuals are required to submit to local law enforcement agencies the names, addresses, and birthdates of prospective handgun purchasers. Unless the police notifty the dealer within 7 days that the purchaser should not legally be sold a gun, the sale can proceed. In addition to permitting the police to conduct a background investigation, the delay will provide a cooling off period for those who might seek to settle heated disputes with handguns. This legislation is in the best interest of every honest and law-abiding citizen who is tired of the senseless spread of handguns to those who are using them to rob, rape, and kill.

The requirement for a waiting period was one of the recommendations of the Attorney General's Task Force on Violent Crime in 1981. And in those States and cities where waiting periods are required, the evidence indicates that fewer guns are falling into the hands of criminals.

We are all aware the dangers that handguns pose to all of us. Handguns are a major contributor to our Nation's alarmingly high rate of homicide—a rate far higher than any other industralized nation. The threat is real. I urge all of my colleagues to join in supporting this much-needed legislation.

FEDERAL-AID HIGHWAY ACT OF 1987

Mr. PELL. I intend to vote to overturn the President's unwise veto of the highway bill. This legislation is urgently needed in Rhode Island and elsewhere to get long delayed highway and mass transit projects into construction. Our State has reached the point where no new contracts can be awarded in the absence of a highway bill. Futher delay on the part of Congress and the President will delay these projects in Rhode Island until next year. Very real hardship will be experienced by the thousands of workers whose jobs are tied to the projects authorized by this bill.

This legislation also contains an amendment of mine allowing Rhode Island and 16 other States to continue receiving funding for programs cracking down on drunk drivers. A further delay in enactment of the highway bill will stall drunk driving programs in many States just at a time when spring puts so many more young people on the roads late at night. I hope that the veto will be overturned by Congress so that these vital programs can go forward.

Completion of the Capital Center project, the Woonsocket Industrial Highway, and many bridge and road safety projects are tied up in the highway bill. It took nearly a year for Congress to fashion the compromise bill just vetoed by the President, and a further delay will endanger jobs and highway safety in Rhode Island. For these reasons, I will vote to override the veto.

INAUGURATION OF DR. HARRY McKINLEY LIGHTSEY, JR. AS THE 18TH PRESIDENT OF THE COLLEGE OF CHARLESTON

Mr. THURMOND. Mr. President, on March 27, 1987, Dr. Harry Lightsey was inaugurated as president of the College of Charleston in Charleston, SC. I was scheduled to bring official greetings of the U.S. Senate at that occasion, but pressing matters pending on the floor of the Senate required my presence in Washington. I would, however, like to ask my colleagues to take a moment to recognize the new president of that institution.

Last Friday was an important day in the history of the College of Charleston—a new beginning for one of the oldest institutions in the Nation. Dr. Lightsey has been a good friend of mine for many years, and I can think of no one more qualified to become the 18th president of the College of Charleston. He is a scholar, an educator, and a man of unquestioned intellect and integrity.

Dr. Lightsey was a 1952 honor graduate of Clemson University. He received a degree in veterinary medicine from the University of Georgia. After a few years as a veterinarian, he decided to study law and enrolled in the University of South Carolina Law School, graduating summa cum laude in 1961, at the head of his class.

He quickly distinguished himself as an attorney and law professor and served as assistant attorney general for the State of South Carolina; general counsel to the South Carolina Public Service Commission; and legal advisor to the president of the South Carolina Senate. He was also chairman for the South Carolina Human Affairs Commission and the Governor's Energy Management Policy Commission.

In 1963, he became assistant professor of law at the University of South Carolina Law School and was promoted to professor of law a few years

later. In 1980, he became dean of the law school and did an outstanding job during his tenure there.

He has gained national recognition through his appointment to the Commission on the Bicentennial of the United States. He has carried forth his responsibilities there capably, in a manner which has brought respect and honor to South Carolina.

Dr. Lightsey is truly a "man for all season"—a multitalented administrator and academician who is a true leader. In a short time as interim president of the College of Charleston, Dr. Lightsey has brought new stability, direction, and vision to this outstanding institution. His strong leadership has won the support and high praise of faculty, staff, and students. A true man of progress, he has already begun to reexamine the structures and long-term goals of the college and develop an agenda for change that meets the needs of students and faculty alike.

In being an effective administrator, however, Dr. Lightsey has not forgotten the importance of the human touch—knowing that a true educator is one who learns from his students. I have heard that he sits often in the park with underclassmen, searching out their perspectives and responding to their questions.

Martin Luther once said:

> The prosperity of a country depends, not on the abundance of its revenues, nor on the strength of its fortification, nor on the beauty of its public buildings, but it consists in the number of its cultivated citizens, in its men of education, enlightenment and character.

This statement captures the essense of Dr. Lightsey's vision for the College of Charleston. In its 300-year tradition of academic excellence, that college has already touched the course of this Nation by enlightening and training students to be leaders in their society. I am confident that under its new president, who believes in its purpose and is a leader himself, the college will continue to school men and women to be informed citizens and dedicated Americans. I am indeed honored to have an honorary degree from that fine institution which I have always held in such high esteem.

Mr. President, I extend my congratulations and best wishes—and those of the U.S. Senate—to Dr. Lightsey and his devoted wife Kathleen and ask that the following articles, which appeared in the Charleston News and Courier and the State be inserted in the RECORD.

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

[From the Charleston (SC) News and Courier, Mar. 30, 1987]

LIGHTSEY INAUGURATED, PROMISES LIBERAL ARTS TO BE C OF C PRIORITY

One of the College of Charleston's top priorities will be continuing to offer a quality liberal arts education while serving the diverse needs of the community, says Dr. Harry M. Lightsey Jr.

He was inaugurated as the college's 18th president in ceremonies Friday.

"I suspect, in my mind, the most critical problem the college faces is trying to increase its emphasis on quality and still serve two very different student bodies that we have," Lightsey said following Friday's ceremony.

He said the college has one population of traditional-aged, full-time students and another of community residents—many of whom are part-time or adult students.

"We want to achieve the same quality with both those groups," he said.

Lightsey said the college is looking at offering more educational opportunities to students so they won't have to leave the Low-country to find what they want.

Priorities also include expanding graduate programs and facing the financial difficulties coming from cuts in state appropriations.

"We will stay committed to liberal arts," Lightsey said. "Obviously, we have to respond to the needs of science and professional undergraduate education, but we're committed within those programs to maintain the liberal arts core."

Edward B. Fiske, education editor of The New York Times, gave Friday's inaugural address and said colleges are rediscovering the liberal arts core curriculum.

"We have just gone through a period where vocational and pre-professional education set the tone in higher education," Fiske said, adding that many students find their skills already obsolete after graduation.

He said a well-educated person isn't measured by what he knows, but by whether or not he has the capacity to continue to learn.

"Liberal arts is the awakening of curiosity and the ability to follow through on this curiosity by asking intelligent questions," Fiske said. He said the success of an institution of higher education is determined by what effect it has on its students.

"A liberal education makes it less likely that you will get bored with life, and makes it less likely that you'll be a crushing bore to those whose company you keep."

Lightsey took over as interim president at the college in January 1986 after President Edward M. Collins Jr. resigned for personal reasons. Lightsey, a former chairman of the state Democratic Party, had been dean of the University of South Carolina School of Law.

Last September, the State College Board of Trustees announced that Lightsey would remain president of the college. The board governs the College of Charleston, Lander College in Greenwood and Francis Marion College in Florence.

Among those attending Friday's inaugural were Gov. Carroll A. Campbell Jr., Lt. Gov. Nick A. Theodore, Charleston Mayor Joseph P. Riley Jr. and U.S. Rep. Arthur Ravenel Jr., R-S.C.

[From the Columbia (SC) State, Mar. 28, 1987]

COLLEGE INSTALLS 18TH PRESIDENT

Harry M. Lightsey Jr., who resigned a dean of the University of South Carolina' law school last year to bring stability to th College of Charleston, was installed Frida as the college's 18th president.

During an inaugural ceremony that a times seemed informal, Joe E. Berry Jr. chairman of the State College Board o Trustees, delivered the charge of office t Lightsey, a longtime friend.

The new president then discarded pre pared remarks that outlined his vision fo the college and thanked his family, friend and about 600 well-wishers seated inside th college's gymnasium.

Later, Lightsey said the College o Charleston will remain committed to provid ing a solid liberal arts education but mus continue to reach out to part-time and adul students in the region.

He said the most critical problem facin the college is how to serve two differen types of students—one group of 18 to 2 year olds who live on campus and anothe that attends school part time and may b economically disadvantaged.

"We want to achieve the same quality fo both of those groups. It will take an awfu lot of effort and work on the part of the fac ulty and everybody else to mesh those tw groups together," he said.

Lightsey, 55, said the four-year colleg will look to expanding graduate program for professionals in the community and ma add a master's degree program in busines administration.

The president also predicted a tuition in crease of up to $175 per semester next fal based on current revenue and budget projec tions for 1987-88, but said a fee increas could be avoided if legislators provide mor money for higher education.

During the inaugural ceremony, Charles ton Mayor Joseph P. Riley Jr. said that, b the time he entered the USC law school class notes that Lightsey prepared as a stu dent had become required reading.

"You bought your testbooks, and yo bought the Lightsey skinny if you had an sense at all," Riley said.

Gov. Carroll Campbell described Lightsey as one who could appreciate the subtleties of today's complex world because of his background as a veterinarian, lawyer, college professor and former chairman of the state Democratic Party.

Campbell also warned that the state will shortchange its young people if South Carolina's colleges and universities are overlooked in the education improvement movement.

"I've been a little concerned over the past few years that the state's efforts in improving education have not been fully responsive to the needs of higher education," the governor said.

"I'm disturbed . . . about the failure to understand the process only begins in the state's elementary and secondary schools and it must continue in our colleges and universities or indeed we shortchange our young people and our state," Campbell said to applause from the crowd.

In the inaugural address, Edward B. Fiske, education editor of *The New York Times*, said higher education in the United States is under fire from citizens and public officials worried about quality.

Fiske noted South Carolina's leadership in the national education reform movement,

the focus of which has shifted to what occurs in the classroom.

Other concerns facing colleges are rising costs, declining minority enrollment, the problem of introducing technology into the curriculum and the need to place more emphasis on the liberal arts.

IMPLICATIONS OF THE ABM TREATY INTERPRETATION ISSUE ON THE ARMS CONTROL PROCESS

Mr. WARNER. Mr. President, I rise to join my colleagues in providing my perspective on the issue of allowable testing under the ABM treaty. I very much respect the extensive work that my colleagues Senator NUNN, Senator HOLLINGS, Senator WILSON, Senator QUAYLE, Senator LEVIN, and other Senators have devoted to this issue. Their analysis, which has focused primarily on elements of the ABM treaty interpretation that bear both on what is allowable under the treaty, and on the prerogatives of this body in its advice and consent role, has been both thoughtful and instructive.

My purpose here this morning is not to dwell on those aspects of the issue. Many important legal and technological judgments remain to be made and this Senator does not intend to prejudge the ongoing studies requested by the President. With regard to the negotiating record, the single element on which the President has made a judgment, Ambassador Nitze, who was a principal in the ABM treaty negotiations, recalled in a speech delivered yesterday that "The Soviets agreed in a binding manner to prohibit only the deployment, not the creation; that is, the development and testing, of systems based on other physical principles and their components capable of substituting for conventional components as defined in article II, regardless of basing mode."

Mr. President, I ask unanimous consent that the full text of Ambassador Nitze's speech be entered in the RECORD at the conclusion of my remarks.

Mr. President, I would like to focus the remainder of my remarks on what I consider to be a central consideration in this entire discussion and that is the effect of actions taken by the Congress on the arms control negotiation in Geneva. Our negotiations are at a critical juncture. An opportunity for potential agreements exists now that will not again be available for at least 3 to 4 years. This administration has but a few more months to reach the basis for an agreement, given the timelines required to negotiate the details of an agreement and to secure consent to ratification. If this opportunity passes, history reminds us that it takes a new administration at least 2 years to prepare itself to the degree required for serious negotiations.

Let me review briefly the current situation. Much attention has been focused recently on the potential for an agreement in the INF negotiations. This potential was made possible when the Soviet removed the impediment they had earlier placed in the way of progress by delinking progress in INF to resolution of defense and space issues. Although serious issues still remain in these negotiations, including the treatment of shorter range INF missiles and agreement on verification procedures, an agreement is within reach if the Soviets truly desire one.

While the subject of less attention in the press, the START negotiations, aimed at 50 percent reduction to equal levels in strategic offensive arms, have also arrived at a point where there is much commonality in the positions of the two sides. This represents tremendous progress, much of it achieved at Iceland, and, with the exception of ballistic missile sublimits, sustained in the subsequent meetings.

Finally, Mr. President, there is less progress to report on negotiations on strategic defenses. While we in Washington discuss narrow and broad interpretations of the ABM treaty, the Soviets have been adhering to a position in Geneva that is even more restrictive than the narrow interpretation. One need not be a negotiator to appreciate the direct effect of congressional debate on the willingness of the Soviets to resolve these differences.

Despite the impasse in the space talks, there seems little doubt that the SDI program has brought the Soviets back to the negotiating table and continues to represent the principal source of leverage in the United States negotiating stance. In my judgment, SDI leverage is the linchpin to the success of the nuclear and space talks to arrive at equitable and verifiable arms control agreements that are in our national interest.

The Congress, and the Senate in particular, can be rightly proud of many positive contributions it has made and is making to the arms control process. Not the least of these important contributions is the strong bipartisan support provided to modernizing and improving our strategic forces over the past 6 years, and to a solid research program for the strategic defense initiative. Continuing bipartisan support for these programs, beyond its own merits in providing for our national security, provides the basis for a serious negotiation with the Soviet Union.

Beyond this important action, which speaks louder than words, congressional resolutions have clearly articulated the national consensus in favor of such important arms control objectives as equality, effective verification and compliance with existing arms control agreements. The overwhelming vote on Senate Resolution 94 emphasized bipartisan Senate support for the dismantlement of the illegal Soviet radar at Krasnoyarsk, which is a clear violation of the ABM Treaty. Such broadly supported resolutions do not go unnoticed in the Kremlin.

In addition, the Senate arms control observer group in Geneva, of which I am proud to be a member, has directly communicated to the Soviets bipartisan support for these general principles. We have also made clear to the Soviets that the Congress fully supports the United States negotiators in the NST talks. In our meetings with members of the Soviet delegation, Senators have emphasized that the Soviets must meet legitimate United States concerns if any agreement resulting from the negotiations is to obtain the advice and consent of this body. Ambassador Kampelman and his colleagues on the U.S. delegation have expressed their thanks for this support, which they believe has strengthened their hands at the negotiating table.

Every member of the Senate observer group will testify that we can be proud of our negotiating team in Geneva. They deserve our support, and I am sure that all Members of this body want to support their efforts. In seeking ways to support our negotiators, we must recognize that, just as some actions in this Congress can help strengthen their hand, other actions can make it more difficult to achieve equitable, verifiable, and stabilizing agreements, agreements which the Congress—and the American people—very much want.

In our efforts to help our negotiators achieve an equitable arms control agreement, we must remember that the Soviet Union does not answer to the United States Congress. Our legislation binds only the United States. A verifiable, equitable, and agreed treaty that imposes binding constraints on both sides can result only from the formal negotiating process. We need to think carefully about how we in the Congress can help that process before offering legislation that unilaterally restrains the United States.

I have some firsthand experience in negotiating with the Soviet Union on the incidents at sea agreement. I know that negotiating with the Soviets is a difficult and time-consuming process which involves hard choices on tradeoffs—and inevitably it culminates in the "last 20 minutes," which Mr. Gromyko once called the most important part of a negotiation. The Soviets are tough negotiators. They do not give something for nothing. Recognizing the importance of those last 20 minutes, the U.S. side must preserve its negotiating capital.

Accordingly, I call upon my colleagues, as we approach "the last 20 minutes" in Geneva, not to bind the

hands of United States negotiators and deprive them of the leverage that is necessary to achieve an agreement with the Soviets. I am confident that the President and our negotiators understand how to reach an equitable and verifiable agreement in our interest with the Soviets. But they cannot bargain with leverage that has been denied them by legislation. The hands of our negotiators should be strengthened by congressional actions, and not tied by them.

Mr. President, this Senator is pleased that the consultations between the administration and the Senate on the ABM Treaty interpretation issue includes the members of the arms control observer group. It is a clear recognition that the resolution of these issues has a direct bearing on the ongoing negotiations.

In conclusion, Mr. President, I ask my colleagues that may be contemplating legislation that would substantially reduce funding for the strategic defense initiative, or that would limit SDI testing, to consider the consequences of such action as we approach the last 20 minutes of the Geneva talks. Let us do our best to support the arms control process. It would be tragic indeed, if the verdict of history were to be that the chances for the first arms control agreement leading to deep reductions in nuclear weapons were derailed by unilateral restrictions on the SDI program that denied U.S. negotiators the leverage needed to achieve an agreement in our national security interest.

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

INTERPRETING THE ABM TREATY

(Paul H. Nitze, Speech to the Johns Hopkins University)

INTRODUCTION

Central to the arms control portion of today's foreign policy debate is the question of how the limitations in the ABM Treaty apply to strategic defense (SDI) development and testing activities. This debate has focussed on two alternative interpretations of Treaty obligations, the so-called broad and narrow interpretations. This issue of interpretation arises because the language of the ABM Treaty is ambiguous in its treatment of certain advanced technologies being investigated by both the US SDI program (including laser, particle beam, and kinetic energy devices, and passive sensors) and by the Soviet Union.

When the language of a treaty is ambiguous, compilations on international law say that, in interpreting the treaty, reference can be made to the treaty negotiating record and the record of subsequent practice of the parties pursuant to the treaty. The Senate proceedings leading to the treaty's ratification also bear on this matter.

An Administration analysis of the ABM Treaty negotiating record has been made available to the Senate. On the basis of that analysis, President Reagan concluded that the broad interpretation was fully justified. We continue to support that conclusion.

Six weeks ago, President Reagan directed that comprehensive analyses also be conducted of the other two bodies of evidence that may bear on the proper interpretation of the Treaty—the record of subsequent practice of the two parties and the US Treaty ratification proceedings. These studies should be completed by April 30. The Administration will consult fully with the Congress on the results of the studies and the implications of all three analyses for the future conduct of the SDI program.

As the debate on ABM Treaty interpretation continues, it is important to make clear the parameters of the issue. I will try to do so, and to clarify as well why my recollection of the ABM Treaty negotiations, reinforced by my review of the negotiating record, leads me to believe that the limits posited by the broad interpretation are all that the Soviet negotiators agreed to in a manner binding on themselves.

NATURE OF THE DISPUTE

Most of the ABM Treaty, as it bears upon the SDI program, is not in dispute. The issue between the broad and the narrow interpretation relates to the fact that, at the time the Treaty was negotiated, all ABM systems then deployed or contemplated for deployment were based upon a combination of ABM interceptor missiles, launchers for those missiles, and ABM radars. The broad versus narrow issue concerns only the development and testing of systems based upon physical principles other than those involved in such ABM interceptor missiles, launchers, and radars, and of the components of such systems.

The current debate poses no issue with respect to the deployment either of components, or of systems, based upon other physical principles; all are agreed that deployment of such components or systems is not permitted without prior consultation and amendment to the Treaty. Thus, the basic principle of the Treaty—that, without amendment to the Treaty, neither side may deploy systems or components except as provided in Article III—is not in question.

There is also no issue with respect to research; the word "research" is nowhere used in the Treaty.

With respect to testing, the issue does not apply to the testing of components of fixed, ground-based ABM systems at an agreed test site or deployment area, regardless of whether an interception occurs in space or in the atmosphere. Article IV permits such testing. The issue also does not apply to testing of systems based on other physical principles that are fixed and land-based.

The issue concerns only tests of mobile (including space-based) systems based upon other physical principles and their components able to substitute for: (1) ABM interceptor missiles, (2) ABM launchers, or (3) ABM radars.

Under the narrow interpretation such tests would not be permitted because that interpretation would require the substitute component to be fixed, land-based and at an agreed test range or deployment area. Under the broader interpretation they would generally be permitted, even if mobile (including space-based).

PROVISIONS OF THE TREATY

To aid in understanding the interpretation issue, it is useful to have in mind the pertinent provisions of the Treaty. The following is a condensation of those provisions; the full text is, of course, available to those who prefer to consult it.

Article I of the Treaty prohibits deployment of ABM systems for a territorial defense and providing a base for such a defense. It also prohibits deployment of ABM systems for defense of an individual region except as provided in Article III. Article I thus limits deployment, not testing, and limits ABM systems, not ABM components.

Article II defines an ABM system as "a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:" ABM interceptor missiles, which are missiles constructed and deployed for an ABM role or of a type tested in an ABM mode; ABM launchers, which launch ABM interceptor missiles; and ABM radars, which are radars constructed and deployed for an ABM role or of a type tested in an ABM mode. These are the components essential to all ABM systems being deployed or developed in 1972.

Article III states that no ABM systems or components may be deployed other than those ABM missiles, launchers, and radars it specifically allows. The Article then specified the area in which ABM systems or their components may be deployed, and the number that may be deployed in those areas.

Article IV exempts from the limitations of Article III ABM systems or their components used for development or testing and located within agreed test ranges.

Article V prohibits the development, testing and deployment of sea-based, air-based, space-based, and mobile land-based ABM systems and ABM components.

Article VI, paragraph (a), prohibits giving non-ABM missiles, launchers, or radars an ABM capability or testing them in an ABM mode.

Agreed Statement D, to preclude any ABM system deployment except as explicitly permitted by Article III, provides that, if ABM systems based on physical principles other than those used for ABM components in 1972, including components capable of substituting for ABM interceptor missiles, ABM launchers or ABM radars, are created in the future, specific limitations on those systems and components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV.

The interpretation dispute centers on the question of which of these provisions apply to mobile systems based on other physical principles, including mobile components capable of substituting for ABM components.

The narrow interpretation maintains that Article V applies to all mobile ABM systems and components, even if they are not components as defined in Article II and regardless of the physical principle involved. Mobile systems based on other physical principles and their components capable of substituting for conventional ABM components would thus be captured by the Article V ban on testing and development.

The broad interpretation is that Agreed Statement D is the only part of the Treaty dealing with systems based on other physical principles and their components, and that Agreed Statement D allows both parties to create, i.e., to develop and test to the point of "creation", such systems and components but not to deploy them.

I remain convinced that, though the US negotiators, including me, attempted to achieve a ban on the development and testing of space-based and other mobile devices capable of substituting for ABM components, we failed to do so with the degree of certainty that is necessary for important international agreements. All we achieved, in a form the Soviets would consider binding

on themselves, was a ban on deployment, not on the creation of such systems and components.

THE NEGOTIATING RECORD

The negotiating record of the ABM Treaty is classified, like that of other treaties. Therefore, I cannot cite it specifically in these remarks. Instead, I will describe my own recollection of the course of the Treaty negotiations, in which I was intimately involved, as refreshed by my recent review of the record.

The US unquestionably sought to regulate comprehensively not only the three components defined in Article II—that is, ABM interceptor missiles, ABM launchers, and ABM radars—but all devices that could substitute for those components. In the provision that ultimately became Article V, we sought to prohibit the development, testing, and deployment of space-based or other mobile (1) AMB missiles, (2) ABM launchers, (3) AMB radars, and (4) other devices to perform the functions of these components.

The Soviet draft treaty also contained an absolute ban on development, testing, or deployment in space, but the Soviets explicitly limited its application to missiles, launchers, and radars, and they repeatedly opposed having the Treaty cover devices other than those components. They pointed out that it was impossible to know what the components of a system based on a technology not then employed would look like, how they could be defined, and how they should be regulated.

After considerable back-and-forth on this issue, the Soviets proposed a change in Article V and assured the US negotiators that the new language would apply to any type of future component. We agreed to this change.

The Soviet assurance appeared to achieve part of the US objective, in that it included coverage of future ABM missiles, launchers, or radars. But the change we accepted in this provision resulted in the deletion, at Soviet insistence, of the US language expressly covering substitute devices for such components.

At the same time, the Soviets had on the table a draft of Article II that defined an ABM system as one that consisted of the three conventional components, i.e. ABM intercepter missiles, ABM launchers, and ABM radars. Furthermore, the Soviets continued to argue, with respect to the US effort to regulate substitute "devices," that they opposed in principle attempts to regulate the unknown.

Although this argument was repeatedly made, and remained a central issue in the negotiations, we US negotiators did not seek to confirm that the Soviets had in fact agreed to regulate unknown devices in Article V. Had we done so, it would have been entirely consistent with the Soviet position for them to have reminded us that the language concerning "devices" had been deleted from Article V, and to have stated that they had agreed to regulate only future "components", which they had defined in their draft of Article II to consist of AMB missiles, launchers, and radars. Indeed, given the subsequent events, any other outcome seems implausible.

As the negotiations continued, the Soviets accepted a US-proposed compromise on Article II that added the phrase "currently consisting of" in front of the list of ABM components. It has been argued that this revision of Article II could be considered to have expanded the Soviet commitment in Article V to encompass substitute devices. This claim is contradicted, however, by the fact that the Soviets accepted the revision only after we explicitly assured them that the coverage of substitute devices would be settled elsewhere than in Article II.

After Article II was negotiated, the Soviets still continued to oppose attempts to regulate substitute devices. They suggested that if systems or components based on other physical principles were created in the future we should discuss the matter in the Standing Consultative Commission to be created under Article XIII. We asked them what would happen if it were impossible to achieve agreement. They suggested either side could then withdraw from the Treaty. I, among others, said I believed that would be too extreme a remedy. This led to Agreed Statement D, in which the Soviets agreed, in effect, that, after such devices were "created", their deployment would be permitted, if at all, only after discussions and agreement.

Some proponents of the narrow interpretation recall that a Soviet negotiator made an oral statement in January 1972 to the effect that Agreed Statement D specifically permitted the sides to develop and test—but not to deploy—stationary futuristic systems. Assuming such an oral statement was made, it would confirm that Agreed Statement D does indeed contemplate the "creation" of components based on other physical principles and that "creation" was recognized to include development and testing. But would such an unrecorded oral statement be considered by the Soviets to be binding on them to the extent of barring them from creating non-stationary components, a point the statement did not address?

The Soviets did agree at one point to one aspect of the American position concerning future, substitute components. But their agreement followed the reading by the U.S. side of a carefully prepared position paper that proposed only that the parties agree to ban the *deployment*, not the development or testing, of such future substitute systems or components. Furthermore, nowhere did the paper mention a distinction between fixed, land-based substitutes and substitutes based in space or elsewhere. Nor does Agreed Statement D reflect such a distinction.

In the absence of a definition of what would distinguish a "component" of a system based upon other physical principles from an "element", or non-component, of such a system, a limitation on development or testing of components would be difficult, if not impossible, to apply in a rigorous, consistent, and verifiable manner. This is a problem we are beginning to face today.

Soviet scientists tell us they are planning a space probe which will have on board both a laser of some power and a particle beam device. They propose to test these devices against one of the moons of Mars, called Phoebus. They say the purpose of the test is to knock pieces off the moon's surface and thereby determine the characteristics of that surface.

It would be difficult to prove that the power, brightness, and tracking and aiming characteristics of these devices are such as to demonstrate that the devices have the capability to substitute for ABM components. A similar problem arises with mirrors capable of reflecting and focusing laser or other directed energy beams. Under what conditions would such a mirror satisfy the definition of being "capable of substituting for" an ABM interceptor, ABM launcher or ABM radar?

The Treaty language is of little help in answering such questions. Agreed Statement D does not define components capable of substituting for ABM interceptor missiles, launchers, or radars. It states only that, if such components, or systems based on them, are created in the future, they be subject to discussion in the Standing Consultative Commission and be deployed only after appropriate amendment to the Treaty.

In the case of non-ABM missiles, launchers, and radars, Article VI(a) provides that they not be given capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and that they not be tested in an ABM mode. This article, of course, does not apply to devices which are not missiles, launchers, or radars.

In sum, my recollection of the negotiating process leaves me convinced that the Soviets agreed in a binding manner to prohibit only the deployment, not the creation (i.e. the development and testing), of systems based on other physical principles and their components capable of substituting for conventional components as defined in Article II, regardless of basing mode.

SOVIET INTERPRETATION OF THE TREATY

While arguing against the broad interpretation of the ABM Treaty, Soviet officials also place great emphasis on Article I of the Treaty and what they claim are that Article's implications for SDI.

The Soviets note that Article I prohibits both deploying ABM systems to defend a country's territory and providing a base for such a defense. They claim that SDI, particularly as it relates to space-based ABM systems, is providing a base for a national territorial defense and that, therefore, SDI violates Article I.

This argument is contradicted by views previously expressed by the Soviet side.

In a major statement before the Soviet Presidium in 1972, shortly after the ABM Treaty was signed, then-Soviet Defense Minister Grechko stated that the Treaty "places no limitations on the performance of research and experimental work aimed at resolving the problem of defending the country from nuclear missile strike." Grechko's view thus explicitly contemplates that the sides are free to conduct a strategic defense program like that being done by SDI and by the similar Soviet program.

Grechko's statement is not, however, an unambiguous rejection of the narrow interpretation. My conclusion that the Soviets were unwilling to agree to the narrow interpretation is based on our lack of success in securing Soviet acceptance during the negotiations of language which would have made that interpretation clear.

CONCLUSION

In October 1985, when the Executive Branch announced the results of its review of the negotiating record, we stated as well that, although we considered the broad interpretation to be fully justified, we would continue, as a matter of policy, to carry out the SDI program as originally structured, which is consistent with the narrow interpretation. The program remains so structured today.

It is also true, however, that progress in the SDI program has been such that the cost of remaining within the narrow interpretation, in terms of time and expense, is rising. The managers of the program would like to conduct it as efficiently as possible, within our treaty obligations.

We recognize, though, that all three of the pertinent bodies of evidence must be weighed. That is the process on which we are embarked.

As I stated earlier, after our analyses of the record of subsequent practice and of the ratification proceedings are completed, we will share them with the Congress, as we have our analysis of the negotiating record. We will then begin a series of consultations designed to reach a fuller understanding of the treaty interpretation question, and to establish guidelines for SDI development and testing activities that will continue to merit Congressional, Allied and public support.

WOULD CONGRESS APPROVE SDI DEPLOYMENT NOW? NO WAY

Mr. PROXMIRE. Mr. President, a few days ago a highly significant event occurred with respect to the ABM Treaty and the SDI program. It was the appearance of an article in the Washington Post by Paul Nitze. Nitze is the senior arms control adviser to President Reagan. He is the author of the principle that constitutes the prime trigger of when and whether we should stop or go the strategic defense initiative or SDI. That critical trigger is the so-called Nitze criteria. More than 2 years ago—in February of 1985—Nitze announced the principle. That principle was firmly endorsed by President Reagan. Since then, the administration has consistently reaffirmed its support for the Nitze SDI trigger. What was this guiding SDI principle? It was the assertion of Mr. Nitze on behalf of the Reagan administration that we would not deploy the strategic defense initiative until it was "cost effective at the margin." What does this mean? It means that we would not proceed with SDI until we determined that the strategic defense initiative could be produced and deployed at a lower cost than it would cost the Soviets to overcome or defeat it.

In the 2 years since Nitze announced this "cost effective" principle on behalf of the administration, the strategic defense initiative program has proceeded with several billions of dollars of research. In some areas it has made impressive progress. But has it made sufficient progress to warrant deployment in the near future? There has been a drum beat of reports that the administration intends to begin initial hardware production and deployment imminently. If so, the proponents of this near term SDI deployment will have to convince a majority of both branches of the Congress that SDI can now meet the Nitze "cost effective at the margin" requirement. Did I say SDI adherents will have to meet this criteria to the satisfaction of a majority of both Houses of the Congress? I said exactly that. This is precisely what the law now requires. The administration cannot proceed to deployment until both the House and the Senate have agreed by an act of Congress that the SDI deployment will meet the Nitze criteria.

So, Mr. President where does that leave the prospect of early SDI deployment? And why is the article on March 30, 1987, in the Washington Post by Paul Nitze, so significant? The answer comes from the context of the Nitze article. Mr. Nitze's article consisted of a vigorous and detailed response to a call from former Secretary of State Henry Kissinger for deployment of SDI now. Here's what Nitze wrote of the deploy SDI now proposal:

> I disagree strongly with Kissinger's proposal to commit now to SDI deployment. While the research program has made great progress, it has yet to determine whether prospective defenses would be survivable. Certainly there is nothing to be gained by deploying defenses that could not survive an attack; in fact such action could be seriously destabilizing.

And then Mr. Nitze adds an even more decisive argument against prompt SDI deployment. Here is what he writes:

> We also do not know yet whether defenses would be cost effective at the margin. Deploying defenses that could be overcome more cheaply by proliferating offenses would serve only to encourage the Soviets to do just that, touching off a costly and destabilizing offense-defense arms race. Waiting to ensure that these feasibility criteria can be met is not a subterfuge for attacking SDI; it is a prudent step to ensure that our programs serve the goal of enhancing stability. It is also the only step that can garner the support we need in Congress to sustain SDI funding.

Keep in mind, Mr. President, the Nitze criteria have been written into law, permanent law. The law clearly states that the administration cannot deploy the strategic defense initiative unless it explicitly meets the Nitze criteria. SDI must cost less to produce and deploy then it would cost the Soviets to produce and deploy the offensive weapons to overcome it. Can SDI meet that criteria now? Well, Mr. President, read that article from the March 30 Washington Post and you have the answer from Paul Nitze himself, the very man who first articulated the criteria that SDI should not be deployed until it is cost effective at the margin. Keep in mind that Mr. Nitze is President Reagan's senior arms control adviser. Keep in mind that the President has consistently subscribed to the Nitze criteria. Is that enough?

If it still isn't enough, consider the question asked to 469 members of the National Academy of Science. Each of these members is a distinguished world-class scientist. Each of them is either a physicist, an engineer, or a mathematician.

Here is the question:

Current administration policy on SDI holds that "we will judge defenses to be desirable only if they are survivable and cost effective at the margin." The prospects that an SDI system will be able to meet these criteria in the next 25 years are:

And the answer? 3.7 percent called the prospect good or extremely good; 80 percent called the prospect poor or extremely poor.

So there you have it, Mr. President. Paul Nitze, the administration senior arms controller who conceived and advanced the criteria that the administration itself has accepted as the basis for deciding whether or not to proceed to deploy SDI, has declared that the deployment time has not arrived. And the most distinguished and far-and-away the best qualified independent scientists in our country have told us by a ringing margin, a better than 20-to-1 margin, that SDI will not be able to meet the Nitze criteria for the next 25 years! I repeat for the next 25 years. Can any realistic person believe that a majority of both the House and Senate would find under these circumstances that SDI meets the Nitze criteria now? The answer Mr. President is absolutely not, no sir, no way, no possible way.

Mr. President, I ask unanimous consent that the article by Paul Nitze, headlined "An Arms Control Agenda That Kissinger Should Know," appearing in the March 30, 1987, Washington Post be printed in the RECORD.

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

[From the Washington Post, Mar. 30, 1987]

AN ARMS CONTROL AGENDA THAT KISSINGER SHOULD KNOW

(By Paul H. Nitze)

I read with interest Henry Kissinger's op-ed column of March 8, in The Post. I found myself in complete agreement with his description of Soviet negotiating behavior. I differ, however, with several of his points regarding the current Nuclear and Space Talks (NST) and the U.S. approach to those talks.

First, Kissinger noted the problem of asymmetrical negotiating attitudes, resulting in the United States' offering a stream of compromises while the Soviets remain intransigent. While I agree that this problem has plagued us in the past, I do not believe it is unavoidable.

This administration has done a remarkable job of sticking to the basic principles of its original arms control positions, while responding with tactical flexibility when the Soviets have shown flexibility of their own. We are closing in on an INF agreement that is almost identical to our original proposal. Similarly, the agreed elements in the START group keep our ingoing principles intact. And in the defense and space group, despite Mikhail Gorbachev's best efforts, we have resisted adding any new limits to the ABM treaty.

In fact, I find curious Kissinger's assertion that the Strategic Defense Initiative is a good illustration of our self-imposed handicaps. The claim is based not on anything that has happened to date but rather on his prediction that we will agree to crippling restrictions on SDI research permitted by the treaty, despite our success in resisting such restrictions thus far. The president made his firmness abundantly clear at Reykjavik.

Second, Kissinger claimed that no compromise is possible between the Soviet intention to kill SDI and the administration commitment to maintain it. To my mind, this is too absolute a generalization. (It seems that Kissinger also thinks so, since the five-point proposal he offered at the end of his piece is based on just such a compromise.)

Surely, no compromise is possible if the Soviets can accept no outcome other than the effective end of SDI, but I am not convinced that they would not settle for an outcome that provided predictability to the strategic defense area while permitting us to retain a robust research program.

Many factors bear upon such a judgment, including the possibility of a dialogue, along the lines some Soviet scientists have advanced, aimed at identifying the technologies now understood to be based upon other physical principles and the potential ABM components of systems based upon such technologies. Using such definitions, one can conceive of a regime that would allow SDI to proceed at a rapid but predictable pace. Incidentally, the testing of sensors (other than ABM radars), which Kissinger claims would be to the Soviets' advantage, is actually the one component of SDI that Gen. James Abrahamson's people say is most crucial to the progress of our program.

Third, Kissinger misstated the U.S. proposal for limits on SDI. At no time have we proposed a 10-year deployment moratorium followed by a two-year period for negotiation. In his July 25 letter to Gorbachev, the president proposed a five-year period of nonwithdrawal from the ABM treaty followed by a two-year negotiation. At Reykjavik, we proposed a 10-year nonwithdrawal period, with each side having the right to deploy immediately at the end of that period.

Fourth, I differ with Kissinger's assessment of the zero option in INF. As Sen. Sam Nunn said a couple of weeks ago, it represents a good asymmetrical reduction, with the Soviets eliminating more than 1,300 warheads and the United States eliminating about 200.

It does not eliminate the American means of retaliating from Europe. We would retain all of our nuclear-capable aircraft in Europe, including F-111s with range greater than the Pershing II, our short-range missiles and nuclear artillery and the 400 SLMB RVs we have dedicated to NATO. Given these remaining systems, as well as our extensive conventional contribution to NATO's defense, I believe talk of decoupling is unjustified.

Finally, let me turn to Kissinger's five-point proposal. I find that much of what he recommended has already been done.

Kissinger recommended a statement of overall strategy. I enunciated such a strategic concept in a speech to the Philadelphia World Affairs Council in February 1985, just before the NST negotiations began. This concept called for radical reductions in the power of offensive nuclear arms, as well as the stabilization of the offense/defense relationship, over the next 10 years, followed by a period of transition to greater reliance on defenses, should new defensive technologies prove feasible.

Kissinger recommended an offer to the Soviets to discuss quantitative restraints on SDI deployment and testing geared to the level of offensive forces. We have been trying for two years in Geneva to engage the Soviets in a discussion of the nature of a cooperative transition that would involve such restraints.

Kissinger recommended an offer to reduce strategic forces in a manner that would limit the capacity for surprise attacks by either side. It is exactly this goal that underlies our insistence that a START agreement include strict sublimits on heavy ICBM RVs, on ICBM RVs and on strategic ballistic missile RVs. Because of our determination to reduce the capacity for surprise attacks, we have held to this position despite strenuous Soviet resistance.

I disagree strongly with Kissinger's proposal to commit now to SDI deployment. While the research program has made great progress, it has yet to determine whether prospective defenses would be survivable. Certainly there is nothing to be gained by deploying defenses that could not survive an attack; in fact, such an action could be seriously destabilizing.

We also do not know yet whether defenses would be cost-effective at the margin. Deploying defenses that could be overcome more cheaply by proliferating offenses would serve only to encourage the Soviets to do just that, touching off a costly and destabilizing offense-defense arms race. Waiting to ensure that these feasibility criteria can be met is not a subterfuge for attacking SDI; it is a prudent step to ensure that our programs serve the goal of enhancing stability. It is also the only step that can garner the support we need in Congress to sustain necessary SDI funding. My extensive consultations on the Hill have indicated that a deployment decision now, or a threat to abrogate the ABM treaty, would backfire to the significant detriment of the SDI program.

In conclusion, let me dissent as well from the general point made at the beginning of Kissinger's piece: that the administration is pursuing the traditional agenda of the past two decades with only minor variations. Our arms control agenda is substantially different from that of the past. When past agreements allowed substantial buildups in offensive arsenals, we are pursuing substantial and stabilizing reductions. We are insisting on much stricter verification measures. And we will accept no agreement that does not allow us aggressively to explore the possibility of shifting to a defense-based deterrence.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, 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 ACTION AGENCY—MESSAGE FROM THE PRESIDENT—PM-31

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:

In accordance with Section 407 of the Domestic Volunteer Services Act of 1973, as amended (42 U.S.C. 5047), I transmit herewith the Annual Report of the ACTION Agency for Fiscal Year 1986.

RONALD REAGAN.

THE WHITE HOUSE, *April 2, 1987.*

MESSAGES FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1320. An act to amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 18. Joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week";

S.J. Res. 47. Joint resolution to designate "National Former POW Recognition Day";

S.J. Res. 64. Joint resolution to designate May 1987, as "Older Americans Month";

S.J. Res. 74. Joint resolution to designate the month of May 1987, as "National Cancer Institute Month"; and

S.J. Res. 96. Joint resolution designating April 3, 1987, as "Interstate Commerce Commission Day."

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. STENNIS).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 184. An Act to establish the Big Cypress National Preserve Addition to the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 278. An Act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 317. An Act to amend the Wild and Scenic Rivers Act by designating a segment of the Merced River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 1320. An Act to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read; and referred as indicated:

H. Con. Res. 34. Concurrent resolution concerning the continued violations by the Soviet Union of its international human rights obligations, especially its violations of the right to emigrate; to the Committee on Foreign Relations.

H. Con. Res. 91. Concurrent resolution authorizing the 1987 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1783. An Act to make technical corrections in certain defense-related laws.

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. DASCHLE:

S. 899. A bill to regulate above ground storage tanks used to store regulated substances; to the Committee on Environment and Public Works.

By Mr. WALLOP (for himself and Mr. HATCH):

S. 900. A bill to establish within the Department of Defense a new department, to be known as the Department of the Defense Force, to defend the United States against all aerial threats, including ballistic missiles, and for other purposes; to the Committee on Armed Services.

By Mr. RIEGLE (for himself, Mr. BINGAMAN, and Mr. LEVIN):

S. 901. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. McCLURE (for himself, Mr. ADAMS, Mr. MITCHELL, Mr. DANFORTH, Mr. HEINZ, Mr. THURMOND, Mr. EVANS, and Mr. SPECTER):

S. 902. A bill to amend the Food Security Act of 1985 and the National School Lunch Act to extend to 1992 the eligibility of certain school districts to receive alternative forms of assistance for school lunch programs and to amend the Agriculture and Food Act of 1981, the Child Nutrition Amendments of 1986, and the School Lunch and Child Nutrition Amendments of 1986 to extend to 1992 the national donated commodity processing program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. GLENN, Mr. SPECTER, Mr. BYRD, Mr. ROCKEFELLER, Mr. LEVIN, Mr. BOSCHWITZ, Mr. SHELBY, Mr. BUMPERS, Mr. INOUYE, Ms. MIKULSKI, Mr. SARBANES, Mr. LUGAR, Mr. RIEGLE, and Mr. DURENBERGER):

S. 903. A bill to extend certain protections under title 11 of the United States Code, the Bankruptcy Code; 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. BYRD (for himself and Mr. DOLE):

S. Res. 182. A resolution to direct the Senate Legal Counsel to represent Senator JESSE HELMS in the case of Tayoun v. Foglietta, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE:

S. 899. A bill to regulate above ground storage tanks used to store regulated substances; to the Committee on Environment and Public Works.

REGULATION OF CERTAIN ABOVE GROUND STORAGE TANKS

Mr. DASCHLE. Mr. President, I am introducing legislation today which will close a large and dangerous loophole in Federal hazardous waste law. This bill will amend the Solid Waste Disposal Act to establish a responsible set of regulations designed to prevent, detect, and control petroleum spills resulting from above-ground petroleum storage tanks. Current law only regulates underground petroleum storage tanks.

This adjustment in environmental regulation is long overdue. Since 1984, the Congress has mandated the careful monitoring of underground petroleum storage tanks, but has stopped short of regulating above-ground storage tanks in the same responsible manner. We have the Resource Conservation and Recovery Act [RCRA] in 1984 and again in the 1986 Superfund reauthorization bill to take steps to prevent slow leaks of petroleum from underground storage tanks into our precious groundwater sources and to establish a framework for cleaning up dangerous petroleum spills when they do occur. The flaw in that legislation is that it fails to take into account the fact that the same health and safety hazards that necessitate regulation of underground petroleum tanks are also present with regard to above-ground tanks.

My interest in correcting this oversight was heightened by a tragedy in my home State of South Dakota. Last September it was disclosed that at least 20,000 gallons of gasoline had slowly leaked from an above-ground petroleum storage tank at the Williams Pipeline Co. facility in Sioux Falls, SD. That spill was not discovered until the underground water source was completely contaminated and gasoline fumes had infiltrated the Hayward Elementary School to the point where schoolchildren were evacuated immediately and the building was permanently condemned.

A second spill of 8,000 gallons of petroleum was reported on March 11, 1987. This spill immediately soaked into the ground and was floating on top of the underground water source within a day. The gasoline is reported to be moving toward a nearby housing development and may eventually force the relocation of a hundred or more families. It is not clear whether water in this aquifer can be used by Sioux Falls residents in the foreseeable future.

Local officials do not have the resources or the expertise to oversee the cleanup efforts or the capability of monitoring other tanks that are rumored to be leaking as we speak. Because this tank happened to be located above the ground, the one agency that has the expertise to prevent and control such above-ground leaks, the Environmental Protection Agency, lacks statutory authority to provide any assistance to threatened populations. In fact, the EPA has not yet determined whether it can even provide technical advice to the State of South Dakota which is faced with the mammoth task of overseeing the containment and cleanup of the spill. The fact that there is even a question over whether we can even get technical advice from the EPA in the face of such imminent danger strongly suggests that changes in existing environmental law are critically needed.

Just as slow discharges of fuel can be difficult to detect in underground tanks, it is difficult to detect when an above-ground tank has a slow leak. Again, to cite Sioux Falls as an example, gasoline fumes completely overtook our children's school and contaminated our aquifer before we had a clue that 20,000 gallons of gasoline had escaped into the ground. Had this been an underground tank regulated under RCRA, this leak may very well have been detected long before the situation had reached the crisis stage.

It is a mistake to think that the Sioux Falls spill is an isolated incident. Even in a sparsely populated, agricultural State like South Dakota, more than 307,000 gallons of petroleum have been spilled in at least 154 incidents in the last decade, and many of those spills came from unregulated above-ground petroleum storage tanks. I urge my colleagues to look in their own "backyards" and I am certain you will find that your constituents face enormous potential problems from leaking above-ground storage tanks. I simply cannot state in strong enough terms the need to take measures to minimize the occurences of future above-ground leaks and grant the EPA

authority to see that cleanup of these spills is conducted quickly and correctly.

The legislation I am introducing today establishes a comprehensive approach to deal with this problem. The emphasis of the legislation is on the prevention of future petroleum spills through the establishment of vigorous performance and design standards for storage tanks and efforts to detect discharges before spills reach the crisis stage. The establishment of these safeguards will prevent most future petroleum discharges like the one we are living through in Sioux Falls. Moreover, when spills do occur this legislation requires that the responsible parties pay for the entire cleanup and the relocation of the threatened population, and that the Environmental Protection Agency [EPA] or qualified State agencies ensure that the spill is recovered swiftly and completely.

While we do know that there are problems in Sioux Falls and other places, nobody truly knows what the extent of the problem of leaking above-ground petroleum storage tanks is in other parts of the country. In addition to this bill, I am introducing separate legislation which calls for the EPA to complete a nationwide study of the state of existing storage tanks in America and make recommendations to Congress on whether or not such tanks should be subject to the provisons of this legislation. I anticipate that this report will bear out the need to take steps to prevent future spills and will pave the way for the passage of this, or similar legislation in the near future.

I acknowledge that the language of this bill may ultimately require modification. I introduce this legislation in the hope that it will stimulate debate on the issue of regulation of above-ground storage tanks in the Senate Environment and Public Works Committee. Discussion needs to begin in the committee on this issue right away.

If any of my colleagues doubt the need for regulation of above-ground storage tanks in the same manner we regulate underground tanks, I invite them to come with me to Sioux Falls. I will take you for a walk through the elementary school that now sits empty as an eery memorial to the spills that city has experienced. I will introduce you to landowners who can no longer obtain loans from the bank because the valuation of their homes has plummeted so rapidly that the bank will not accept their home as collateral to cover even the most modest loans. I will show you the place where the crews will be pumping gasoline out of the groundwater table for years to come—the same water table from which families are drawing their domestic water. I can assure my colleagues that few people living next to the tank farm or who used to send their children to Hayward School will argue with the content of this modest legislation.

Mr. President, we have been extremely lucky in South Dakota in that nobody has become seriously ill from inhaling gasoline fumes or from drinking contaminated water. Future Americans may not be so lucky. It is time we realize that whether a petroleum release comes from a tank below the ground or above the ground, the materials released are equally dangerous and ought to be controlled in an equally conscientious and effective manner. I urge my colleagues to join me in preventing the degradation of our environment and the endangerment of our people from future petroleum spills.

Mr. President, I ask unanimous consent that a summary of the legislation and an article on this subject be printed in the RECORD.

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

STORAGE TANK SAFETY ACT OF 1987

The emphasis of Senator Daschle's legislation is on the prevention, detection, and control of discharges of regulated substances stored in above-ground storage tanks.

While underground storage tanks are regulated under the Hazardous and Solid Waste Amendments of 1984 and the Superfund Reauthorization Act of 1986, above-ground storage tanks remain largely unregulated by the Environmental Protection Agency (EPA) or other agencies of the federal government.

Senator Daschle's bill proposes to amend the Hazardous and Solid Waste Act to require the EPA or a qualified state agency to establish mechanisms to prevent future leaks of above-ground storage tanks through the establishment of performance and design standards for new storage tanks and maintenance schedules for aging tanks. The bill also requires tank owners to equip tanks with monitoring devices to detect tank leaks before they reach the crisis stage. When spills do occur as a result of an above-ground tank failure, Senator Daschle's bill requires the Administrator of the EPA to require the responsible party to pay for a thorough clean-up of the discharged material and the relocation of the threatened population.

FACILITIES COVERED UNDER THE ACT

The Legislation covers all above-ground storage tanks except:

(1) Tanks holding a hazardous waste regulated under the RCRA hazardous waste program (Subtitle C).

(2) Farm and residential tanks holding less than 1,100 gallons of fuel and used for non-commercial purposes.

(3) Tanks storing heating oil for burning on the premises where stored.

(4) Septic tanks.

(5) Pipeline facilities, to the extent regulated under existing law.

(6) Systems for collecting storm water and wastewater.

(7) Flow-through process tanks.

(8) Liquid traps or associated gathering lines related to operations in the oil and natural gas industry.

NOTIFICATION

The notification program requires actions by distributors of regulated substances, sellers of tanks, and owners of tanks taken out of operation within the past ten years as well as owners of operational tanks.

These entities must report to the EPA as to the age, size, type, location, and uses of tanks.

NEW TANKS

The EPA will be required to develop and promulgate performance standards for new tanks, including but not limited to design, construction, installation, release detection, and compatibility.

REGULATORY PROGRAM

All tank owners will be required to have methods for detecting releases, keep records of their methods, report releases, take corrective action in response to releases and cooperate fully with EPA efforts to determine financial responsibility for a discharge.

INSPECTION AND ENFORCEMENT

Federal officials are authorized to request pertinent information from tank owners, inspect and sample tanks, and monitor and test tanks and surrounding soils, air, surface water, and ground water for contamination.

Federal officials are authorized to enforce the provisions of this legislation. The EPA may issue compliance orders for any violations of this legislation or regulations promulgated pursuant to this legislation. Offenders are subject to civil penalties of up to $10,000 per tank for each day of violation.

DISCHARGE RECOVERY

The Administrator of the EPA may take, or subcontract for, whatever immediate actions are necessary to protect human health in the event of a discharge or regulated materials from a above-ground storage tank. The owner or operator of a tank releasing regulated materials is responsible for the clean-up of the discharge under the oversight of the EPA. If the EPA is forced to conduct the clean-up themselves, it must do everything it can to determine the financially responsible party and recover the cost of the clean-up from those responsible parties.

STATE PROGRAMS

Senator Daschle's bill is designed to avoid duplicating the efforts of states that have established, or plan to establish, their own state regulatory programs for above-ground tanks. A state program, to be eligible, must be approved by the Administrator of the EPA. The Administrator must judge the program to be at least as stringent as the provisions of this legislation.

PRELIMINARY STUDY

Not later than one year after enactment, the Administrator is to recommend to Congress what types of tanks (taking into account such factors as age, type of use, type of construction, location, soil conditions, and hydrogeology) should be regulated and the extent of the regulation required for each class of tank.

OFFICIALS: SPILL TAINTED WATER

(By Todd Murphy)

The gasoline from Wednesday's spill at Williams Pipe Line Co. 12th Street site likely has reached the groundwater 15 feet below the surface, state officials said Thursday.

"Unfortunately, I guess we can assume that it has," Bill Markley of the state Department of Water and Natural Resources said.

But Williams officials say workers should be able to limit the groundwater contamination to Williams property.

"There's really no immediate danger." Danny Thornburg, Williams division manager, said. "To move 50 feet, its going to take a month.

The spill, estimated at 8,000 to 10,000 gallons, occurred about 12:30 p.m. when a valve designed to relieve pressure on a pipeline was closed and the pipeline ruptured.

A company hired by Williams started drilling wells Thursday to monitor groundwater. Thornburg said wells will be drilled to recover the contaminated water. The company also may excavate contaminated soil.

Williams officials did not call city or state officials about the leak until about 4 p.m. Wednesday, more than three hours after the spill occurred. Thornburg said they were trying to determine the extent of the leak and control it.

"I guess you just have to say we were busy until then, he said.

The ruptured pipeline was leading to the gasoline tank officials have blamed for a 20,000 gallon gasoline leak discovered in September. That leak forced the evacuation of nearby Hayward Elementary School, which has not been used since. Williams officials started cleaning up that leak last week.

The company fixed the tank responsible for the Hayward contamination last fall, and it is now in use.

Curt Hansen, an environmental analyst with the Water and Natural Resources, was on the site Thursday morning.

"We'll keep a close eye on the whole thing," he said. "At this point there's not an immediate health threat to anyone in the vicinity of that tank farm." Williams should be able to control the contamination, he said.

"Since they're working on it immediately after the spill, that will be a big help," he said. He said the state can enforce cleanup of the spill if necessary. So far, it is not, he said. "They are taking some very positive steps," he said of Williams officials.

State officials were scheduled to meet with Williams officials Monday to discuss the Hayward cleanup. They now will also talk about the new leak, Hansen said.

People in the area could smell gas fumes yet Thursday. Some who live near the plant said they are becoming concerned about its safety.

"It's making me nuts," said Alice Klos of 6200 Westview Road. "Our reputation out here is going to pot.

She said she worries about possible explosions. "Especially when I'm not here, then I come home . . . and say. 'Will my house be there?' "

John Koopman, 6201 Westview Road, said Williams should drill wells near homes in the neighborhood to ensure groundwater there is not contaminated.

Said his wife, Jean, of hearing about the second spill: "I thought to myself," I don't believe this again.

"Just how long is this going to last?"

EPA OFFICIALS MAY INSPECT TANK FARM

(By Brenda Wade)

Federal environmental officials may be allowed to inspect Williams Pipe Line Co.'s tank farm in Sioux Falls, Sen. Tom Daschle, D-S.D., said Thursday.

On a previous visit by the Environmental Protection Agency, the company's division manager, Danny Thornburg, told federal officials they had no right to test Williams property for possible contamination.

The tank farm on West 12th Street is the source of a gasoline leak that closed Hayward Elementary School in September, and a second recent spill that is contained on the company's property. The state Department of Water and Natural Resources is overseeing the cleanup.

EPA officials from Denver, Daschle Mayor Jack White, city commissioners and other officials spoke together in a conference call late Thursday afternoon. At that time, the EPA told Daschle it had talked with Williams and may visit the site in 10 days.

Daschle, who was in Sioux Falls and talked to Thornburg after the conference call, said the EPA and company officials are expected to talk further today. Daschle said the conference call was a half-hour information session because he wanted to find out what EPA's role could be. He said it is limited.

"There is a huge environmental loophole when it comes to regulations at the federal government level," he said, "There is a significant lack of opportunity for involvement when it comes to petroleum problems."

Daschle said the EPA told him a letter from the South Dakota delegation in Washington may allow the agency to provide the city with technical and legal advice. Daschle said he plans to send that letter to the EPA today, after talking with Sen. Larry Pressler, R-S.D. Congressman Tim Johnson, D-S.D., said he would be willing to sign the letter.

Pressler was unavailable for comment Thursday night.

Daschle said he also would pursue legislation regarding EPA regulations. "I just felt the EPA ought to be more involved," he said. "If that's the best the EPA can do, clearly, there needs to be some rules and laws that change."

By Mr. WALLOP (for himself and Mr. HATCH):

S. 900. A bill to establish within the Department of Defense a new department, to be known as the Department of Defense Force, to defend the United States against all aerial threats, including ballistic missiles, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE FORCE ACT

Mr. WALLOP. Mr. President, on behalf of Senator HATCH and myself, I introduce a bill to establish within the Department of Defense a new department to be known as the Department of the Defense Force to defend the United States against all aerial threats, including ballistic missiles, and for other purposes.

Mr. President, this is a simple bill. It is brief. What it does is unmistakable. The bill starts from the fact that our families, our homes, our military forces, and our allies now have no protection against the ballistic missiles that could defeat this country in war, nor against any of the other aerial threats. It also starts from the sad fact that, despite much talk about SDI, no plans now exist to provide us, the American people, with protection.

Indeed, Mr. President, it is shocking for the American people to note that there is now nowhere in our Armed Forces the mission to defend this Nation from nuclear attack.

Let me repeat that. Despite the fact that our Constitution says that "We the people" established this Government in the first place to "provide for the common defense," no part of our Armed Forces, no branch of the armed services or any command therein, has the mission to defend us against the biggest military threat we face: ballistic missiles. Therefore, this bill imposes this mission on our Armed Forces, and creates a branch of those forces specifically to perform this protective mission. The bill also mandates the speedy production of weapons that our Pentagon has had on the drawing-boards for years, for which the technology has long existed, but which we have not had because of indecision. Finally the bill makes certain provisions to ensure that the organization created to fulfill this urgent mission is not bogged down and made prohibitively expensive by the rules, regulations, and customs that have made the Pentagon the subject of great criticism, inside this Chamber and out.

The sponsors of this bill eagerly await the arguments of any who oppose it. We believe that in the course of debate, the American people will learn much about their military, this administration, their elected representatives, and will be faced with clear choices as we approach next year's Presidential election.

There can be no denying that this bill was born out of immense frustration with the administration's handling of the SDI Program. Before March 23, 1983, many of us on this floor—Senators HOLLINGS, HEFLIN, ARMSTRONG, MCCLURE—offered and voted for legislation intended to speed the process by which the country was to be defended. But 4 years later, we appear no closer, indeed we are farther, from committing the country and its resources to the strategic defense we so vitally need.

Within the last week, Mr. President, Lt. Gen. Jim Abrahamson testified that the Nation could deploy capable, cost-effective, and survivable defenses against current and projected Soviet missiles by the middle 1990's. Yet, on the pages of the Washington Post last Monday, Special Arms Control Advisor Paul Nitze declared that we do not yet know enough to make these judgments. While I would trust General Abrahamson's technical judgment over Mr. Nitze's, I am sure that others would not. But that is not the point. These two absolutely antithetical administration views of what can be done to provide a defense for the American people are a symptom of the confusion and disarray that plagues

the Nation today. That is why we are offering this legislation, to eliminate the confusion, to force clear choices, and above all, to force action.

Who will oppose the premises of this bill? Who will say that it is not the primary duty of any Government, but especially of this Government under this Constitution, to defend and protect the lives of its citizens?

Who will say that this Government is now employing all the means available—from shovels to microchips, from counterforce weapons to interceptor missiles to lasers—to protect this country from ballistic missiles?

Who will say that, despite all the talk about SDI, this Government is preparing, as quickly as single-minded human ingenuity will allow, to protect us against ballistic missiles, cruise missiles or alas even bombers. The sponsors of this bill have been proposing that we build antimissile weapons for the past 8 years! And always the Pentagon, speaking through various administrations says: Maybe tomorrow, but surely, even absolutely, not today! Whoever is tempted to hint that our Government's attitude toward ballistic missile defense has been dictated by shortages of technology, let him look at the Soviet Union's antimissile preparations and be ashamed!

Who can object to the mission this bill sets forth? To "defend the United States from all types of aerial threats, including aircraft, ballistic missiles, cruise missiles, and other types of missiles." I doubt anyone will—at least not in public.

Surely many will say that although they agree with the premises of this bill and the mission it sets forth, they do not agree that the logical consequence is the creation of a new branch of the Armed Forces to accomplish the mission. But if these objectors are in such agreement with our premises, and so committed to the mission of protecting the American people, why have they not already proposed any means, let alone a better means of accomplishing the mission? What do they propose now?

The odds are that they will propose having the Joint Chiefs study the question—the JCS, that graveyard of initiative. Goodnight!

Suppose for a moment that someone were to suggest that the current military structures could handle the mission. We sponsors would ask: The Air Force? Its leaders regard an antimissile defense as they do the plague, for both bureaucratic and doctrinal reasons. Everyone knows that! The Army? There the reticence is less marked. But the Army consists of established communities—infantry, artillery, armor, and so forth—whose presure for funds would necessarily detract from performance of this new mission.

Besides, both the Army and the Air Force are mired in the web of regulations that waste huge chunks of time and money. Why start a new organization on so wrong a foot? How about a joint command? That, clearly would combine all the inconveniences of the Army and the Air Force, adding to them one more level of bargaining and compromise. A joint command would mean more time and money wasted.

Just take for example the recently created Space Command. Although the command's motto is "Guardian's of the High Frontier," its mission has been carefully crafted to ensure that it does not encroach on any of the services perogatives and is written in the classic bureaucratic tradition:

> The space command mission is to manage and operate assigned space assets, to centralize planning, to consolidate requirements, to provide operational advocacy, and to ensure a close interface betweeen research and development activities and operational users of Air Force space programs.

It is hard to tell what they may be guardians of, except maybe Air Force turf. Moreover, Mr. President, in the unlikely event that a joint command, or the Army, were to nurture successfully an organization manning thousands of pieces of antimissile equipment on the ground, and running a hundred satellites in space, that organization would eventually be split off, as surely as the Air Force was split off from the Army in 1947. So why not save the time, trouble, and expense, and start out doing the right thing right away?

How about the bill's provision that the U.S. defense force be exempt from Pentagon regulations for at least 10 years? There is now near-universal recognition that those regulations waste human talent, time and money. It seems that everyone is proposing a plan to tinker with them at the margin. What would happen if we wiped the board clean and let someone responsible for quickly building the new force go about it in a reasonable manner? We bet that the result would be a tremendous increase in speed, and a huge drop in costs. Such drastic means have always worked in the past in the days when giants like Rickover and Schriever were allowed to use American ingenuity and enterprise. This technique is used today on a smaller scale in many of our black programs.

We expect opposition to this provision and we will find it interesting to see how so many prominent people who have styled themselves military reformers and champions of efficiency will manage to stand up for the present Pentagon system. We are also eager to see expressed in public the objection to our bill's mandate to design weapons and procedures to defend the United States against current military threats—as defined by the best intelligence available to the United States. The American people, we are certain, will wonder why we ever bother to stipulate such a requirement. It is not common sense? Don't our people in the Pentagon normally do this anyhow? Alas the answer is, yes, this provision is common sense. But no, the Pentagon normally acts precisely in opposition to this bit of common sense.

Not only in the antimissile field—although the practice is most blatant here—the Pentagon designs weapons and procedures not against what enemy weapons exist or against the weapons that U.S. intelligence can see on the horizon. Rather, it designs weapons against the mythical enemy weapons that our own weapons designers' unconstrained imagination can conjure up. In other words, they design against ever-changing phantoms of their own creation. They call this way of doing things the responsive threat. It is a symptom of the Pentagon's proclivity to gold-plate all that it touches, as many a Senator has stated on this before. No wonder our costs have been skyrocketing! One can always conjure up one last threat to prevent rescissions, to delay action.

The sponsors of this bill eagerly look forward to publicly debating this way of doing things. We now have a chance to change the way of doing things, to start over to let our best technical talent set their own pace, unhindered by echelons of Pentagon bureaucrats who exist only to make sure that their parochial interests are served by whatever weapon is under design. Perhaps the objections to this bill will be over the list of weapons that we propose to build. We look forward to anyone in the administration trying to argue that any of these weapons are unfeasible. We would only ask that, for the sake of public accountability, certain items of information relevant to the programs now ongoing in each of those fields be declassified. We are open to changes in these weapons based on technical evidence, but not on political advice.

Perhaps the opposition's quarrel will be with our timetable for testing. The sponsors are eager to admit that our schedule is unrealistic given the procedures currently in force in the Department of Defense. The very point of this bill is to establish an organization in which the accomplishment of the mission to protect the American people will be more important than the procedures. Today, things work the other way around. We look forward to debating what ought to come first!

Finally, the opponents will point out that to vote for this bill is to declare the intention to do away with the ABM Treaty. In this case, the opponents are entirely correct. We, the

sponsors of this bill, are offering a choice between fulfilling the purpose of the U.S. Constitution and common sense on the one hand, and the ABM Treaty with the Soviet Union on the other. We believe that debates—and votes—on this basic choice would be as good for our politics as it will for our defense.

By Mr. RIEGLE (for himself, Mr. BINGAMAN, and Mr. LEVIN):

S. 901. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Labor and Human Resources.

APPRENTICESHIP IMPROVEMENT ACT

● Mr. RIEGLE. Mr. President, today, I am introducing the Apprenticeship Improvement Act to strengthen the ability of the Bureau of Apprenticeship and Training [BAT] to meet the demand for highly skilled and technically proficient workers for the remainder of this decade and beyond. I am happy to have the distinguished Senator from New Mexico, Senator BINGAMAN and my friend and colleague from Michigan, Senator LEVIN, as cosponsors of this legislation.

A properly trained and skilled work force is vital to rebuild and maintain our country's stature in an increasingly competitive world economy. The emerging low-paid, low-skilled jobs will not provide our country with the economic resources upon which America can reduce its $170 billion trade deficit and regain its position of leadership in research and development.

Since colonial times, apprenticeship training has effectively provided American workers with the skills needed for high-demand occupations. Improving apprenticeship training promotes a key objective of Federal economic policy by offering a low-cost method of maintaining and expanding the quality of our Nation's work force.

The Bureau of Apprenticeship and Training, established as an entity of the Department of Labor, is charged with the regulation and development of apprenticeship programs. Unfortunately, the staff of the Bureau has been decimated by budget cuts in recent years. During the past 5 years alone, BAT has suffered staff reductions of 43 percent. BAT offices in several major metropolitan areas have been closed and, as a result, several important services have been discontinued.

The Apprenticeship Improvement Act of 1987 will reaffirm Congress' commitment to apprenticeship and training by increasing the staff of the Bureau to an equivalent of 376 full-time employees. In addition, the bill would do the following:

Limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training by disallowing such a reduction if it would reduce the number of civilian employees within the Bureau to fewer than 376 full-time employees.

Require a set-aside of 1 percent of the funds for outreach, recruitment, and training programs to increase the participation of women, minorities, handicapped, displaced workers, and the disadvantaged.

Require the Secretary to submit to Congress within 6 months of enactment, a detailed report concerning the Department's directive to determine whether apprenticeship programs comply with regulations governing equal opportunity. The report will include a detailed description of activities carried out by the Department to ensure such compliance, a list of compliance reviews undertaken, and a report describing any sanctions imposed as a result of compliance reviews.

Require the Secretary to establish and maintain a national information collection system for apprenticeships and apprenticeship programs.

Mr. President, the future of the American work force is much too important to allow a program such as this to continue to deteriorate. The restoration of positions is moderate. It would not reach the 1981 level of 459 full-time positions, but would exceed the present level of 262 positions.

Further, it would elevate the Bureau of Apprenticeship and Training to a more important place in the Department of Labor by putting it within the Office of the Secretary, with an administrator reporting directly to the Secretary of Labor.

I urge my colleagues to support this necessary change.

I ask unanimous consent that a table of employment patterns for the Bureau of Apprenticeship and Training be printed in the RECORD.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apprenticeship Improvement Act of 1987".

SEC. 2. ESTABLISHMENT OF INFORMATION COLLECTION SYSTEM.

Section 2 of the Act of August 16, 1937 (50 Stat. 664; 29 U.S.C. 50), popularly known as the "National Apprenticeship Act" is amended—

(1) by inserting "(a)" immediately after "Sec. 2.", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall establish and maintain a national information collection system for apprenticeships and apprenticeship programs.".

SEC. 3. OUTREACH PROGRAM.

Such Act is further amended—

(1) by redesignating section 4 as section 5, and

(2) by inserting after section 3 the following new section:

"SEC. 4. The Secretary shall assure that from the amounts appropriated to carry out this Act in each fiscal year, not less than 1 percent of such amounts shall be available to establish outreach recruitment activities to increase the participation of women, minorities, handicapped individuals, displaced workers, and disadvantaged individuals in the apprenticeship programs authorized by this Act.".

SEC. 4. ESTABLISHMENT OF BUREAU OF APPRENTICESHIP AND TRAINING; APPOINTMENT OF EMPLOYEES.

(a) ESTABLISHMENT.—There is established in the Department of Labor, the Bureau of Apprenticeship and Training (hereinafter in this section referred to as the "Bureau") which shall carry out the policies and functions of this Act in behalf of the Secretary of Labor. The Bureau shall be under the direction of an administrator to be known as the Administrator of the Bureau of Apprenticeship and Training. The Administrator shall report directly to the Secretary.

(b) TRANSFER OF FUNCTIONS.—All functions of the Assistant Secretary for Employment and Training Administration of the Department of Labor with respect to the promotion of labor standards of apprenticeship, including research, information, and publications are transferred to the Bureau. All functions related to apprenticeship, including appropriate administrative and program support services, together with personnel necessary to the administration of such functions, and unexpended balances of appropriations and other funds related thereto, are transferred to the Bureau.

(c) APPOINTMENT OF EMPLOYEES; ADEQUATE STAFFING REQUIRED.—(1) The Secretary is authorized to appoint such employees as may be necessary for the administration of this Act in accordance with laws applicable to the appointment and compensation of employees and advisors of the United States.

(2) The Secretary shall assure that not less than the equivalent of 376 full-time employees are employed in the Bureau.

SEC. 5 LIMITATIONS ON REDUCTION IN FORCE.

(a) IN GENERAL.—A reduction in force may not be conducted within the Bureau of Apprenticeship and Training of the Department of Labor if—

(1) the reduction in force would reduce the total number of civilian employees within such Bureau; and

(2) such total number, after the reduction in force, would be less than the equivalent of 376 full-time employees.

(b) CONSIDERATION OF EMPLOYEES WORKING LESS THAN FULL TIME.—In the administration of subsection (a)—

(1) a part-time employee shall be counted as a fraction, the numerator of which is the number corresponding to the average number of hours in such employee's regularly scheduled workweek and the denominator of which is 40; and

(2) an individual employed on a temporary or intermittent basis shall not be counted.

SEC. 6. REPORT.

(a) IN GENERAL.—The Secretary of Labor shall prepare and submit to the Congress, not later than 6 months after the date of enactment of this Act, a detailed report concerning whether the apprenticeship program conducted by the Department of Labor under the Act of August 16, 1937 (50 Stat. 664; 29 U.S.C. 50), complies with regulations governing equal opportunity.

(b) CONTENTS OF REPORT.—The report required by this section shall include—

(1) a detailed description of activities carried out by the Department of Labor to ensure compliance;

(2) a list of compliance reviews undertaken by the Department; and

(3) a description of any sanctions imposed as a result of the compliance reviews.

BUREAU OF APPRENTICESHIP AND TRAINING—HISTORY OF POSITIONS, APPROPRIATIONS, CEILINGS, OBLIGATIONS AND EMPLOYMENT

FYs	Positions	Appropriations	Ceilings	FTE	Obligations	Total Employment	
						EOY	Change
1973	388	$8,258	380		$8,233	384	−18
1974	388	8,575	381		8,288	380	−4
1975	463	9,961	443		9,950	426	+46
1976	463	11,877	443		11,528	436	+10
TQ						444	+18
1977	495	12,989	475		12,911	462	+18
1978	495	13,856	475		13,813	475	+13
1979	486	14,328	465		14,328	428	−47
1980	459	14,497	432		14,311	412	−46
1981	459	15,737	432		15,092	383	−29
1982	332	16,134	341		14,907	331	−72
1983	291	15,369	285		13,503	276	−35
1984	262	12,923	236		12,902	224	−52
1985	262	12,555	257		12,208	266	+42
1986 [1]	262	12,312	257	249			
1987 [1]	2—	13,029		253			

[1] Congresssional Budget Estimates.●

By Mr. McCLURE (for himself, Mr. ADAMS, Mr. MITCHELL, Mr. DANFORTH, Mr. HEINZ, Mr. THURMOND, Mr. EVANS, and Mr. SPECTER):

S. 902. A bill to amend the Food Security Act of 1985 and the National School Lunch Act to extend to 1992 the eligibility of certain school districts to receive alternative forms of assistance for school lunch programs and to amend the Agricultural and Food Act of 1981, the Child Nutrition Amendments of 1986, and the Child Nutrition School Lunch and Child Nutrition Amendments of 1986 to extend to 1992 the National Donated Commodity Processing Program; to the Committee on Agriculture, Nutrition, and Forestry.

EXTENSION OF CERTAIN SCHOOL NUTRITION PROGRAMS

● Mr. McCLURE. Mr. President, today I am introducing a bill which allows school districts currently receiving cash or a commodity letter of credit to continue to do so until 1992. It is a reasonable bill which will not cost the Department of Agriculture any additional moneys beyond what they already spend on the School Lunch Program.

In 1980, Congress required the Department of Agriculture to conduct a demonstration project and associated evaluation of the National School Lunch Program. This study was to compare the effectiveness and efficiency of the commodity system of distribution to a cash and letter of credit system. The evaluation called for the provision of information on the operations and relative effectiveness of the three alternatives for meeting the dual objectives of supporting farm prices and provision of nutritious food to schoolchildren. The evaluation was to examine the effects of the three systems in the following ways:

First, the extent to which the cash and CLOC systems resulted in changes in the composition and/or quantity of food acquired by school food authorities;

Second, the benefits accruing to farmers from Commodity Donation Program and changes that might occur under the cash or CLOC systems;

Third, the effects of the cash and CLOC systems on the cost of operating school lunch programs at the local, State, and Federal levels;

Fourth, the effects of the cash and CLOC systems on students, including changes in the nutritional content of the foods available for use in school feeding programs, and the changes in student-level participation in the Lunch Program;

Fifth, the feasibility of administering and monitoring the cash and CLOC systems on a national basis, including the impact of such a change on other programs currently eligible to receive commodities.

In order to accomplish the congressional purpose, approximately 100 school districts throughout the United States agreed to participate. About 69 of these school systems changed their operating systems either to commodity letter of credit or cash programs. These schools found that using either the letter of credit or cash programs they had lower operating expenses, increased student use, and lower plate waste. Unfortunately, the USDA study, did not admit this. As a result of questions arising from the final report, Congressman GOODLING and FORD and myself have requested that the General Accounting Office review the methodology and resulting conclusions of the USDA study. This review will be finished this year.

This bill will allow those school districts who participated in the program to maintain the system they are now under if they choose. Many of the participants have expressed to me their desire to maintain the cash or CLOC Program as its saves them money and provides flexibility to provide food that students will eat. The purpose of the School Lunch Program is to get kids to eat nutritious foods. If the food is thrown away, we have failed in our purpose. The cash and CLOC programs are proven as a way to reduce costs and increase student usage—without reducing the use of our commodities. Schools who are using the letter of credit or cash still use agriculture products—in fact they cannot use anything else—students eat food and food comes from farms. Letter of credit and cash only change the way the school districts receive the commodity.

I urge my colleagues to support this section of the bill.

In addition this bill extends the National Commodity Processing Program until 1992. Through this program elementary and secondary school systems, correctional facilities, nonprofit hospitals and nursing homes, as well as senior citizen foodservice operations, nonprofit summer camps, food banks, and day care centers can buy products produced with USDA commodities at a discount.

The National Donated Commodity Processing Program has the USDA entering into contracts with processors to make finished products from the nonfat dry milk, butter, cheese, and honey on which the Department is paying storage, the companies take the USDA commodity, make finished products, and discount the price of the finished products to eligible recipients by the value of the donated commodity in the end product.

I believe that this program makes sense. It reduces the amount of USDA commodity stored at Government expense at the same time provides food to those who can best utilize it at reduced prices. It should be extended to provide for stability in the program. Thus, I urge my colleagues to review this bill carefully and invite their cosponsorship.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION TO 1992 OF ELIGIBILITY OF CERTAIN SCHOOL DISTRICTS TO RECEIVE CASH OR COMMODITY LETTER OF CREDIT ASSISTANCE FOR SCHOOL LUNCH PROGRAMS.

(a) Subsection (b) of section 1581 of the Food Security Act of 1985 (Public Law 99-198, 99 Stat. 1594) is amended by striking out "June 30, 1987," and inserting in lieu thereof "June 30, 1992".

(b) Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended in subsection (g)(2) by inserting after "the Secretary shall permit" the following: ", effective through the school year ending June 30, 1992,".

SEC. 2. EXTENSION TO 1992 OF NATIONAL DONATED COMMODITY PROCESSING PROGRAMS.

(a) Subparagraph (A) of section 1114(a)(2) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)) is amended by striking

out "June 30, 1987," and inserting in lieu thereof "June 30, 1992".

(b) Section 4404 of the Child Nutrition Amendments of 1986 (Public Law 99-661) and section 364 of the School Lunch and Child Nutrition Amendments of 1986 (Public Law 99-591) are each amended by inserting after "the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2))" the following: "and effective through June 30, 1992".●

By Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. GLENN, Mr. SPECTER, Mr. BYRD, Mr. ROCKEFELLER, Mr. LEVIN, Mr. BOSCHWITZ, Mr. SHELBY, Mr. BUMPERS, Mr. INOUYE, Ms. MIKULSKI, Mr. SARBANES, Mr. LUGAR, Mr. RIEGLE, and Mr. DURENBERGER):

S. 903. A bill to extend certain protections under title 11 of the United States Code, the Bankruptcy Code; to the Committee on the Judiciary.

PROTECTION OF RETIREE HEALTH AND LIFE INSURANCE BENEFITS UNDER THE BANKRUPTCY LAWS

● Mr. METZENBAUM. Mr. President, I rise to introduce a measure to extend for 6 months the current law provisions that protect retiree health and life insurance benefits when companies are in bankruptcy. The current protections expire on May 15, 1987. An extension of these provisions will enable Congress to complete consideration of legislative proposals introduced in the House and Senate to amend the Bankruptcy Code.

I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

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

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 608(a) of Public Law 99-591 (100 Stat. 3341-74), and section 2(a) of Public Law 99-656 (100 Stat. 3668) are amended by striking out "May 15, 1987" each place it appears and inserting in lieu thereof "November 15, 1987".●

ADDITIONAL COSPONSORS

S. 58

At the request of Mr. BREAUX, his name was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 93

At the request of Mr. INOUYE, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 93, a bill to provide that services furnished by a clinical psychologist in a rural health clinic need not be provided under the direct supervision of a physician in order to qualify for coverage under Medicare and Medicaid.

S. 104

At the request of Mr. INOUYE, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 123

At the request of Mr. INOUYE, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 123, a bill to amend title XVIII of the Social Security Act to provide that psychologist services are covered under part B of Medicare.

S. 268

At the request of Mr. HUMPHREY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 268, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 269

At the request of Mr. HUMPHREY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 269, a bill to amend title 10, United States Code, to provide child adoption benefits for members of the Armed Forces.

S. 270

At the request of Mr. HUMPHREY, the names of the Senator from Utah [Mr. HATCH], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 270, a bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program.

S. 328

At the request of Mr. BREAUX, his name was added as a cosponsor of S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 454

At the request of Mr. SASSER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 454, a bill to amend title XVIII of the Social Security Act to provide for part C program to furnish comprehensive catastrophic and preventive benefits through prepaid plans.

S. 466

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 466, a bill to provide for a waiting period before the sale, delivery, or transfer of a handgun.

S. 476

At the request of Mr. DODD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 476, a bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans.

S. 514

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. LEVIN] was added as cosponsor of S. 514, a bill to amend the Job Training Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to provide targeting of assistance from certain carryover funds for such individuals, and for other purposes.

S. 530

At the request of Mr. HEINZ, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 530, a bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes.

S. 541

At the request of Mr. PRYOR, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from California [Mr. CRANSTON], the Senator from Maine [Mr. MITCHELL], the Senator from Iowa [Mr. GRASSLEY], the Senator from Oklahoma [Mr. BOREN], the Senator from Alabama [Mr. SHELBY], and the Senator from Indiana [Mr. LUGAR] were added as a cosponsors of S. 541, a bill to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive services.

S. 574

At the request of Mr. HECHT, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 574, a bill entitled the "Battle Mountain Pasture Restoration Act of 1987."

S. 575

At the request of Mr. HECHT, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 575, a bill to convey public land to the Catholic Diocese of Reno/Las Vegas, NV.

S. 604

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 628

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 628, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 709

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 709, a bill to impose additional sanctions against Chile unless certain conditions are met.

S. 718

At the request of Mr. MATSUNAGA, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 718, a bill to eliminate discrimination with regard to mental illness under Medicare.

S. 734

At the request of Mr. BREAUX, his name was added as a cosponsor of S. 734, a bill to extend trade adjustment assistance to workers and firms in the oil and gas industry whose services or products are not directly competitive with imports.

S. 813

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 813, a bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless.

S. 833

At the request of Mr. HECHT, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 833, a bill entitled the "Nuclear Waste Transportation Prohibition through Urbanized Areas Act of 1987."

S. 840

At the request of Mr. THURMOND, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 851

At the request of Mr. GRAHAM, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 851, a bill to provide Federal financial assistance to States offering scholarships to financially needy students from certain Latin American and Caribbean countries, and for other purposes.

S. 858

At the request of Mr. BRADLEY, the names of the Senator from Georgia [Mr. FOWLER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 858, a bill to establish the title of States in certain abandoned shipwrecks, and for other purposes.

S. 887

At the request of Mr. MATSUNAGA, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Montana [Mr. BAUCUS], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 887, a bill to extend the authorization of appropriations for and to strengthen the provisions of the Older Americans Act of 1965, and for other purposes.

S. 896

At the request of Mr. BREAUX, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 896, a bill relating to the application of the drawback provisions of section 313 of the Tariff Act of 1930 to certain imports of raw cane sugar.

SENATE JOINT RESOLUTION 11

At the request of Mr. THURMOND, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Joint Resolution 11, joint resolution proposing an amendment to the Constitution relating to Federal balanced budget.

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 59, joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 75

At the request of Mr. THURMOND, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. MCCLURE], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 75, joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. HUMPHREY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 6, concurrent resolution expressing the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. QUAYLE] and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Concurrent Resolution 9, concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. GORE, the name of the Sentor from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Concurrent Resolution 20, concurrent resolution to express the sense of Congress that funding for the vocational education program should not be eliminated.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. BAUCUS, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Concurrent Resolution 30, concurrent resolution to endorse the national certification of teachers in elementary and secondary education in the United States.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. DECONCINI, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Concurrent Resolution 35, concurrent resolution expressing the sense of the Congress regarding the imposition of charges for outpatient care provided in medical facilities of the uniformed services to retired members of the Armed Forces, dependents of retired members, and dependents of members serving on active duty.

SENATE RESOLUTION 174

At the request of Mr. DECONCINI, the names of the Senator from Nevada [Mr. HECHT] and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of Senate Resolution 174, resolution expressing the sense of the Senate condemning the Soviet-Cuban buildup in Angola and the severe human rights violations of the Marxist regime in Angola.

SENATE RESOLUTION 182—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNCIL

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 182

Whereas, in the case of *James J. Tayoun* v. *Thomas M. Foglietta, et al.*, No. 86-3778, pending in the United States District Court for the Eastern District of Pennsylvania, the plaintiff has caused the Clerk of the United States District Court for the District of Columbia to issue a deposition subpoena, F.S. 87-0079, to Senator Jesse Helms;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act, 2 U.S.C. §§ 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent Members of the Senate with respect to subpoenas issued to them in their official or representative capacities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Helms in the case of *Tayoun* v. *Foglietta, et al.*

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the

Senate Small Business Committee will hold a full committee hearing on Thursday, April 23, 1987, at 9:30 a.m. to examine the issues related to the cost and availability of health care benefits for small businesses and their employees as well as proposals for federally funded mandated health benefits. The hearing will be held in room 428A of the Russell Senate Office Building. For further information, please call John Ball, the committee staff director at 224-5175 or Elizabeth Goss, of Senator BUMPER's personal staff at 224-4843.

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled its first field hearing of the 100th Congress entitled, "The Catastrophic State of Catastrophic Health Care Coverage," for Thursday, April 16, 1987 in Birmingham, AL.

The hearing will take place in room 138—Court Room No. 2, at the U.S. Federal Court House on 5th Avenue North from 9:00 a.m. to 12 noon. The hearing will be chaired by committee member, Senator RICHARD SHELBY.

The purpose of this hearing is to highlight the current major gaps in public and private health insurance coverage of expenses associated with catastrophic illnesses and to examine possible approaches to dealing with this problem.

For further information, please contact Max Richtman, staff director at (202) 224-5364 or Leslie Ludwick or Tricia Primrose of Senator SHELBY's staff at (202) 224-5744.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, April 2, 1987, at 10 a.m. to hold an executive session for pending committee business.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary be authorized to meet during the session of the Senate on April 2, 1987, at 2 p.m., to hold a hearing on S. 558. Fair Housing Amendment Act of 1987.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 2, 1987, at 2:30 p.m. to resume closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

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

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 2, 1987, at 10 a.m. to hold a hearing on the comparison of the major trade bills.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 2, 1987, at 3 p.m. to mark up S. 810, a bill to authorize housing assistance for homeless individuals and families; and to vote on the nominations of: Alfred J. Fleischer, of Missouri, to be a member of the Board of Directors of the National Corporation of Housing Partnerships; and Thomas J. Healey, of New Jersey, to be a member of the Board of Directors of the Securities Investor Protection Corporation.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 2, 1987, at 9:30 a.m., to hold hearings on proposed legislation relating to the Government's role in economic competitiveness.

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

SUBCOMMITTEE ON TECHNOLOGY AND THE LAW

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Technology and the Law of the Committee on the Judiciary, be authorized to meet during the session of the Senate on April 2, 1987, at 9:45 a.m., to have a markup on S. 442, the Semiconductor Chip Protection Act.

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

SUBCOMMITTEE ON PATENTS, COPYRIGHTS, AND TRADEMARKS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on April 2, 1987, at 10 a.m., to hold a hearing on copyright issues presented by digital audio tape.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on April 2, 1987, at 9:30 a.m., to hold a hearing on corporate takeovers.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on Thursday, April 2, 1987, at 9:30 a.m., to conduct oversight hearings on Third World debt.

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

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE AND SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense jointly with the Subcommittee on Defense Industry and Technology, be authorized to meet during the session of the Senate on Thursday, April 2, 1987, at 2 p.m. in open session to receive testimony on the Department's efforts to implement baselining, defense enterprise programs and milestone authorizations for major acquisition programs, in review of S. 864, the Department of Defense Authorization Act for fiscal year 1988 and fiscal year 1989.

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

SUBCOMMITTEE ON STRETEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services, be authorized to meet during the session of the Senate on Thursday, April 2, 1987 at 9 a.m. in closed session to receive additional testimony regarding the B-1B aircraft in review of S. 864, the fiscal years 1988 and 1989 Department of Defense Authorization Act.

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

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, April 2, 1987, at 9 a.m. Oversight hearing to receive testimony concerning the clean coal technology program.

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

SUBCOMMITTEE NUTRITION AND INVESTIGATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition and Investigations of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, April 2, 1987, at 2 p.m. to hold a hearing on S. 728 and S. 812, bills to improve the nutrition of the homeless.

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

ADDITIONAL STATEMENTS

THE ALBER FAMILY

● Mr. SASSER. Mr. President, I rise today to call to the attention of my colleagues the plight of the Alber family. Solomon Alber, his wife Evangelina and their two children Mark and Ilya have been trying to emigrate from the Soviet Union for the past 13 years. Their requests continue to be denied. I have written an appeal to Soviet General Secretary Gorbachev, urging him to allow the Alber family to leave the Soviet Union. My letter is part of a nationwide effort to focus attention on the continuing problems facing refusenik families. I am very pleased to join this effort by "adopting" the Alber family. This "adoption" program is designed to continue to apply pressure on Soviet leaders to allow the Albers and thousands of Soviet refuseniks to emigrate.

Mr. President, Solomon Alber, a 55-year-old mathematician and physicist, was director of the Mathematics Lab Institute of Chemical Physics in the Academy of Science. His wife Evangelina was employed as a pathologist. When the Alber family applied for a visa to emigrate from the Soviet Union, Solomon was demoted and Evangelina lost her job.

On June 23, 1976, the New York Times reported that then 15-year-old Mark had become the target of an officially inspired campaign of threats and violence. He was beaten up by schoolmates—once into unconsciousness.

On December 23, 1986, Solomon was summoned to the Ministry of Foreign Affairs to meet with a spokesman of Foreign Minister Eduard Sheverdnaze. He told Solomon that Soviet leaders had decided not to give visas to his family. The stated reason: Although Solomon was not in contact with any "secrets," it is possible that he might have acquired some secrets during all of his life experience.

During this same time period, Mark, now 25 years old and a computer programmer, began to be harassed at his job and threatened with dismissal. The family will appeal his case in the Soviet courts. It is likely, however, that he will be dismissed. If dismissed, he will have 3 months to get a job. If he does not find work, he may be jailed on charges of parasitism.

The official anti-Semitism and the cultural and religious repression which the Albers and thousands of others like them face in the Soviet Union is a cruel and grinding challenge to the spirit. Thousands of those who try to secure their freedom by emigrating are staunchly denied that universal human right. They are routinely penalized for continuing to seek to exercise this right. Recent changes in the Soviet emigration policies which, ostensibly reflect a new openness, or glasnot, have not yet resulted in fewer restrictions on emigration for religious or humanitarian reasons.

Mr. President, we all rejoiced in the recent release of prisoners of conscience like Anatoly Shcharansky and Yuri Orlov. However, we must never forget that for every individual who is finally allowed to emigrate, there are hundreds—thousands of others who are denied permission to leave the Soviet Union. Jewish emigration from the Soviet Union fell to its lowest level during 1986 since the 1960's.

The Albers, for 13 years, have been subjected to the intimidation and persecution which, tragically, are a normal byproduct of attempting to emigrate from the Soviet Union. It is my hope that Mr. Alber and his family will soon be able to achieve the goal they have sought for 13 years: To establish a home where they can pursue their chosen careers and where they are free to practice their religion. I will continue to do what I can to secure this goal in the weeks ahead.●

SUPERCONDUCTOR TECHNOLOGY

● Mr. DURENBERGER. Mr. President, earlier this week I introduced S. 880, the Superconductivity Competition Act of 1987. My legislation is intended to encourage corporation between the Federal Government and the private sector in the research, development, and production of superconductors and their applications. As was reported in the April 6 cover story of Business Week, we are witnessing a scientific revolution in the development of superconductive materials that will affect every aspect of our future lives. I encourage my colleagues to read about this technological breakthrough; therefore, I ask to print the text of the Business Week article in the RECORD.

The article follows:

[From Business Week, Apr. 6, 1987]

"OUR LIFE HAS CHANGED": THE LIGHTBULB, THE TRANSISTOR—NOW THE SUPERCONDUCTOR REVOLUTION

With the poise of Harry Houdini, Bertram Batlogg reaches into his coat pocket. Slowly, he draws out a piece of flexible green tape and holds it aloft. There is silence. Then gasps and exclamations ripple through the crowd. "I think our life has changed," says Batlogg, who heads solid-state materials research at AT&T Bell Laboratories. The 3,500 physicists jamming the ballroom and surrounding hallways at the New York Hilton burst into shouts and applause.

The simple tape that Batlogg brandished at the annual meeting of the American Physical Society on Mar. 18 was indeed the pennant of a technological revolution. Because it can conduct electricity with no power losses to resistance, the tape material promises to have an enormous technological—and economic—impact. Such so-called superconductors could speed the way to a quantum leap in both electrical and electronic technology.

A torrent of developments is pointing to applications ranging from superfast computers to trains that float on magnetic fields, from less costly power generation and transmission to fusion energy. Although it may take 20 years before the full potential of these laboratory discoveries is realized, the economic impact could be enormous. Some scientists compare the importance of these advances in superconductors to the invention of the transistor. But to Jack S. Kilby, co-inventor of the integrated circuit, that's an understatement. "This is much broader," he says. "It could impact almost everything."

The normally staid physicists at the New York meeting apparently agreed. Like rock music fans waiting to get into a concert, the crowd began gathering for what they dubbed the "Woodstock of physics" 2½ hours ahead of time. When the doors opened for a hastily scheduled 7:30 p.m. session on superconductivity, scientists shoved and jostled each other for the 1,150 seats. The rest craned to hear from the hallways or watched on video monitors outside. "I came to see history," declared one scientist as he elbowed his way to a seat. He wasn't disappointed. More than 50 researchers reported brand-new experimental results. Several revealed information phoned in from their laboratories just hours earlier. With only five minutes allocated to each, the session ran until 3 a.m.

The advances have been a long time coming. In 1911, Dutch scientist Heike Onnes first observed that some metals became superconductive when cooled to almost absolute zero—the point at which all motion of atoms ceases. That opened tantalizing prospects for huge markets. But the only way to get near that ultra-cold temperature of −459F—or zero on the Kelvin scale that scientists prefer—was cooling with costly liquid helium.

CHASING THE GRAIL

So the search began for materials that would exhibit superconductivity at warmer temperatures. The effort, however, was slow and discouraging. In 1941, scientists discovered alloys of niobium that became superconductive at 15K. By 1973 the best superconductor operated at 23K—warm enough to make a few applications, such as magnets for medical imaging, economical. But this was far from the physicists' Holy Grail of

"room temperature" superconductors. Many despaired that such materials were even possible.

In just the last four months, however, researchers in the U.S., Europe, Japan, and China churned out a stunning set of discoveries. They created a group of materials that become superconductors at temperatures that can be achieved with inexpensive liquid nitrogen. That made frigid superconductors red-hot. "It's the most exciting development in physics for decades," declares Neil W. Ashcroft, director of the Laboratory of Atomic & Solid State Physics at Cornell University. "The pace of discoveries can hardly be matched." And the dream of room-temperature materials is no longer unthinkable. "We've knocked down barriers and removed our blinders about what's possible," says Paul A. Fleury, director of the physical research lab at AT&T Bell Labs.

No one, least of all K. Alex Müller, a physicist from International Business Machines Corp.'s Zurich research laboratories, expected the barriers to higher-temperature superconductors to tumble so quickly. It was Müller who set off the current research rush a little more than a year ago with the discovery of a superconducting oxide of copper. Hunched in a chair during a lull in the New York meeting, the 59-year-old Müller seems ill at ease with the attention he is getting. "It was no unexpected," he says quietly, stroking his beard.

Müller holds the prestigious post of IBM Fellow, which frees the company's distinguished scientists to pursue projects of their own choosing. With the freedom to explore, Müller took a cue from research in the U.S. and France to examine a little-known group of oxides containing copper and nickel. Normally insulators, the materials had displayed some intriguing metallic properties. So for nearly three years, Müller and his colleague, J. Georg Bednorz, mixed humdreds of compounds and tested them for signs of superconductivity. In January, 1986, they measured superconductivity at a record-breaking 30K in an oxide containing lanthanum, barium, and copper. Müller, who expected a rise of several degrees at best, was incredulous.

Bednorz, a former student of Müller's, was so excited he wanted to report the results immediately. But Müller refused. The history of superconductor research is littered with unsubstantiated claims and the tarnished reputations of the scientists who made them. Fearful that his peers would denounce the results, he insisted on additional tests. "I didn't want to ridiculize myself," he recalls.

Only after they had confirmed their findings did Müller and Bednorz publish a paper. And then many U.S. scientists missed the paper when it was published last April because Müller chose a German journal not widely read in the U.S. Some who did read it doubted the findings. "I just couldn't take the claims seriously," says one physicist who now regrets his skepticism.

THE COLD RUSH

By fall, however, a handful of research teams was experimenting with Müller's compound. In December, reports discussed at a Boston scientific meeting created a sensation. Müller's work had been confirmed by a Tokyo University research team led by Shoji Tanaka and another group at the University of Houston headed by physics professor Ching-Wu "Paul" Chu. Immediately, scientists at more than a dozen labs, including AT&T, Argonne National Laboratory, and the University of California at Berkeley, began experiments on the substance.

It was easy to jump on the research bandwagon: The promising oxides can be whipped up in the chemistry lab of any junior college. Simply grind the chemicals with a mortar and pestle and heat them in a furnace. Regrind the result, press it into pellets, and heat it again with oxygen. So by the end of December, researchers at AT&T, the University of Tokyo, the Institute of Physics, Academia Sinica in Beijing, and the University of Houston announced they had cooked up oxides that smashed Müller's record.

The scientists have been at it ever since. Chu and his close-knit team of six pushed the temperature of Müller's oxide to 52.2K. "But I knew we wouldn't go higher unless we found a new material," Chu says.

So he decided to substitute another element, called yttrium, for the lanthanum in Müller's oxide. Working with University of Alabama scientists under Wu-Maw Kuen, the researchers soon recorded signs of superconductivity at a torrid 100K in that oxide. "But we came back the next day, and it had disappeared," recalls the 45-year-old Chu. The researchers began an intense cat-and-mouse game with the material, trying to stabilize the superconducting properties at that high temperature.

The team tested dozens of recipes with little success, but Chu's optimism never flagged. "He always looks on the bright side," says Pei-Herng Hor, one of his Taiwanese-born colleagues. By early February the team scored: The researchers found a stable compound that was superconductive at 98K, well above the temperature at which inexpensive liquid nitrogen could be used for cooling.

"SCIENCE SUPERSTAR."

Chu kept mum for two weeks, but rumors quickly lifted the veil of secrecy. Researchers at IBM, AT&T, and the University of California at Berkeley immediately set out to discover the secret ingredient. "Chu ran the four minute mile in superconductivity," declares James E. Shirber, manager of solid-state physics at Sandia National Laboratory. "He broke the barrier to liquid nitrogen." When the news got out, Chu earned the nickname "Science Superstar" from his staff.

That could prove to be an elusive title. Within weeks Tanaka, Z.X. Zhao from the Institute of Physics in Beijing, AT&T, and IBM were pacing Chu. By substituting still other elements such as calcium and lutetium, they concocted a dozen different oxides that become superconductors above 90K.

With so many teams after the ultimate superconductor and the prizes it might bring—perhaps even a Nobel—the tension among key researchers is becoming almost palpable. At the Physical Society meeting in New York, the scientists assiduously noted the dates when they observed high temperatures, developed compounds, or completed other ground-breaking work. "Everyone is writing history to make themselves look better," observes one physicist.

At a press conference during the meeting, Tanaka claimed the Japanese were first to experiment on certain compounds. Chu jumped up to add that his lab, too, was working on the same compounds at that date. Such incidents are "just the tip of the iceberg," says Chu. Although Chu and Tanaka used to compare work, the communication stopped once Chu began experiments on yttrium.

"It's frantic, mass hysteria," says Paul M. Grant, manager of magnetism and collective phenomena at IBM's Almaden Research Center in San Jose, Calif. "Everyone's exhausted." Grant, whose weeks of midnight research sessions resulted in the identification of the structure of one of the oxides, has the dark circles under his eyes to prove it. And the research is progressing so rapidly that it has outstripped the usual channels of scientific communication. At *Physical Review Letters,* the leading physics journal, more than 50 superconducting research papers await publication. "Recently' in this field now means two days ago," says M. Brian Maple, professor of physics at the University of California at San Diego.

GETTING PRACTICAL

The race to push superconducting materials out of the lab has barely begun, however. Just because a substance loses its electrical resistance when it's dipped in a cold, liquefied gas does not mean it will be much good in the real world. To be practical, superconductors have to be fashioned into wires, cores of magnets, and the thin coatings that form the foundation of computer circuits. And the materials, which are basically ceramics, are brittle—and fragile. "It is a long road between discovery and use of the devices," says Robert J. Cava, a chemist at Bell Labs.

But scientists already are pulling off the basic developments that lay the foundataion for commercial applications. One key finding is that the materials may make possible the most powerful electromagnets ever built. Tests at Westinghouse and AT&T indicate that the new superconductors can withstand magnetic fields up to 10 times greater than those possible with such materials as niobium. That could open the way to such applications as tiny but extremely powerful electrical motors and higher resolution medical imaging machines.

By March, both IBM and Stanford University had used techniques common in the semiconductor industry to produce a superconducting thin film that could be used in computers. At Stanford, Theodore H. Geballe, a professor of applied physics, fashioned a film into a prototype device that might be an ultrahighspeed data pathway between computer chips. An AT&T team that included Bertram Batlogg and ceramist David Johnson used ceramic processing technology to make its tape and small donut-shaped magnets. Japan's Fujikura Ltd. and Sumitomo Electric Industries Ltd. have made prototype superconducting wires.

The prospect of high-temperature superconductors shooting out of the laboratory has scientists lusting nearly as much after potential profits as scientific prizes. Just as semiconductor technology created Silicon Valley, the new superconductors may well create an "Oxide Valley." Already, some researchers are talking about starting companies. And Henry Kolm, who left Massachusetts Institute of Technology to found a company to develop superconductivity applications a decade ago, believes the new oxides will open the door to venture capital. "People didn't consider helium practical," he says. Liquid nitrogen cooling, however, "is not far from frozen-food technology."

But just who owns the rights to the new technology promises to be a major muddle. The U.S. Patent Office is already sifting through dozens of applications on everything from the structure of oxides to manufacturing processes and devices. IBM and

AT&T both contend they have claims for broad patent protection, but "it may be some time before we find out who has the rights," admits George Indig, a patent attorney at AT&T. Observers are predicting messy shootouts in the courts.

The rush of discoveries also leaves physicists with some loose ends. For one thing, they can't fully explain why the oxides are such superior superconductors. "It may be several years before we know what's going on, but there may be no theoretical limit to how high the temperature can go," says Robert Schreiffer, a professor at the University of California at Santa Barbara who won a Nobel for developing a theory of superconductivity. Indeed, by the time the New York meeting broke up, labs in the U.S. and Europe had reported signs of superconductivity well above 100K.

Such reports are spurring a frenzy of activity in Chu's Houston laboratory. Shoes are scattered under desks, and jackets and shirts are hung in corners, as the researchers work around the clock. The full-sized refrigerator is crammed with Chinese take-out food. "When you are No. 1, you always have to work to keep it," says Hor. "You hardly sleep." And Chu has his sights clearly on another record—125K. By mid-March rumors were circulating that he might be close. "Will history repeat itself? Who can tell," say Chu grinning.

THE UNITED STATES HAS THE ADVANCES, BUT JAPAN MAY HAVE THE ADVANTAGE

When a Houston laboratory announced a major advance in superconductivity research in February, Japan Inc. wasted no time. Its Ministry of International Trade & Industry immediately began assembling a consortium of government, industry, and university researchers. A MITI official describes the ministry's goal with missionary zeal: to exploit the "fantastic world of future industries" promised by new materials that conduct electricity with virtually no loss of power.

Both leading U.S. universities and major industrial companies such as International Business Machines Corp. and American Telephone & Telegraph Co. are playing a pioneering role in the spectacular scientific advances. But some experts fear that the Japanese ability to organize their research into a program with strong commercial goals could give them the edge in moving the research out of the laboratory.

At the moment, declaring a winner in the superconductivity race is premature. But leaders of the nation's science establishment marvel at the speed of MITI's action. "I wouldn't call what they have done ominous, but it certainly is a sign of intensifying aggressiveness," says Roland W. Schmitt, General Electric Co.'s chief scientist and chairman of the National Science Board, Adds Carl H. Rosner, president of Intermagnetics General Corp.: "The Japanese have long recognized the tremendous potential of superconductivity, whereas the people in this country have been very shortsighted."

HEAD-SCRATCHING

No one government agency coordinates U.S. attempts to exploit the new science. Nor does anyone know precisely how much the U.S. spends on superconductivity research. But the National Science Foundation, which funded much of the recent U.S. research, estimates that federal agencies are funneling at least $8 million a year to universities.

American scientists and industrialists share the assumption that, as in the past, the U.S. system doesn't need a push from the government to bring innovative technologies to market. "The discoveries have been so spectacular that the level of activity is enormous in every laboratory in the U.S. with any capability in superconductivity," argues Schmitt. And Frank Press, president of the National Academy of Sciences, notes that a surprising amount of the academic work is aimed at applications of the new knowledge, such as thin superconducting films for computer chips.

But not everyone is satisfied. Ching-Wu "Paul" Chu, the University of Houston physicist who is the leading U.S. superconductivity researcher at the moment, thinks more action is needed to meet the combined weight of Japan's governmental, financial, and industrial resources. "We cannot afford not to move the same way as the Japanese," he says. "We really have to have a coordinated effort this time." In between those standing pat and the activists, there are a lot of people just scratching their heads. "Maybe," says one official half-jokingly, "what we ought to do is have some kind of conference to see what we ought to do."

"FIRST WIDGET."

But one aggressive government science administrator is not waiting. James A. Ionson, the astrophysicist who heads the Office of Innovative Science & Technology for the Pentagon's Strategic Defense Initiative Organization, is already busy forming his own consortium. He has lined up an unnamed university, a federal research laboratory, and a handful of small companies. Ionson's consortium will have a specific target; vastly improved space-based infrared sensors for detecting enemy missiles. "My concern is that if we don't pull the science into a technology fact, we're going to be beaten to the punch," says Ionson. "I think we've got to build the first widget."

Early proof that the science can be converted into a product might, as Ionson hopes, be enough to spur vigorous development. But there are no guarantees. Even in the basic science, the international competition is fierce, and other nations are already scrambling hard for products because the potential payoffs appear to be so great. Furthermore, there are signs that the time from discovery to application may be exceptionally short.

Superconductivity is likely to be a severe test of the highly individualistic American system. Even as basic findings are still pouring out of the laboratories, the stark reality of the competitive marketplace looms. And Ionson's embryonic consortium is no match for MITI's directed Japanese effort. In this case, the U.S. may have to consider imitating Japan for a change.

THE NEW WORLD OF SUPERCONDUCTIVITY

Inexhaustible, cheap energy from fusion, desktop computers as powerful as today's number-crunchers, trains that fly above their rails at airplane speeds—all suddenly have taken a giant step closer to reality. But while scientists developing a new breed of "warm" superconductors are planting the seeds of an almost Utopian tomorrow, it will be up to engineers to reap the harvest.

That won't happen overnight. The novel materials that researchers are churning out in laboratories still have to be transferred to the factory floor. Significant hurdles must be cleared before an experimental circuit for a superconducting computer can be turned into mass-produced chips. A small sample of wire is a long way from cables that will span the nation.

Even in the fleet-footed electronics business, it will probably be 1990 before full-fledged products show up. For electrical utilities, it could take 10 to 20 years before the revolutionary new superconductors made a meaningful impact on power distribution. The challenge of scaling up lab results "could be formidable," cautions Paul M. Grant, manager of magnetics research for International Business Machines Corp.

SCOTCH AND WATER

Until now, superconductivity has been limited to a few applications because the materials available had to be cooled to extraordinarily frigid temperatures with expensive liquid helium. "Liquid helium costs about the same as Scotch," say Walter L. Robb, senior vice-president for corporate research and development at General Electric Co. Liquid nitrogen is 10% as costly—roughly on a par with bottled water. And even with complicated and very expensive insulation systems, liquid helium escapes far more rapidly than liquid nitrogen, which can be protected with simple plastic-foam insulation.

The idea that it may soon be economically feasible to put superconductivity to work in myriad uses is sparking development projects at hundreds of companies worldwide. The payoffs would be enoromous. And if room-temperature superconductors are ultimately discovered, the world could be transformed. Such "hot" materials could provide new tools for every technology related to electricity. But just the prospect of superconductivity at liquid-nitrogen temperatures is enough to excite most industrial engineers.

Practical nitrogen-cooled superconductors could save the utilities billions—and save enough energy to put 50 or more power plants in mothballs. Copper wires may be the conductor of choice now, but they lose a lot of power. The copper soaks up 5% to 15% of the electricity flowing through long-haul transmission lines, and still more disappears in local distribution lines. For Pacific Gas & Electric Co., these losses amount to $200 million a year—"plenty of incentive to use a new conductor," says Virgil G. Rose, PG&E's vice-president for operations.

With so much at stake, there has been interest in developing transmission lines and power generators even with existing superconducting technology. Research began in the late 1960's but eventually ground to a halt as the energy crisis faded and the cost of cooling with liquid helium stayed stubbornly high. One line was actually built in the U.S., a 300-ft.-long test installation at Brookhaven National Laboratory. It showed that the technology could not compete with a conventional system unless all the power needs of a city were fed through one line to minimize cooling costs, says Carl H. Rosner, president of Intermagnetics General Corp. But because of the inherent unreliability of such a system, no city would dream of putting all of its watts into one cable. If the new superconducting carriers can be fashioned into cable that can stand up to high power loads and alternating current, 10 to 12 "feeder" lines might be affordable.

Interest in using powerful superconducting magnets to build high-speed trains that levitate above their tracks has also flagged in the U.S., because of high capital costs. That interest, too, could be reviving. But the eventual builders of these so-called maglev trains are more likely to be in either

West Germany or Japan, which have continued to fund serious research, or Canada, which still supports a modest effort.

William F. Hayes, a senior research officer wit Canada's National Research Council and a maglev believer, bubbles over with anticipation. The new superconductors will have "a tremendous impact on maglev," says Hayes. "The major problems were refrigerating units and reliability. All that's eliminated now." And trains aren't the only vehicles that could benefit. Hayes predicts that superconducting motors one-half to one-third the size of normal motors will one day power ships. They could also help eliminate urban air pollution by making electric cars practical.

America's best shot at exploiting the new technology is probably in electronics. There, superconductivity will usher in what Sadeg M. Faris calls "the third age of electronics," after vacuum tubes and transistors. Faris worked on super-conducting microchip devices known as Josephson junctions at IBM. When Big Blue decided in 1983, after 14 years of work, that the technology was a no-go, Faris left and founded Hypres Inc. In February, less than four years later, Hypres unveiled the first system based on Josephson junctions. Now, Faris asserts that Hypres will be the first to build chips using the new materials, because "no one else in the world has manufacturing line producing JJ chips."

SUPERCHIPS

That distinction isn't likely to last long. Major electronics companies, from IBM to Varian Associates, are racing to explore the new superconductors. "Guys are working like maniacs," says John K. Hulm, director of corporate research at Westinghouse Electric Corp. "I haven't seen anything like this in years." Westinghouse wants to use Josephson junctions, which are up to 1,000 times faster than conventional silicon transistors, to build radar systems it believes would outperform any now available. At Varian, a leading maker of equipment used in semiconductor fabrication, a crash effort is under way to verify the work on superconducting thin films being done at nearby Stanford University. Such films could be the starting point for tomorrow's superchips.

Health care is another area where superconductors could have an early impact. Nuclear magnetic resonance (NMR) scanners rely on powerful superconducting magnets to produce unprecedented views of the body's organs. The new materials promise magnets 10 times more powerful than those now used. And if NMR machines shed the cost and bulk associated with their present cooling systems for helium, the market for them could be a lot bigger. "You could site NMRs in smaller hospitals, even clinics," says Dr. Paul Winson, director of business development at Britain's Oxford Instruments group PLC, the leading supplier of NMR magnets. Diasonics Inc., which has sold more than 100 NMR scanners, estimates that cooling with liquid nitrogen might save $100,000 per year in operating costs per machine.

The new superconducting materials may also produce magnets that give theoretical physicists a closer look inside atomic particles. Just eliminating the helium needed to cool the 10,000 giant magnets in the proposed superconducting supercollider would lop $160 million off the projected $4.4 billion cost of the atom smasher—plus cut energy usage by 25%. Researchers argue that waiting for the ability to eliminate helium should not hold back the project, which earned a green light from the President early this year, but they say the possibility of replacing those magnets should be kept open. "We could use them to upgrade the energy of the instrument four or fivefold," says Stanley G. Wojcicki, deputy director of the project. "That would give you a tremendous increase in scientific reach."

Ultimately, physicists hope the new superconductors will hold the key to practical nuclear fusion. Such reactors need powerful magnets to contain the intense heat of the reaction, which will be even hotter than the sun. The U.S. magnetic fusion effort has been trimmed by 20% since 1985, to $345 million this year, and Princeton University's Plasma Physics Laboratory, the site of the major U.S. fusion project, is being outspent by rival projects in Europe and Japan. The new superconductors, hopes Robert M. Hill, a senior scientist at SRI International, could revive fusion's prospects.

They may even boost Star Wars. The strategic Defense Initiative Organization's Office of Innovative Science & Technology has already marked $500,000 for superconductor research this year and plans to buck it to $2 million next year. The interest is easy to fathom. After all, space-borne systems built with superconductors wouldn't have to be cooled: In space, "room temperature" is even colder than liquid nitrogen.●

RULES OF THE COMMITTEE ON THE JUDICARY

● Mr. BIDEN. Mr. President, I submit for the RECORD the Rules of the Committee on the Judiciary.

The rules follow:

RULES OF THE COMMITTEE ON THE JUDICIARY[1]

I. MEETINGS OF THE COMMITTEE

1. Meetings [1] may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Eight members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with eight votes in the affirmative, one of which must be cast by the Minority.

V.SUBCOMMITTEES

1. Any member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship, and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.●

[1] Reaffirmed by the Committee on the Judiciary in executive session on February 22, 1983. Printed in the CONGRESSIONAL RECORD on February 23, pursuant to the Legislative Recorganization Act of 1970.

TRADE LEGISLATION

● Mr. D'AMATO. Mr. President, I rise today to join with the distinguished Senator from Louisiana as a cosponsor of S. 896, legislation to extend the deadline for refund of U.S. Customs import duties and fees on imported raw cane sugar that is exported as refined sugar.

Under the Tariff Act of 1930, the Treasury refunds 99 percent of any duty or fee paid on imported sugar, if an equivalent quantity of sugar has to be proceeded within 3 years and exported within 5 years. The proposed legislation would waive these deadlines on sugar entered after October 31, 1977, and before April 1, 1985, provided the sugar is exported before October 1, 1991. Sugar import fees were in force from November 1977 through March 1985 which is the period covered by the extension. The new deadline, October 1, 1991, is the expiration date of the Sugar Program under the 1985 farm bill.

The imposition of quotas on imported raw cane sugar has seriously hurt the cane sugar refining industry. Since 1982, raw cane sugar imports have declined from 5 million tons to 1 million tons. Eight cane sugar refineries have shut down eliminating 7,000 jobs. In December 1986, the U.S. Department of Agriculture announced a further reduction of 850,000 tons in the amount of raw cane sugar that can be imported, establishing a quota for 1987 of only 1 million tons. The danger of additional refinery closings is imminent.

To partially compensate for the lost volume, cane sugar refiners have tried

to develop their export business. Exports have grown to between 400,000 to 500,000 tons annually since 1983. This contributes favorably to the U.S. trade balance.

The increase in exports of refined sugar has been possible because of drawback rights available to refiners. Drawback is necessary for U.S. cane sugar refiners to be competitive in a world market where refined sugar prices are sharply depressed by heavily subsidized exports from the European Economic Community. Refined Sugar exports will cease in late 1987 due to the expiration of suitable drawback rights, unless the law is changed.

Mr. President, this legislation will enable the domestic sugar refinery industry to become a competitor in the world market. The industry neither requests nor desires special treatment. The industry simply needs the additional time which this legislation will provide in order to further develop and improve its export business. I urge my colleagues to act expeditiously for its passage.●

AGREEING WITH GEORGE WILL—FOR A CHANGE

● Ms. MIKULSKI. Mr. President, it is not often that this Senator finds herself sharing the views of Mr. George Will. While Mr. Will is a journalist of the highest caliber and integrity, it could be said that our opinions have been known to differ.

Today, however, I rise in support and praise of Mr. Will's column of March 26, 1987, entitled "Tin Men": People Not Lovely But Loved."

This column eloquently describes a movie's capacity for bringing to life a time and a place.

The time is 1963. The place is Baltimore. But, as Mr. Will shows us, "Tin Men" portrays more than a single year, and more than a single city.

"Tin Men" is about an element of our society rarely glorified by Hollywood. It is about, Mr. Will writes:

> The slice of society least susceptible to sentimentalization: the lower—the barely—middle class.

Barry Levinson, the same writer and director who gave us the movie "Diner," spins a tale of aluminum-siding salesmen in Baltimore in the summer of 1963. These are the people whose focus is on the local diner and Pimlico Race Track, not Vietnam.

The issues of life, then, are in the immediate vicinity. Most importantly, there is a certain beauty in what is close to us.

Simply, there is beauty and grace in the ordinary. And this is what sustains people.

"Tin Men," writes Mr. Will, "teaches a sweet lesson for a continental nation of diversity and change * * * it is that people and places need not be lovely to be loved."

Such is a crucial lesson, Mr. President, in a day and age of gloss and glitter. I applaud Mr. Will for his poignant words, and for his insight into a time and mood that should always be a part of us.

I ask that the column be printed in the RECORD.

The column follows:

"TIN MEN": PEOPLE NOT LOVELY BUT LOVED

(By George Will)

WASHINGTON.—Printed words are wonderful, but they cannot whisper. That is unfortunate because, as has been said, many people will believe anything if you whisper it to them, and it would be nice to whisper in America's ear, "You should see the movie Tin Men."

To whet your appetite consider this: It is about aluminum-siding salesmen in Baltimore in the summer of 1963. That description may leave your appetite unwhetted, but the era, the setting and the subject all serve this story about an American particularity.

There are many movies about glamorous people, and many about the texture and tribulations of blue-collar existence, urban and rural. The romance of manual labor is most intense for those farthest from it, and Beverly Hills has recently discovered the romance of the family farm: Country, the River, Places in the Heart. But it is relatively rare for movies, the mass medium most given to romaniticizing reality, to notice the slice of society least susceptible to sentimentalization: the lower—the barely—middle class.

Arthur Miller's Death of a Salesman is an intellectual's recoil-in-horror from the marginality of lower-middle-class life, which Miller suggests is an approximation of death. It was, therefore, a bold act of imagination for Barry Levinson, 44, to make a movie that is unsparing yet uncondescending about the aluminum-siding salesmen who proudly called themselves "tin men." They formed a small cohort of hustlers capable of callous exploitation of customers, but also of a touching pride in their flair for salesmanship.

The movie evokes a now-distant moment and, in doing so, suggests how long a quarter-century is in this republic of change. Americans, for whom change is the only constant, seem emotionally susceptible to small material intimations of the recent yet distant past. In Hoosiers, a new movie about high-school basketball in Indiana in 1951, the coach drives a Chevy with one of those knobs people used to screw onto steering wheels. This detail is just glimpsed once—the camera does not dwell and lecture. However, this perfect accuracy (the star, Gene Hackman, grew up in Danville, Illinois, so he knows) evokes the atmosphere of an era.

Baltimore's tin men were long on brass and short on scruples about the scams, both hilarious and cruel, by which they vacuumed money from lower-middle-class home-owners hungry for the differentiation that aluminum siding might give. The tin men lost their disreputable elan when a city commission cracked down on their techniques of living by fast talk and tail fins.

The tin men flourished when tail fins were Detroit's operatic use of sheet metal. The movie is heavy on the Coupe de Ville motif. Tin men rationalized ownership of those gaudy barges on the ground that customers saw Calillacs as proof of respectability. However, several times an ominous specter putts across the horizon of the tin men. It is the Volkswagen Beetle, portent of a more sober future.

The summer of 1963 was the autumn of America's era of postwar swagger and make-up-for-lost-time consumption. White House schedulers were planning a trip to Dallas, Vietnam was a small place with a small U.S. involvement and women were in their traditional places. In Tin Men, those places are segregated from the many venues (pool halls, diners, Pimlico race track, saloons) where men went through the rituals of being male together.

Why Baltimore? Because it is the place in the heart of Barry Levinson, the writer and director who also gave us Diner. That movie was another snapshot of life styles of Baltimore's not-at-all-rich and never-going-to-be-famous. Its subject was late adolescence, which is inherently entertaining because it is universally awkward. Making tin men sympathetic subjects of a movie was a braver aim, triumphantly realized.

For those who do not know Baltimore's many charms, that city may seem a suitable symbol of urban life without urbanity, physical and spiritual hardness without softening graces. Today, Baltimore is one of America's most livable cities, and tin men are a vanished species. However, Levinson's focus on a slightly frayed side of things serves his two purposes, which are laughter with an edge and love without blinking.

Tin Men may be the most constantly funny movie ever made. It is worth the price of admission for one tin man's recurring critcism of the television hit Bonanza. It is, the critic says, "unrealistic" because (among other things) the Cartwright boys, unlike Baltimore boys, never talk about sex.

The movie is, at bottom, a love story. It expresses a deeply felt love for a time and place. It teaches a sweet lesson for a continental nation of diversity and change, a lesson Levinson, too delicate to preach, only intimates. It is that people and places need not be lovely to be loved.●

COMMENDATION OF THE PRESIDENT FOR LIMITING THE ACTIVITIES OF THE NATIONAL SECURITY COUNCIL

● Mr. PELL. Mr. President, I am grateful to President Reagan on his adoption of the recommendation of the Tower Commission to prohibit the staff of the National Security Council from engaging in covert activities.

The transformation of the National Security Adviser's role from that of manager and coordinator of the interagency national security process to not only a formulator, but an executor of foreign policy, was an unwarranted development which has had serious adverse consequences for U.S. foreign policy.

The activities of Vice Adm. John Poindexter while serving as Assistant to the President for National Security Affairs, departed from the patterns established by his predecessors.

Given the enormous task of managing a coherent foreign policy among the many powerful departments of the executive branch, and given the necessity of providing the President with coherent, digestible information, I do

not dispute the need for someone in the White House to be in charge of:

Managing the flow of information and presentation of alternatives to the President;

Coordinating the recommendations and comments of the various departments;

Staffing the National Security Council, especially during crises; and

Overseeing the implementation of Presidential decisions.

However, I believe it is wrong for the National Security Council to be a separate competing source of policy advocacy, program direction, and more participation of covert operations.

Therefore, I commend the President for taking this initial step to restrict the activities of the National Security Council.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, the Soviet Union has implemented a number of reforms over the past few months. Although we have seen evidence of increased openness in Soviet society, oppression of religious groups still exists. The fate of many Jews in the Soviet Union continues to be one of suffering, persecution, and waiting—an astronomical number of Jews are waiting to be given permission to emigrate to the West.

Among the hundreds of thousands of refuseniks exists a group of cancer patients for whom emigration could mean the difference between life or death. Inna Meiman was one of these victims. Unfortunately, continuous delay by the Soviet government resulted in Inna's death. Her husband Naum remains in the Soviet Union. The following article describes Inna's strength and courage, and depicts the tragic plight of Soviet Jews who wish to emigrate.

I implore the Soviet Government to grant Naum Meiman and other Soviet refuseniks permission to emigrate to the West immediately.

The article follows:

AND FORCE UNWILLING JEWS TO STAY

(By Marjorie H. Loory)

Inna Meiman arrived in Washington on Jan. 19, ill with cancer and filled with hope. Wheeled into a room at Dulles International Airport to face the inevitable press conference she said: "I have not come to die. I have come to live."

Three weeks later, this forever optimistic 54-year-old woman, who suffered the full force of Soviet repression for eight years, died in a rented apartment in a retirement home near Georgetown. Doctors at Georgetown University hospital could not treat her cancer until they stabilized her other medical problems—diabetes, a staph infection and the side effects of steroids Soviet doctors had prescribed as a last resort.

She did not die alone. But she did die without the comfort of her 75-year-old husband, Naum, who shared so much of her troubles, or of her son by an earlier marriage, Lev, and his family in Moscow.

The Meimans were refuseniks—Naum since 1975; Inna since 1979. "Refusal brought us together," Naum once told me in Moscow.

Whom do they thank for such good fortune? Naum first applied to emigrate in 1975. Jews, he said, faced only humiliation and had no future in the Soviet Union. He felt this was so even though he himself had once been an honored scientist who did work for many an institute of the prestigious Soviet Academy of Sciences. His application was refused on the grounds that he once had possessed classified information.

He worked with Andrei Sakharov, Anatoly Shcharansky, Yuri Orlov and Yelena Bonner in Moscow's Helsinki Watch Group, the little organization formed to monitor from within Soviet compliance with the Helsinki Accords of 1975. Most of the group was either jailed or exiled. Naum Meiman's punishment, intentional or not, was to watch his wife take sick and not be able to have her treated properly.

Inna was graduated from Moscow's well-known Foreign Language Institute. Her English was impeccable. In refusal, she helped others to write the letters necessary to win outside support for their cases. Together the Meimans, unable to help themselves, did what they could to help others.

Inna's cancer was first noticed as a tumor in the back of her neck in 1983. It was removed in a district hospital under a local anesthetic. Doctors told her it was benign. Two years later it was back. This time it was removed in a leading Moscow cancer hospital. Despite that best available treatment, it quickly regenerated. Soviet doctors, fearful of operating again, told her to seek treatment abroad. But Soviet authorities told her that was unnecessary.

Naum concentrated all his efforts on winning her permission to travel abroad for treatment. The couple made a painful decision to separate if travel approval was granted. Her visa alone finally came last month after pressure was exerted by politicians and scientists around the world.

Inna Meiman arrived with an agenda. She planned to get better and then work for others. At the top of her list were Anatoi Raben, former head of the Soviet National Oncological Center's information department, and his family, and Janna Sakuta.

Raben has been a refusenik since 1979. His father died in Stalin's purges before World War II as an "enemy of the people." His mother was exiled to Siberia as the wife of such an enemy. Raben returned home from the war a decorated hero, only to be imprisoned. Now he feels his children and grandchildren are imprisoned in a country they no longer consider their own.

Janna Sakuta suffers a rare eye disease that is successfuly treated only in Massachusetts Eye and Ear Hospital and in Israel. Without treatment, she faces blindness.

These are not unusual cases among the tens of thousands of Jews who have been waiting seven, 10, 15 years to emigrate.

Mikhail Gorbachev is trying to right long-standing wrongs. For Inna Meiman, his new policies were too late. But he could let Naum Meiman and Inna's family come here for her funeral, and stay. He could let Anatoli Raben and his family go. He could let Janna Sakuta and her family go. He could let any family without a future in the Soviet Union go.●

LINE ITEM VETO LEGISLATION

● Mr. HUMPHREY. Mr. President, I would like to bring to the attention of my colleagues two letters which I have received concerning S. 402, the line-item veto proposal which Senator EVANS, myself, and several other colleagues introduced on January 28. The first is from Gov. Arch A. Moore, Jr., of West Virginia. The second is from Mr. Richard A. Fink, president of Citizens for a Sound Economy.

Both Governor Moore and Mr. Fink recognize the need for budgetary reform. I think that a majority of Congress will agree with them at least on this point. As Mr. Fink put it, "the budget process has clearly deteriorated." They also agree with the 33 cosponsors of S. 402 that the line-item veto ought to be a part of this budgetary reform.

As we debate the budget process, Mr. President, I would urge my colleagues to keep in mind the comments of both Governor Moore and Mr. Fink.

Mr. President, I ask unanimous consent that the two letters to which I have referred be placed in the RECORD.

The letters follow:

STATE OF WEST VIRGINIA,
OFFICE OF THE GOVERNOR,
Charleston, WV, March 30, 1987.

Hon. GORDON J. HUMPHREY,
U.S. Senate, 531 Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: You and Senator Evans have my wholehearted support for S. 402, which gives the President limited line-item veto authority.

Be assured that I share your concern for reducing the federal deficit and will actively support budgetary reform.

Best wishes to you on this endeavor.

Sincerely,

ARCH A. MOORE, Jr.,
Governor.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, March 30, 1987.

Hon. GORDON J. HUMPHREY,
U.S. Senate, 531 Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: I would like to commend you for your bill to establish a line-item veto for continuing resolutions. The budget process has clearly deteriorated, and any efforts designed to rein in excessive spending are certainly welcome to the American taxpayer. We at Citizens for a Sound Economy (CSE) agree that the line-item veto is an important element in any true budget reform effort.

The members and supporters of CSE are hopeful that your bill will receive the favorable attention it deserves. Furthermore, CSE's Washington staff looks forward to working with your office on behalf of the legislation.

Hopefully, our joint efforts will meet with success.

Sincerely,

RICHARD H. FINK,
President.

PEACH BOTTOM SHUTDOWN

● Mr. BIDEN. Mr. President, 2 days ago, on March 31, the Nuclear Regula-

tory Commission ordered the Philadelphia Electric Co. to shut down operations at its Peach Bottom, PA, reactor within 36 hours. The cause of this unprecedented action was an incredible finding by the NRC's staff that control room operators were sleeping while on duty. This was not a one-time finding, the NRC staff's order noted that:

> One or more of the Peach Bottom operations control room staff (including licensed operators, senior licensed operators and shift supervisors) have for at least the past five months periodically slept or have otherwise been inattentive to licensed duties.

And it was not the first time operators of the Peach Bottom facility had been cited for this type of action. Again, according to the NRC order:

> On June 10, 1985, during the 11:00 p.m. to 7:00 a.m. shift, an NRC inspector was present in the Unit 3 control room and observed an on-duty Unit 3 operator in a chair at the Unit 3 reactor control panel with his eyes closed and his head tilted back, apparently asleep or otherwise inattentive to his duties. In response to this charge the licensed operator denied being asleep and indicated he was enticing the NRC inspector to believe he was asleep.

The problems at the Peach Bottom reactors go beyond control operators sleeping while on duty. In 1983 and 1984, the utility was cited three times for personnel error violations. On June 6 of last year, the NRC's yearly review of plant operations found that management and effectiveness toward improving operating activities was not evident, and that there was a complacent attitude toward procedural compliance in plant operations. Three days later the NRC fined the utility $200,000 for a series of violations that indicated a pattern of inattention to detail.

Mr. President, the history of sloppy operation at Peach Bottom is discouraging. What is also difficult to comprehend is how the utility was allowed to continue operating the facility in light of its track record. It defies common sense to believe that everything is all right at Peach Bottom, with the sole exception of some control room operators who cannot stay awake.

I fear that sleeping operators, while bad enough by itself, is just an indication of more pervasive problems in other aspects of the plant operation. This seems to be a reasonable conclusion since the NRC order also stated that plant management above the shift superintendent position either knew or should have known about the sleeping practice. I hope the NRC follows up on this initial action by carefully scrutinizing other areas of the plant operation before considering allowing the plants back on line.

While the NRC staff should be commended for responding so strongly to such flagrant behavior, there are some other questions that have to be raised. It is clear that the plant operators were extremely lackadaisical in their jobs. Would the NRC have taken such strong action if the operators had stopped short of actually sleeping on the job? Would they have taken strong action to correct other deficiencies that stem from a "negative attitude toward safety?"

A senior official in the NRC was quoted as saying, seemingly with pride, "We do have a line, and it has been crossed." Will the NRC Commissioners encourage staff to move the line forward and be less tolerable of actions or inactions that put the public's health and safety at risk?

Finally, Peach Bottom had been cited repeatedly for violations of NRC regulations, and apparently made little progress toward correcting them. Was the NRC pushing hard enough for improvement so that this extreme situation would not be reached? How were the operators able to get away with sleeping on the job for so many months?

Mr. President, for the NRC to address these latter issues will require a degree of self-criticism that it has repeatedly failed to demonstrate in order investigations. That is why I have introduced S. 14, to create an Independent Safety Board for the NRC. The Safety Board will ensure that all the contributing factors to accidents or near accidents, of which the Peach Bottom problems should surely be counted, are exposed and corrected, including those for which the NRC may share responsibility.

As I stated earlier, I am pleased the NRC staff has taken strong action in response to the situation at Peach Bottom, but the public must now look for meaningful and equally stringent followup actions on this initial step. I also intend to continue to work for passage of the Safety Board bill, so the public will have greater confidence that the NRC will take action against poorly run reactors whose operators may not have reached the point of napping on the job.●

AFGHANISTAN: LETTERS FROM THE STATE OF NEBRASKA

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Nebraska and ask that they be printed in the RECORD.

The letters follow:

DEAR SENATOR HUMPHREY: The Soviet atrocities in Afghanistan are becoming common knowledge, yet one sees very little being done about it and, in a sense, it has become a forgotten war. The Soviet occupation continues to provoke a deliberate neglect of the facts. This voluntary ignorance about Afghanistan, its institutions, and culture includes the fact that four and a half million Afghans have fled their country as a result of exodus and that 35% of the population is either in exile or dead. This should remind us of the Nazi slaughter of Jews in 1942. Those facts, too, were labeled as hysterical and unreliable. A million people were killed in Cambodia, yet no one was willing to believe what happened. We later claimed that nothing was known about these events until it was too late.

The killing continues in Afghanistan every day. The people are fighting for freedom and are determined to continue fighting as long as they live. Although the Afghan freedom fighters are bleeding the Soviets now, they cannot finally free their country without our help. Without our assistance they will ultimately be crushed. A free Afghanistan is vital to the strategic interest of the United States. As people who cherish freedom, we share a common bond with the Afghans who are fighting and dying for this precious right.

I think it is time to discuss Soviet atrocities in Afghanistan with your fellow congressmen and the American public in general to urge their support. I firmly believe that you could influence the administration toward support of a nation which is dying because of its people's love for freedom. Make this issue a bargaining chip in future negotiations with Soviet authorities. Your support will long be remembered by the Afghans who are in desperate need of our moral and physical support of their painstaking efforts.

Thank you for your consideration.

Sincerely,

MOQIM RAHMANZAI,
Omaha, NE.

DEAR SIR. We have just read the horrible story of what the Soviets are doing in Afghanistan as told in an article "Agony in Afghanistan" as published in the March "Reader's Digest".

It is hard to believe that any people could be so cruel and that any government could sanction such activity.

Isn't there something our government can do to help get the Soviets out of that country?

Sincerely,

KATHERYN AND WESLEY HOWE,
Fremont, NE.●

COL. BANE LYLE

● Mr. HATCH. Mr. President, Utah's version of "Top Gun" is alive and well and living in the person of Col. Bane Lyle.

Colonel Lyle is an Air Force Reserve fighter pilot with the 419th Tactical Fighter Wing at Hill Air Force Base in Utah. After 22 years of flying, Colonel Lyle is one of our most experienced and revered fighter pilots.

Today, when active duty pilots are sometimes half his age, Colonel Lyle continues to add to his string of accomplishments in the air.

Recently, Col. Bane Lyle took his F-16 to the Nevada skies and captured second place in the "Top Gun" individual competition, and helped his unit take "Gunsmoke," the top team honor. This from a fighter pilot who might be retired if he had remained in active duty.

Mr. President, Col. Bane Lyle embodies the type of spirit that our military forces should strive for. His bravery, his proficiency with the flying machine, and his patriotism place him at the top of Utah's Air Force Reserve.

The 419th Tactical Fighter Wing at Hill Air Force Base in Utah is a reserve unit that deserves recognition. They do not just maintain the necessary standards for a reserve unit, they maintain the highest standards. Years of experience, training, and teamwork make the 419th an outstanding unit.

I ask that an article on Col. Bane Lyle's accomplishments, which appeared in the Citizen Airman, be placed in the RECORD.

The article follows:

BANE LYLE: A FIGHTER PILOT, FIRST, LAST, AND ALWAYS

By all rights, G-forces should have pulled Bane Lyle's brain to his feet by now. He's been jerked around so much that his spine should look like a vine.

Lyle is a fighter pilot. An old fighter pilot. By jet standards, a 46-year-old full colonel should be supported by a padded office chair or a retirement check. Not Bane Lyle. After 22 years of flying, he's still pulling Gs and twisting and bending along with people half his age.

Why is Col Bane Lyle still in fighter jets? He's a Reservist. Because he's in the Air Force Reserve, he feels, he has been able to fly most of his career. If he had stayed on active duty, most likely he'd be holding down a management job. Or, he'd be retired. Instead, he's an air reserve technician. That means he's a full-time Reservist.

Because the Air Force Reserve is capable of keeping senior warriors in the cockpit, he's been able to continue flying. His story, although extreme, is a common one in the part-time force. It tells of a critical difference between the active-duty Air Force and the citizen airman force: experience. Reserve pilots have more flying hours under their wings and are usually senior in grade and in age.

Hollywood's idea of a "Top Gun" pilot is a young, athletic renegade who takes to the air like an irreverent teenager in an eight-barrel car on Friday night. In some instances, there may be some truth to that. But in 1985 at the World Cup for fighter Jocks, Gunsmoke Bane Lyle shot holes in that stereotype.

DIFFERENT, NOT BETTER

With a receding hariline and all, Lyle took his F-26 to the Nevada skies and competed with the best fighter pilots in the Air Force. He captured second place in the Top Gun, or individual, competition and helped his unit—the 419th Tactical Fighter Wing, Hill AFB, Utah—to the top team honor. And, he's old enough to be Tom Cruise's father.

To his dismay, Lyle's accomplishments has been a launching pad for praise about Reserve flying experience making Reserve pilots "better than the active duty."

"We're not better; we're different," he said sharply. "You've got to realize that virtually all of our pilots had a tour or two being groomed on active duty.

"We have no novice pilots," he continued. "The Air Force Reserve is an extension of the active force, in that we keep people who've received millions of dollars of training. We save that important resource, that pilot.

"It's hard to compare the two forces because we have two different systems. With our experience level, we can maintain proficiency without flying the same number of sorties. We can also accelerate training faster than the active force."

In most instances, Reserve units hire pilots who have flown the unit's aircraft. A Reserve F-4 unit, for example, hires pilots who flew F-4s on active duty. The 419th, on the other hand, had to break that standard. In 1984, the Hill unit got the Reserve's first F-16s. The unit's pilots were experienced in the F-105. When they traded airplanes, it was questionable if the "old dogs" could handle $16 million worth of "new tricks."

"BLOCKING AND TACKLING"

"Old dogs already know all the tricks," said the colonel, the 419th's deputy commander for operations. He compared the "basics of fighter flying" to the "blocking and tackling" of football.

"The hardest thing to learn was the system," he explained. "But, we had the basics, like formations, instruments, dropping bombs and that kind of stuff. You know how to drive the car, so to speak, and it's just a matter of getting used to different controls.

"Usually the experience, especially in the older, more manual aircraft, is what separates the outstanding from the good. It's the person with lots of bombing experience who can hit the same parameters every time."

The F-16 Fighting Falcon's computers make the plane superior to the older Air Force fighters and can make pilots with low to average experience very "competitive," according to Lyle.

"But, to be great, you have to be consistant and that takes practices and experience," he said. You have to go out and hit the same parameters every time.

SOME LUCK, TOO

And, he admits, to be a Top Gun takes some luck.

"I've lost quite a few quarters on the range to youngsters," he said, referring to bets he's made with other pilots. The business is competitive, and he says "the aircraft is so capable that winning has to involve luck."

"All of the top F-16 pilots have the skill and machines to win," the colonel said. "In any given two weeks of competition, any person could win it. It's so close that I would be surprised if any team could repeat (as Gunsmoke winners.)"

However, there has been much talk about combat experience. The Air Force Reserve has most of the "combat-proven" pilots who are still in the business. Colonel Lyle—having flown 195 missions in Southeast Asia—says "that's a little overblown."

"We have some young pilots in the unit who haven't been there and I'd go to war with them any day," he said. "I don't see it as the running back who takes his first hit from a defensive lineman in a game and falls apart. The exercises we have force us into a highly intense training environment.

"It's great to have combat experience, and maybe you'd be a little bit calmer than the guy on his first mission under fire, but I think that's a little overblown. Plus, the next war is going to be totally different. The threat has changed and so has our equipment."

Reserve units are also very different in the way they hire people, he said, and that makes comparison with the active force "not very realistic." As opposed to the active force, there are usually many applicants for a Reserve pilot vacancy. Especially at the Air Force Reserve's only F-16 unit.

SELECTING THE BEST

"One of the nice things about our unit is that we can select the best," he said, adding that the unit takes applications and conducts interviews. "The last pilot we picked up as an instructor pilot at the Fighter Weapons School at Nellis (AFB, in Nevada.). Through the process our experience level and capability continue to grow.

The same selection process applies to other Reserve units, "but not to this extreme," he said.

Lyle also pointed out that Reserve units, for the most part, have more stability than active units. Where people on active duty move frequently, Reservists "stay at the same unit until they retire or have a job change or something," he said.

"We can see where a person needs to improve over the long term," the colonel added.

After the 419th won the top unit award at Gunsmoke, it was said that a Reserve unit, after only a year with the high-tech fighters, "kicked the pants off everybody," lamented the colonel.

"What they didn't say was that the 388th TFW made the conversion a piece of cake," he said about the support received from the active-duty F-16 unit at Hill AFB. "We share equipment and knowledge, and it makes it all work. I can't say enough about them.

"I'll say it again: Reserve units are different than the active force," he added. "In my case, I wanted to be a fighter pilot first, last and always. The Air Force Reserve has made that possible.".—Col. Bane Lyle: "Old dogs already know all the tricks.●

THE OGDEN STANDARD-EXAMINER

● Mr. HATCH. Mr. President, most of my colleagues have probably heard of the "driving of the golden spike" at Promontory Point, about 40 miles from Ogden, UT.

We can recall the event because of newspaper coverage of the time. Newspapers have kept us informed since the beginning of this young country.

Today I pay tribute to one of America's great newspapers—the Ogden Standard-Examiner. Over 50 newspapers have come and gone since the railroads of East and West met at Promontory Point on that historic day of May 10, 1869. I am sure that if the

Standard-Examiner were running in 1869, they would have covered the driving of the spike, as they have covered every major event since their presses began to roll 100 years ago.

This newspaper is celebrating its centennial, and, Mr. President, I ask that an article be placed in the RECORD so my colleagues can learn of this newspaper's proud history.

The article follows:

100 GREAT YEARS

The Ogden Standard-Examiner keeps the 276,000 people living in its circulation area well informed about daily, local, state, national and international affairs.

But the Standard-Examiner is much more than just a disseminator of news. It has a rich tradition as an analytical community conscience and is a consistently strong voice for individual and community improvement.

That tradition of community service was established in the rough-and-tumble frontier times by William Glasmann who took over the six-year-old Ogden Standard in 1894.

What is today the Ogden Standard-Examiner, is only the surviving entity of other pioneer publications, however.

The first newspaper in the Ogden area was the Daily Telegraph, published by T.B.H. Stenhouse from Salt Lake City. Knowing that Ogden was to become an important railroad center, he published his first edition on May 11, 1869, the day after the historic driving of the golden spike.

Stenhouse's newspaper received poor support unfortunately, and after a few weeks he moved his operation back to Salt Lake City.

From that time until the present more than 50 newspapers have been established in Ogden, most of them dying soon after being launched.

Yet a few of the pioneer-era newspapers attained a degree of stability and became the ancestors of today's Standard-Examiner.

In 1870, the Ogden Junction was established as a semi-weekly and later became a daily from September, 1872 on.

In 1881, the Junction gave way to the Ogden Daily Herald, an editor of which, Charles W. Penrose, established such a splendid reputation as a capable journalist that Salt Lake City newspapers bid for his services and obtained them. He later became an LDS General Authority.

The Herald led a stormy life, one of the editors suffered a beating at the hands of a subscriber. Another was sentenced to a year in jail after a libel trial. No one was surprised when the paper ceased publication on December 21, 1887.

The business was purchased by the Standard Publishing Co. This new enterprise brought out the first issue of "The Standard" on January 1, 1888.

The first editor of The Standard was a brilliant young Utahan, Frank J. Cannon, who later was to become a United States senator when Utah entered the Union in 1896. Cannon's fine editorial style charmed his readers until his resignation in 1893 to join the U.S. House of Representatives for the Territory of Utah.

In 1892, William J. Glasmann moved to Ogden and joined Cannon on the evening Ogden Standard as business manager. When Cannon was departed for Congress, the entire enterprise was taken over by Glasmann and his wife, Evelyn and their first three children of what was to be a family of five.

As a newspaper editor in Ogden's formative years, William Glasmann was fearless, outspoken, and frequently controversial. But above all, he was an enterprising and energetic leader ever ready to promote the economic and cultural growth of his new hometown.

Glasmann, widely known in those earlier days as "The Bald Eagle of the Wasatch," was basically a supporter of the Republican party, although he left the GOP in 1912 to back the colorful Bull Moose candidate, Teddy Roosevelt, rather than the regular party nominee, William Howard Taft.

William Glasmann's own involvement in politics led to his election to three terms as mayor of Ogden and to the Utah Legislature, where he served with distinction as the Speaker of the House of Representatives. He was also Ogden's postmaster for several years. And he was well on his way toward becoming the Republican nominee for Congress when he died unexpectedly in the spring of 1916.

The other half of the Standard-Examiner's nameplate, "The Examiner," was established on January 1, 1904, as "The Morning Examiner." Frank Francis, Sr., also to become an Ogden mayor, was its editor. It has early financial support of the Glasmann family. But in 1911, it was purchased by a group of Utah businessmen headed by J.U. Eldredge Jr., who moved to Ogden from Salt Lake City to become the Examiner's general manager.

This arrangement continued until April 1, 1920, when the ownership of the two newspapers was consolidated and the Standard "hyphen" Examiner was born as a six-evening and Sunday morning publication. A.L. Glasmann, "Abe", son of William, and Mr. Eldredge were co-publishers, with Mr. Glasmann as editor and Mr. Eldredge as general manager.

The Eldredge family involvement continued until they sold their stock to the Glasmanns shortly after World War II.

The tradition of community service is carried forward by the third- and fourth-generation descendants of that pioneer newspaper publisher and community stalwart.

That small frontier publication is today flagship in a network of newspaper, radio, television and cable televison interests throughout the West and Midwest.

The parent company of that network is the Standard Corporation, now owned by two families. President of the corporation is Wilda Gene Hatch, a granddaughter of William Glasmann and daughter of Abe Glasmann. Equal partners in the enterprise are the children of Blaine V. Glasmann, one of the four sons of William Glasmann. Representing this family is Blaine V. Glasmann, Jr., who is the corporate secretary. His brother, Gordon Glasmann, is vice-president.

Other members of the two families take an active role in the management and operations of the corporation and its subsidiaries.

One of the best known of those subsidiaries is KUTV, one of four Salt Lake City-based television stations.

Another subsidiary is the Kansas State Network, which operates five television stations in Kansas and Nebraska.

In addition to the Standard-Examiner, the Standard Corporation also publishes a number of weekly newspapers. These include the Lakeside Review, which serves Davis County and the southern part of Weber, two newspapers in Colorado and a monthly publication at Nampa, Idaho.

Almost since its beginnings a century ago, the Standard-Examiner has been the dominant news medium in the Weber, Morgan, Box Elder and North Davis areas.

This is due to the well-trained staff of reporters, editors and photographers who keep Standard-Examiner readers accurately and completely informed on local affairs—whether a high school football game, a Little League tournament, a routine City Council meeting, or a hotly contested zoning hearing.

Standard-Examiner readers are also offered a varied menu of national and international news from major news services.

Progress continues to mold the spirit of the Standard-Examiner. In recent years a state-of-the-art computer system and additional equipment have been added to make the newspaper more sophisticated and more valuable to its readers. With such planning and foresight, the Standard-Examiner looks forward to the next century with anticipation.●

BILLS INDEFINITELY POSTPONED—S. 382 AND S. 387

Mr. BYRD. Mr. President, I believe there are two matters on the Calendar of Business which have been cleared for action. May I ask the very able and distinguished Senator from Kansas if it is agreeable to postpone further action on calendar orders numbered 9 and 10 on the calendar? One of these is a bill which has to do with the Mass Transportation Act and the other has to do with highways. Both of those, I think, have been rendered moot by the action today.

Mrs. KASSEBAUM. I would say, Mr. President, to the majority leader, that that has been cleared, to indefinitely postpone.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I ask unanimous consent that calendar orders numbered 9 and 10 on the calendar of general orders be indefinitely postponed.

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

BILL PLACED ON CALENDAR—H.R. 1783

Mr. BYRD. Mr. President, I ask unanimous consent to place H.R. 1783, to make technical corrections in certain defense-related laws, on the calendar.

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

DIRECTING THE SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

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

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 182) to direct the Senate legal counsel to represent Senator JESSE HELMS in the case of *Tayoun* v. *Foglietta*, et al.

Mr. BYRD. Mr. President, the losing candidate for the 1986 Democratic nomination in a Philadelphia, PA, congressional district has brought an action in the Eastern District of Pennsylvania against the successful candidate, Representative THOMAS FOGLIETTA. The plaintiff is alleging that Representative FOGLIETTA's campaign advertisements falsely stated that the plaintiff's campaign was funded by, among others, the Senator from North Carolina [Mr. HELMS].

In pursuit of his claim, the plaintiff has obtained a deposition subpoena for Senator HELMS' testimony. Senator HELMS is prepared to provide a written affidavit that he provided no support to either candidate, but otherwise wishes to avoid an unwarranted intrusion into the time he needs to devote to his Senate responsibilities. The resolution would authorize the Senate legal counsel to represent Senator HELMS in this matter.

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

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 182

Whereas, in the case of *James J. Tayoun* v. *Thomas M. Foglietta, et al.*, No. 86-3778, pending in the United States District Court for the Eastern District of Pennsylvania, the plaintiff has caused the Clerk of the United States District Court for the District of Columbia to issue a deposition subpoena, F.S. 87-0079, to Senator Jesse Helms;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act, 2 U.S.C. §§ 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent Members of the Senate with respect to subpoenas issued to them in their official or representative capacities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Helms in the case of *Tayoun* v. *Foglietta, et al.*

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

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

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I would like to inquire of the distinguished acting Republican leader, Senator KASSEBAUM, if the following nominations have been cleared on the other side of the aisle: those nominations appearing on page 2 of the Executive Calender under Department of State and the nomination appearing on page 3 under Small Business Administration.

Mrs. KASSEBAUM. Mr. President, Calendar No. 77 and Calendar No. 80 have been cleared on this side of the aisle. Calendars Nos. 2, 78, 79, and 81, have not been cleared.

Mr. BYRD. Mr. President, I thank the able Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Order Nos. 77 and 80.

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

The PRESIDING OFFICER. The clerk will state the nominations.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Burton Levin of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of the Union of Burma.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. I move to reconsider the vote by which the nomination was considered and confirmed.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the second next nomination.

The legislative clerk read the nomination of John Cameron of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominees.

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

LEGISLATIVE SESSION

Mr. BYRD. I ask unanimous consent that the Senate return to legislative session.

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

PROGRAM

Mr. BYRD. Mr. President, the Senate will convene at 9:20 a.m. tomorrow.

After the prayer, the two leaders' time under the standing order will be limited to 5 minutes each.

At the conclusion of that time and precisely at the hour of 9:30 a.m., the Senate will resume consideration of Senate Joint Resolution 92, relating to Mexico. There will be 30 minutes, equally divided, on that resolution. At 10 o'clock, the Senate will vote on or in relation to that joint resolution.

Following the disposition of that joint resolution, the Senate then will proceed to the consideration of Senate Joint Resolution 91, relating to Panama. There will be 40 minutes for debate, equally divided, on that resolution.

At 11 a.m., the Senate will proceed to vote on or in relation to Senate Joint Resolution 91.

There will be no debate on any motions that otherwise might be debatable, or any points of order submitted to the Senate, or appeals. Upon the disposition of Senate Joint Resolution 91, it will be my intention to proceed to the consideration of Senate Joint Resolution 90, which relates to the Bahamas. There is no consent agreement in relation to that resolution. That resolution for the moment is still covered by the statutes which allow for 10 hours of debate thereon.

So there will be a rollcall vote at 10 o'clock tomorrow morning, and there will be a rollcall vote at 11 o'clock tomorrow morning. I might ask the question of the distinguished chairman, in the event a motion to table is made on either or both of the resolutions, and in the event that the motion to table were not agreed to, is it the intention to ask for a rollcall vote at that time then on the adoption of the resolution?

Mr. PELL. Absolutely not. If we are defeated on the tabling motion, one defeat is good enough for me.

Mr. BYRD. Very well. That means we will not run the risk of having two rollcall votes on either or each of the two resolutions.

Mr. PELL. As far as I am concerned.

Mr. BYRD. Very well. There may be rollcall votes tomorrow subsequent to those two rollcall votes. In any event the Senate will proceed to the third resolution.

Mr. President, I thank the distinguished Senator from Kansas. May I ask if she has any business she wishes to transact?

Mrs. KASSEBAUM. I thank the majority leader. There is no further business on this side.

RECESS UNTIL 9:20 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the

Senate stand in recess until the hour of 9:20 a.m. tomorrow.

The motion was agreed to and, at 8:01 p.m., the Senate recessed until tomorrow, Friday, April 3, 1987, at 9:20 a.m.

NOMINATIONS

Executive nominations received by the Senate April 2, 1987:

CENTRAL INTELLIGENCE

William H. Webster, of Missouri, to be Director of Central Intelligence, vice William J. Casey, resigned.

THE JUDICIARY

Suzanne B. Conlon, of Illinois, to be U.S. district judge for the northern district of Illinois, vice Thomas R. McMillen, retired.

DEPARTMENT OF JUSTICE

Frank L. McNamara, Jr., of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years, vice William F. Weld.

IN THE AIR FORCE

The following-named officers for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Winfield W. Scott, Jr., [redacted] FR, U.S. Air Force.

The following-named officers, under the provisions of title 10, United States Code, section 601, to be assigned to positions of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles R. Hamm, [redacted], U.S. Air Force.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Frederick F. Woerner, Jr., [redacted], U.S. 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. Robert M. Elton [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. James E. Moore [redacted], U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a) in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Burton D. Patrick, [redacted], U.S. Army.

The following-named officers under the provisions of title 10, United States Code, section 601, to be assigned to positions of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Allen K. Ono, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert W. RisCassi, [redacted], U.S. Army.

Lt. Gen. H. Norman Schwarzkopf, [redacted] U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a) in conjunction with his assignment to a position of importance and responsibility, designated as such by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. William H. Harrison, [redacted] U.S. Army.

IN THE AIR FORCE

The following officers, U.S. Air Force Officer Training School, for appointment as second lieutenants in the Regular Air Force, under the provisions of section 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

Allen, Stephen B., [redacted]
Blomberg, David D., [redacted]
Bock, Kenneth G., [redacted]
Buck, David J., [redacted]
Burditt, Marty G., [redacted]
Carroll, Jeffrey L., [redacted]
Chipley, Michael T., [redacted]
Ciancetta, Mark S., [redacted]
Dauenhauer, Lori J., [redacted]
Decker, Kevin W., [redacted]
Detweiler, David M., [redacted]
Dorsey, John T., [redacted]
Dunn, Patrick A., [redacted]
Edwards, Joel D., [redacted]
Eicher, Joseph W., [redacted]
Ellis, Peter S. H., [redacted]
Enfinger, Charles W., Jr., [redacted]
Ensby, Michael H., [redacted]
Farner, Ricky D., [redacted]
Fitzgerald, Brian W., [redacted]
Foehrkolb, Louis A., [redacted]
Fortney, Michael E., [redacted]
Gathright, Robert F., [redacted]
Gaught, William L., [redacted]
Gileza, Robert M., [redacted]
Glenn, Matthew P., [redacted]
Gorhau, Frank W., Jr., [redacted]
Hammann, Jefferey T., [redacted]
Harp, Daman B., [redacted]
Hennessey, John R., [redacted]
Hoffman, Terance, [redacted]
Irving, Michael A., [redacted]
Izard, Samuel D., [redacted]
James, Jonathan E., [redacted]
Keavany, Gerald J., [redacted]
Keith, David D., [redacted]
Kell, Matthew L., [redacted]
Keiley, Jack E., Jr., [redacted]
Lasalle, David L., [redacted]
Lawson, William C., Jr., [redacted]
Leininger, Eric L., [redacted]
Lempe, Scott J., [redacted]
Lorens, Jeffrey B., [redacted]
Lynn, David F., [redacted]
Martinez, Dennis B., [redacted]
Mattingly, Jody L., [redacted]
Mayer, Steven A., [redacted]
McCullough, Brian J., [redacted]
McGuigan, Francis M., [redacted]
Middendorf, J.T., [redacted]
Moore, Donald R., [redacted]
Mora, Esequiel J., Jr., [redacted]
Murphy, Timothy J., [redacted]
Parsons, Duane E., [redacted]
Peters, Bruce D., [redacted]
Phipps, Mickie A., [redacted]
Quinton, Keith M., [redacted]
Rodriguez, Victor M., [redacted]
Royer, Charles W., [redacted]
Schindler, Ralph G., [redacted]
Sharp, Robert W., [redacted]
Sheehan, Michael J., [redacted]
Stanley, Dale A., [redacted]
Stribling, John F., [redacted]
Strickland, Ricky D., [redacted]
Sutherland, Carla E., [redacted]
Swanier, Aaron L., [redacted]
Swartz, Stephen M., [redacted]
Taylor, Dawn L., [redacted]
Tereyla, Lynmari, [redacted]
Terry, Christopher I., [redacted]
Tilly, Todd S., [redacted]
Timcik, Thresa L., [redacted]
Veverka, Donald V., [redacted]
Vinson, Robert L., III, [redacted]
Viramontes, Robert C., [redacted]
Watson, Gary G., [redacted]
Wheeler, William G., [redacted]
Wholer, Kurt W., [redacted]
Wolfe, Kirk B., [redacted]
Wright, Charles R., Jr., [redacted]
Youngblood, Douglas D., [redacted]
Zirilli, Lawrence T., [redacted]

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

MEDICAL SERVICE CORPS

To be lieutenant colonel

Robert G. Marslender, [redacted]

ARMY NURSE CORPS

To be major

Marianne R. Bacon, [redacted]

VETERINARY CORPS

To be major

Paul C. Baird, [redacted]

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

MEDICAL SERVICE CORPS

To be major

George L. Adams III, [redacted]
Richard L. Agee, [redacted]

The following-named officer for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

CHAPLAIN

To be major

Harvey R. Brown, Jr., [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate April 2, 1987:

DEPARTMENT OF STATE

Burton Levin, of Maryland, 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 the Socialist Republic of the Union of Burma.

John Cameron Monjo, of Maryland, 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 Malaysia.

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.

EXTENSIONS OF REMARKS

NEW JERSEY INSURANCE PROPOSALS CITED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. FLORIO. Mr. Speaker, I wish to call attention to proposals being prepared by the New Jersey Insurance Department to deal with the insurance crisis. A recent article in the Star-Ledger describes these initiatives, including proposals to tighten supervision of insurance company solvency and reinsurance and to foster compliance with safety standards.

Members of Congress will be interested in these proposals and in the analysis of New Jersey Insurance Commissioner Kenneth Merin regarding the underlying causes of our insurance difficulties. Mr. Merin deserves to be commended for his vigorous effort to deal with the insurance crisis. The article from the Star-Ledger follows:

NEW RULES PROPOSED FOR LIABILITY INSURANCE

(By Vincent R. Zarate)

The Kean administration is proposing a "complete overhaul" of the laws regulating commercial liability insurance companies to give the state tighter controls in an effort to avoid another liability insurance crisis.

The sweeping changes being drafted are aimed at areas never before regulated by law.

In calling for the new laws, state Insurance Commissioner Kenneth Merin said the recent liability insurance crisis was caused by "financially irresponsible practices, inexperience and laxity" of many companies in the "vicious price wars" four years ago. At that time, he said, the companies wanted to get cash for high return investments.

"One of the major causes of the insurance crisis was the erosion of strict underwriting standards and a shift away from risk management," Merin said.

Another cause, he said, was that many companies hired managing general agents to handle policies and those agents went unsupervised by the companies.

His proposed laws would address these problems, the commissioner said.

Among the major proposals is one that would empower the state to require an insurance company to make the policyholder comply with certain safety standards.

The proposals also call for the department to regulate reinsurance policies, various self insurance groups and risk exchanges and to toughen the financial requirements of surplus lines companies.

They also call for updating the financial requirement laws for new insurance companies, and for easing existing law so the Insurance Department can, without court order, take steps to prevent a company in financial difficulty from going bankrupt.

The proposals, scheduled to go to the Legislature within two months, are the result of an in-depth study by the Insurance Department on the causes of the 18-month crisis.

During this crisis, many companies refused to sell liability insurance while others increased their rates by as much as 1,000 percent.

The proposals "go far beyond the question of rates," he said. "They go to the very heart of the financial operations of the industry and are aimed at preventing another crisis."

Commercial liability insurance rates are not regulated by the Insurance Department, although legislation is pending to return some controls to the state, he noted.

In discussing the proposals, the commissioner said the emphasis on laws to allow the state to supervise safety standards in policies is the "most innovative part of the legislative package we propose."

This would empower the commissioner to require insurance companies to include safety standards as part of the procedure when insuring hazardous risks.

For example, Merin said, "In insuring against fire, a company would require sprinklers be installed in the plant. By doing this the firm being insured reduces the danger of fire damage, while the insurance company reduces its exposure to any large claims.

"Before the recent price wars and practice of cash flow underwriting (getting cash to invest quickly at high interest rates), safety and risk management were vital parts of the underwriting process."

He said insurance companies were instrumental in setting safety and inspection standards for the industry in such areas as boilers and machinery and elevators.

"Unfortunately, the companies moved away from these strict standards and stressed instead collecting premiums for investments," Merin said.

The Insurance Department's position paper also states many primary companies were able to offer lower premiums because of the availability of underpriced reinsurance. The companies, the paper said, became so dependent on their reinsurers that they became "reinsurance junkies."

When the reinsurers failed, a number of primary companies, unable to collect on their losses, did not have the financial resources to survive, the paper stated. "In too many cases, the primary companies did not recognize this problem until it was too late," Merin said.

He said inexperienced companies failed to understand the full impact of the cost of claims, reinsurance, the need for sufficient surplus and other sound financial practices.

"Insurance companies ignored their official rates, offered larger discounts and discounts that exceeded 50 percent of the official rates as underwriters fought with each other to attract new business," Merin said.

When the "bubble burst," the paper states, "At least 45 property casualty and life health insurance companies went under, and many of the remaining companies found themselves in serious difficulty."

He asserted that even though there was a 63 percent average increase in the cost of a liability claim, the companies charged low rates to get ready cash for investment income.

The commissioner also wants to impose regulations on the managing general agents hired by companies to underwrite the policies and to arrange for reinsurance.

These agents, he said, must be brought under state control because many companies hired the agents to handle business but then "failed to supervise these agents."

The financial machinations were so bad, he said, that "many inexperienced insurance companies erroneously believed they were making a profit, when in fact they were suffering heavy losses."

Merin said the managing agents "can be blamed for some of the financial disaster insurance companies found themselves in, but that segment is just part of the problem.

These managing general agents, he said, often fill in the gap for companies that lack underwriting expertise in a particular area. But there are no state laws covering these insurance entrepreneurs.

His proposal calls for the state to establish minimum standards for any agent contract, clarify that the insurance company owns all premiums collected, prohibit agents from binding reinsurance, require agents to turn over to insurance companies all claims after contracts end, and require insurance companies to periodically audit agents for compliance with contractual requirements, the amount of premium collected, and that loss reserves be verified by a qualified actuary.

The new proposals also call for changes in various areas.

Reinsurance proposals—For the first time, the commissioner would be allowed to regulate reinsurance practices. A company would be limited in the amount of reinsurance it could buy from any single reinsurer. That limit would be 20 percent of the company's net assets. Anything in excess of 20 percent would have to be approved by the commissioner.

Further, to prevent reinsurers from avoiding their share of claims payments, the new regulations would limit the credit for any reinsurance contract having different standards from the insurance policy it is reinsuring, and department monitoring of any company claiming credit of more than 75 percent of its policyholders' surplus.

Merin notes that the liquidation of Integrity Insurance Co. of Paramus last week was the direct result of too much reliance on a reinsurance program. Integrity, the first property casualty company based in the state to go under in a dozen years, was unable to collect $25 million in reinsurance owned it by Mission Reinsurance Co. of California. Mission is in the red by $448.1 million and is now in liquidation. Merin said "ironically" Mission could not collect on its reinsurance with other firms.

With some state controls on how much a primary company can reinsure, Merin said New Jersey could avoid "future Integrity situations."

Financial requirements—The proposals would raise the financial requirements for companies wishing to write insurance in the state from $300,000 to $750,000. The existing law has not been updated since the 1940s. Tighter financial standards also are being proposed for self insurance groups,

and exchanges like the hospital, doctor and tavern owner groups which formed to insure themselves.

Suspension of financially unstable companies—The proposals would change the law to allow the Insurance Department to prevent any company in financial trouble from writing any new business for up to six months without a court order as now required.

Under this proposal, the department points out, any insurance company showing itself in serious financial difficulty could be supervised by the department to prevent insolvency. The present statute requires a court order after the department presents all documentation, including actuarial reports, on the financial health of an insurer before a company can be declared insolvent and prevented from writing new business.

Surplus lines—The proposals call for updating financial requirements for these types of companies that write special risks not normally handled in the regular market, such as insurance of Fourth of July fireworks and asbestos removal. The current law requires surplus lines carriers to have twice the capital and twice the surplus as a licensed company writing similar business in the state. The change would allow surplus lines to write insurance in the state if their combined capital and surplus is twice the combined amount required of licensed companies. By this change, the department feels there would be more companies able to do business in New Jersey.

Policy forms—Merin wants to change the law to give the department from 60 days to 180 days to act on policy changes. Now the time limit is 30 days. Further, the proposal would allow the commissioner to establish minimum standards for policy terms and conditions "to eliminate clearly inferior policies.

Special risks—The commissioner should be allowed to determine when a risk is considered large enough to be special instead of existing law where any premium over $10,000 is considered a special risk and not subject to department review. By pushing that figure upward, the department contends it will have more regulation on rates for many smaller New Jersey customers not now having that rate regulation protection.

Government entities—The proposals would permit expansion of the self-insurance pools for government entities such as municipalities, counties and school boards. The expansion would allow authorities under these entities, such as a housing, sewer or water authority, to join these groups instead of buying separate coverage.

PUBLIC PENSION PARITY ACT OF 1987

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. VENTO. Mr. Speaker, today I am reintroducing legislation that I previously introduced in the 98th and 99th Congresses to address a gross inequity in our tax laws.

Most public sector retirees receive a pension in lieu of Social Security benefits. In general, these benefits are the equivalent of a private sector retiree's Social Security benefits, however, they are not treated like Social Security benefits under the Internal Revenue Code. This legislation would tax public pension benefits on a parity with the preferential tax treatment of Social Security benefits.

The purpose of the legislation is simple—to treat public sector retirees in the same manner as private sector retirees for purposes of taxation. It is fundamentally unfair to tax the retirement benefits of public employees differently than the Social Security retirement benefits of private sector employees. Full taxation of public pension benefits in effect penalizes these retirees for having worked in public service rather than the private sector.

This legislation would amend the Internal Revenue Code so that a public retiree could deduct that portion of his/her governmental pension up to the maximum Social Security retirement benefit for an individual from his/her gross income.

This legislation is now even more justified because the Tax Reform Act further penalized Federal retirees by repealing the 3-year basis recovery rule.

Federal retirees had no choice as to whether their employers participated under Social Security or established a separate Government pension system. These retirees have committed their careers to public service—they deserve equitable taxation of their benefits. I urge my colleagues to join me in my efforts to correct this inequity in the tax treatment of public retirees' benefits.

I submit a copy of the bill for the RECORD:

H.R. 1938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Pension Parity Act of 1987".

SEC. 2. EXCLUSION FOR CERTAIN PENSIONS AND ANNUITIES UNDER PUBLIC RETIREMENT SYSTEMS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"SEC. 135. CERTAIN PENSIONS AND ANNUITIES UNDER PUBLIC RETIREMENT SYSTEMS.

"(a) GENERAL RULE.—Gross income does not include any amount (otherwise includable in gross income) received by an individual as a qualified governmental pension.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The aggregate amount excluded under subsection (a) for the taxable year shall not exceed—

"(A) the maximum excludable social security benefits of the taxpayer for such year, reduced by

"(B) the social security benefits (within the meaning of section 86(d)) received by the taxpayer during such year which were excluded from gross income.

"(2) SERVICE REQUIREMENT.—Subsection (a) shall not apply to any qualified governmental pension received by the taxpayer during the taxable year unless the taxpayer (or the spouse or former spouse of the taxpayer) performed the service giving rise to such pension.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED GOVERNMENTAL PENSION.—The term 'qualified governmental pension' means any pension or annuity received under a public retirement system to the extent such pension or annuity is not attributable to service—

"(A) which constitutes employment for purposes of chapter 21 (relating to the Federal Insurance Contributions Act), or

"(B) which is covered by an agreement made pursuant to section 218 of the Social Security Act.

"(2) MAXIMUM EXCLUDABLE SOCIAL SECURITY BENEFITS.—The term 'maximum excludable social security benefits' means an amount equal to so much of the applicable maximum benefit amount for the taxpayer for the taxable year which would be excluded from gross income if such benefit amount were treated as social security benefits (within the meaning of section 86(d)) received during the taxable year.

"(3) APPLICABLE MAXIMUM BENEFIT AMOUNT.—The term 'applicable maximum benefit amount' means—

"(A) in the case of an unmarried individual, the maximum individual social security benefit,

"(B) in the case of a joint return, 150 percent of the maximum individual social security benefit, or

"(C) in the case of a married individual filing a separate return, 75 percent of the maximum individual social security benefit.

For purposes of the preceding sentence, marital status shall be determined under section 7703.

"(4) MAXIMUM INDIVIDUAL SOCIAL SECURITY BENEFIT.—

"(A) IN GENERAL.—The term 'maximum individual social security benefit' means, with respect to any taxable year, the maximum total amount (as certified by the Secretary of Health and Human Services to the Secretary) which could be paid for all months in the calendar year ending in the taxable year as old-age insurance benefits under section 202(a) of the Social Security Act (without regard to any reduction, deduction, or offset under section 202(k) or section 203 of such Act) to any individual who attained age 65, and filed application for such benefits, on the first day of such calendar year.

"(B) PART YEARS.—In the case of an individual who receives a qualified governmental pension with respect to a period of less than a full taxable year, the maximum individual social security benefit for such individual for such year shall be reduced as provided in regulations prescribed by the Secretary to properly correspond to such period.

"(5) PUBLIC RETIREMENT SYSTEM.—The term 'public retirement system' means any pension, annuity, retirement, or similar fund or system established by the United States, a State, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia."

(b) TECHNICAL AMENDMENT.—Subparagraph (A) of section 86(b)(2) of such Code (defining modified adjusted gross income) is amended by inserting "135," before "911".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from income) is amended by redesignating the item relating to section 135 as section 136 and by inserting after the item relating to section 134 the following new item:

"Sec. 135. Certain pensions and annuities under public retirement systems."

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable

years beginning after the date of the enactment of this Act.

NEW CATASTROPHIC HEALTH INITIATIVE [CHI]

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. ROYBAL. Mr. Speaker, as my colleagues well know, I have frequently stated my fear that this year's catastrophic health care bill will fail to fill Medicare and Medicaid's real gaps or to solve the full problem of the 37 million uninsured and the 200 million underinsured. However, I also understand the desire to pass some type of limited and less costly catastrophic health care legislation quickly.

In response to those who have asked for a more limited catastrophic health package than my more comprehensive legislation, I am today introducing the following catastrophic health initiative [CHI]—the Medicare and Medicaid Catastrophic Acute and Transitional Care Act—which includes a "Federal MediGap insurance [FMI]" plan and increased Medicaid protection. Though this type of catastrophic proposal is a first step toward catastrophic protection and better protects the children, elderly, and disabled, we must be mindful of its limitations. That is, it does not fill most of the real gaps in Medicare, it does not solve the long-term care problem and it does not protect most uninsured.

Given its limitations, you might ask why I am introducing this particular package. Very simply, many members, including myself, expressed their desire to provide more protection than the package offered by the administration. However, these members also indicated that they felt they could not go as far this year as the more comprehensive proposals offered by myself and others. I believe that this package, at a price tag of about $15 billion, fills that void.

What improvements does this catastrophic health initiative [CHI] make on the administration proposal? They include the following:

MEDICARE (FEDERAL MEDIGAP INSURANCE [FMI])

Lowers the catastrophic cost limit from $2,000 down to $500 and better protects lower and middle income beneficiaries.

Adds a catastrophic prescription drug benefit with cost controls.

Strengthens Medicare's transitional care package by removing the 3-day prior-hospitalization prerequisite to nursing home care, relaxing the definition of skilled nursing home care and home health care and thus increasing access, and better defining home health intermittent and homebound requirements.

Adds a limited and flexible respite care benefit.

Uses fairer financing mechanisms that are less regressive than just a straight premium and that avoid taxing the value of current Medicare benefits.

MEDICAID

Adds coverage for more near poor women and infants.

Adds coverage for more poor children.

Improves spousal income and asset protection and raises personal needs allowance for nursing home residents.

Adds first dollar coverage for elderly and disabled's Medicare cost-sharing.

I believe that this catastrophic health initiative [CHI] provides important, limited catastrophic protection for Medicare and Medicaid beneficiaries without having to tax existing Medicare benefits or increase the deficit. This package incorporates the strengths of the administration and Stark-Gradison proposals while providing better protection, especially for lower income elderly and nonelderly. Its total cost of about $15 billion is not only affordable, but most of the costs for the new Federal MediGap insurance will be paid by the elderly and by disabled Medicare beneficiaries themselves.

Over the next few months, I strongly believe that we will also have to address another critical part—the cost of AIDS treatment—of the catastrophic health problem. Though the catastrophic health initiative I am introducing today does not address the issue of how to pay for AIDS treatment, I am giving my commitment to work with the authorizing committees to find a way to relieve this costly burden.

I ask that the attached summary of the Medicare and Medicaid Catastrophic Acute and Transitional Care Act be inserted in the RECORD at this point.

ROYBAL CATASTROPHIC HEALTH INITIATIVE [CHI], THE "MEDICARE AND MEDICAID CATASTROPHIC ACUTE AND TRANSITIONAL CARE ACT"—H.R. 1930

MEDICARE PROVISIONS (FEDERAL MEDIGAP INSURANCE)

(1) A $500 catastrophic limit is placed on beneficiary out-of-pocket costs resulting from any Medicare Part A and B coinsurance/deductibles (including prescription drugs, transitional care, and respite care) and is indexed to increases in the Medicare Part A and Part B per capita costs. (Start-up date: January 1, 1989.)

(2) Prescription drugs are added as a benefit subject to a $300 deductible and a coinsurance of $2 per prescription and subject to the above catastrophic limit. The DHHS Secretary shall design the prescription drug benefit program so that drugs are purchased from participating pharmacies only and prescription drug prices are prospectively set by Medicare. (Start-up date: January 1, 1990.)

(3) The following changes are made in hospital coinsurance and deductibles: (Start-up date: January 1, 1989.)

a. There would no longer be any hospital coinsurance except for one deductible per calendar year.

b. The hospital deductible is indexed to the percentage increase in the Social Security COLA.

(4) Transitional care is strengthened by the following changes in nursing home and home health care:

a. The skilled nursing (extended care) home benefit is redefined as follows:

The three day prior-hospitalization requirement for skilled nursing home care is dropped. (Start-up date: January 1, 1989.)

Skilled nursing facility care is increased to cover up to 150 days. (Start-up date: January 1, 1989.)

Nursing home coinsurance is reduced to ⅛th of nursing home costs (based on the national average per diem Medicare reasonable cost for SNF services) and is applied only to the first seven days. (Start-up date: January 1, 1989.)

The definition of "skilled nursing home care" is refined to allow better access to skilled nursing care by: (1) defining, as eligible, skilled nursing services required on a regular, but not necessarily daily basis, as certified by a physician; (2) making explicit that skilled nursing services include physical therapy and rehabilitative services needed on a regular basis to preserve or restore functional capabilities or to prevent further deterioration, including the training of patients and caregivers in rehabilitative techniques; (3) making explicit that, in determining eligibility for skilled nursing services, "practical matter" considerations be included regarding (a) the availability of home support and (b) the lack of Medicare coverage for home health services that are certified by a physician as being medically necessary. (Start-up date: January 1, 1990.)

b. The home health benefit is redefined as follows:

Home health care is defined as "intermittent care" including (1) up to one or more home health visits per day up to 7 days a week for up to 90 days a year and thereafter, under exceptional circumstances, as certified by a physician, and (2) home health visits at a frequency of less than 7 days per week for an unlimited period of time as certified by a physician. (Start-up date: January 1, 1989.)

"Homebound" is clarified as a situation where there is normal inability to leave home and, consequently, to leave home would require a considerable and taxing effort. Occasional absences from the home are permitted for medical or non-medical purposes. (Start-up date: January 1, 1989.)

The definition of home health care is refined to include: (1) on a physician's prescription, such personal support services as needed on a short term basis to offset problems of limited house support that would otherwise preclude beneficiaries from receiving home health services for which they are eligible; (2) on physician prescription, such short term rehabilitative services as needed on a regular basis to preserve or restore functional capabilities or to prevent further deterioration, including the training of patients and caregivers in rehabilitative techniques. (Start-up date: January 1, 1990.)

c. Plans of care are required, as condition of participation under Medicare, for all patients needing transitional care and respite services and are required of all providers (including primary care physicians, hospitals, nursing homes, HMOs, home health agencies, hospices). The plan of care is to include an assessment of patient needs, the services to be provided and the provisions for discharge. The plan of care is to be prepared, implemented and periodically reviewed and updated through consultation among appropriate providers including physicians, nurses and social workers, and are to be signed by a physician. PROs are to oversee quality and effectiveness of plans of care. (Start-up date: January 1, 1989.)

d. Demonstration projects are to be carried out on "managed care" approaches to providing transitional nursing home, home health and respite care services including (1) approaches similar to the Medicaid Home and Community Based Services Waiver Program, and (2) the full range of nursing home, home health, and respite care services as provided by this Act. (Start-up date: July 1, 1988.)

(5) The DHHS Secretary is required to develop and implement respite care as a new

benefit when prescribed by a physician. The respite care benefit shall, at the beneficiary's choice, cover up to 10 days of nursing home care per year (based on the national average per diem Medicare reimbursed cost for SNF services) or the equivalent dollar value of hospital-based respite care, adult day health care, or in-home care. A 50% coinsurance is required up to the catastrophic limit. (Start-up date: January 1, 1990.)

(6) The hospice benefit is extended beyond the current 210 day limit if the patient is recertified as terminally ill. (Start-up date: January 1, 1989.)

(7) Enrollment in the FMI package is automatic for Medicare beneficiaries enrolled in Medicare Part B.

(8) Financing for the FMI package comes from the following sources:

a. One-half of the revenues from raising the cigarette tax by 16¢ and indexing the tax to the Consumer Price Index. (Start-up date: January 1, 1989.)

b. An initial FMI premium of $10 per month which is indexed to increases in the cost of the Social Security COLA. (Start-up date: January 1, 1989.).

c. The remaining expanded benefit package is financed by the elderly through a special add-on tax on elderly income which is not a tax on the actuarial value of Medicare. The special add-on tax on people age 65 and over is applied as a percentage of taxable income and is set at a level (rounded up to the next highest one-half of one percent) actuarially sufficient to cover the cost of the FMI package less the cigarette tax and premium financing. (Start-up date: January 1, 1989.)

MEDICAID PROVISIONS

(1). States are given the option under Medicaid to (a) extend coverage for pregnant women and infants up to age one regardless of family composition with incomes up to 185 percent of the Federal poverty level and (b) accelerate coverage of children up to age 5 who are under the Federal poverty level. Continued Medicaid coverage is mandated for children who are on Medicaid but go past the age 5 limit. (This proposal was introduced by Representative Waxman as H.R. 1018.)

(2). Medicaid coverage is mandated for all children under age 18 (and 18 to 21 year olds in school, jobs, or job training) with family incomes/resources under the state proverty level.

(3). States are given the option under Medicaid to cover any child under age 21 with family income below the federal poverty level but over the AFDC level.

(4). Medicaid coverage is mandated for all children under age 5 who have family incomes below the federal poverty level.

(5). States are required to cover Medicare Part B premiums and cost-sharing on behalf of their elderly and disabled Medicaid recipients.

(6). Medicaid institutes a spousal protection plan protecting limited amounts of income and assists when one member of an elderly couple is placed in a nursing home and is covered by Medicaid. (Note: This proposal was introduced by Representative Waxman in H.R. 1711.)

(7). The Personal Needs Allowance is raised from $25 to $35 per month. Before the additional money is made available, the Secretary is required to take the necessary steps to ensure that the additional funds be used only for the personal use of the patient and not to pay for any nursing home related costs.

(8). Financing for the Medicaid package comes from the following sources:

a. Federal Medicaid savings resulting from Medicaid's buy-in to the FMI package.

b. One-half of the revenues from raising the cigarette tax by 16¢ and indexing the tax to the Consumer Price Index. Funding from the raised and indexed cigarette tax will be used to offset the added Federal costs of this Medicaid package less any Federal savings resulting from the Medicaid buy-in. Any cigarette tax funds not used to fund the Federal costs of this Medicaid package are to be made available to the States for their Medicaid programs.

TRIBUTE TO MS. ELAINE MARIOLLE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. DELLUMS. Mr. Speaker, I am pleased to bring to the attention of my colleagues the outstanding achievements of Ms. Elaine Mariolle.

TRIBUTE TO MS. ELAINE MARIOLLE

Ultra marathon bicyclist Elaine Mariolle is a native Californian, a graduate of U.C. Berkeley, and a Berkeley, CA resident. In July 1986, Elaine won the Women's Division of the Bicycle Race Across America (RAAM). She had ridden the 3,107-mile race course from Huntington Beach, CA to Atlantic City, NJ in 10 days 2 hours and 4 minutes, a women's race record.

Elaine averaged nearly 13 miles per hour on a 24 hour clock. She actually rode about 20 hours each day, making her actual average speed 15.25 miles per hour. She rode 384 miles during the first 24 hours.

Elaine beat the second place woman by more than seven hours. She placed fifth overall, finishing less than three hours behind the (male) fourth place finisher and over three hours ahead of the (male) sixth place rider. Of twenty six entrants, seven including Elaine were official finishers. The women's division consisted of six starters. Elaine was one of two female official finishers.

Elaine began as an ultra marathon cyclist in 1983. She qualified for the 1984 RAAM by placing second (by 30 seconds) in the Women's Division of the 800 mile John Marino Open. She finished unofficially in the 1984 RAAM, taking last place, almost 4½ days behind the winner and over one day behind the next rider's time. She was designated "Most Inspirational Rider" for her performance. Elaine took seventh place in RAAM 1985, becoming the last official finisher and third place woman. She now trains and competes in unltra marathon events full time.

Elaine's physical condition, her endurance, her rapid improvement, and her status in the bicycling world are complemented by her personal philosophy which is focused on her commitment to the cooperative spirit. Her Note From Elaine to Friends in her post race Newsletter included these thoughts. "Our congenial crew made my job easy. They worked well together and solved the usual myriad of difficulties, in most cases without my even knowing about them . . . I'd [also] like to thank our hometown crew who have helped us . . . and generally provided good energy and support. I'd never have gone the distance without you! Over the years, I have tried to emphasize the importance of crew, friends, and the Great American Public. I hope that my win this year will result in some recognition for these unsung heroes in the adventure which is RAAM." From her initial ultra marathon experiences in 1983 to her first RAAM in 1984 where there was no one there when Elaine finished, to the 1986 RAAM where she was accompanied by a police escort, the male RAAM winner, and a crew from ABC's Wide World of Sports as she rode to the finish line in Atlantic City, NJ, Elaine has maintained a concern for people and a teamwork focus. She is special not only because she is a winner, but because she wins the Berkeley, CA way.

REPRESENTATIVE BLILEY ON TOBACCO ADVERTISING

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. DUNCAN. Mr. Speaker, recently, our colleague from Virginia, TOM BLILEY, pointed out an interesting facet of the debate over tobacco advertising that has gone largely unnoticed by the news media and others following the debate.

Mr. BLILEY notes the curious inconsistency that the same individuals who are leading the fight to ban all advertising and promotion of tobacco products are also leading the charge to force TV networks to accept condom advertising.

The Richmond Times-Dispatch, of Friday, March 13, 1987, called attention to this inconsistency in the editorial "Censors at Work" and I commend this cogent editorial to my colleagues.

CENSORS AT WORK

If the principles of freedom of speech and freedom of the press remain valid in this the 200th year of the signing of the U.S. Constitution, Congress has no authority to dictate advertising policies to the nation's media. This is the point Rep. Thomas J. Bliley Jr. of the 3rd Congressional District is making in arguing that Congress should neither ban all cigarette advertising nor force, by law or by pressure, television networks to accept advertisements for condoms.

He is exactly right. Advertising is a form of expression; and when it concerns legal products, such as tobacco and condoms, it should be protected by the Constitution. The media ought to be as free to decide whether to carry advertisements for this or that product as they are to decide what to publish or broadcast as news and editorials.

Of course this argument has not always prevailed. It did not prevent federal censors from banning tobacco commericals from television and radio several years ago. The government supposedly derives the authority to regulate the electronic media to such an extent from the fact that they use public "property"—airwaves—for the transmission of their messages and pictures. There is no such justification for extending the ban to the print media, but censors in Congress are at work on measures that would do precisely that.

Rep. Bliley characterizes as inconsistent those congressmen who simultaneously ad-

ocate legal restraints on cigarette advertising and seek to force television networks to advertise condoms. "If you believe in free speech," he asks "how can you take a position one way on one and the other way on the other?"

His opponents respond with that spurious old the-ends-justify-the-means argument. "Cigarettes are inherently dangerous," huffed Democratic Rep. Henry A. Waxman of California. "They are responsbile for the premature deaths of hundreds of thousands of Americans each year . . . Condoms could be life-saving."

Well, if that becomes the sole or even principal premise on which to base laws, Congress' ability to restrict freedom of expression will be limitless. After all, cigarettes are not the only potentially dangerous products that are legally sold in the marketplace.

"What about the carnage on the highways caused by the automobile? asks Shirley Hobbs Scheibla in a recent editorial on this subject in Barron's. "Would cars be next? Or would it be alcohol?" The editorial recalls the important fact that the U.S. Supreme Court has declared that speech "does not lose its First Amendment protection because money is spent to project it, as in a paid advertisement . . ."

Leading the crusade against cigarette advertising is the American Medical Association. This organization yelps when it detects even a faint government threat to physicians' freedom, but, curiously, it enthusiastically participates in a rape of the First Amendment. How's that for consistency?

It is quite proper for the AMA and other foes of tobacco to warn people about the hazards of smoking, as they are doing most emphatically, but converting medical advice into legal decrees that violate fundamental freedoms is not. The AMA and its political friends in Congress are going too far.

LAWMAN'S LIFE WORK LEGENDARY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. PEPPER. Mr. Speaker, I had the privilege in 1938 of recommending as U.S. Marshal for the southern district of Florida, the Sheriff of Hardee County, FL, and my friend, Chester S. Dishong. He became recognized as one of the best U.S. Marshals ever to hold that responsible position. He was an extraordinary man, a product of an ancient and honorable family of Florida and of central Florida. He was a part of the new, yet a child of the old Florida.

The remarkable history of Mr. Dishong as a law enforcement official appeared in the Tampa Tribute of February 28. This is a stirring story of a great American, and to me, a great friend. I think his illustrious example will be interesting and an inspiration for all who read this article and I ask unanimous consent that it may appear in full in the RECORD immediately following my remarks:

LAWMAN'S LIFE WORK LEGENDARY

WAUCHULA.—The Royal Canadian Mounted Police have always had the reputation of "getting their man." In the Heartland, the men hired to enforce the laws and protect this Florida frontier community are the ones who have become legendary in their outstanding devotion to duty and genius in solving a crime and catching the criminal. And all without benefit of modern-day scientific equipment.

In Margaret Stringer's history, "Watch Wauchula Win," she describes the career of one such lawman, Chester S. Dishong, a husky outdoorsman who came from a family of Florida lawmen.

His father, Owen Dishong, was the first sheriff in Old DeSoto County from 1887-1893 and from 1897-1901, and his brother, John Leslie, was DeSoto's sheriff from 1913-1921. John appointed Chester, at age 21, and another brother, Milton, as deputies.

Chester, respectfully called "Ches" by friends, became Wauchula's city marshal in 1913 and began to acquire a reputation for catching a culprit "with dispatch" and meeting justice "with a stern hand."

In one of his early cases, a Kansas visitor with a hard luck story was befriended by a local citizen who shared his room for the night.

The next morning the visitor was gone—and so was his host's money. Dishong went on the trail, apprehended the man and found the stolen money in his sock.

In 1914 a year end report listed, in part, collection of $4,967.61 in fines; 19 arrests for carrying concealed weapons; two for changing marks on hogs; seven for beating way on trains"; four for hunting on Sunday; 45 for selling liquor; and 14 for insanity.

Dishong took a year off in 1916, serving as a captain in the Second Florida Infantry in Texas during the border war with Mexico; but upon returning home, he resumed his deputy duties.

When DeSoto County was divided into five counties in 1921, Gov. Carey A. Hardee appointed John Poucher as the new Hardee County's first sheriff. But Dishong ran for sheriff in November 1925, and won, becoming the county's first elected sheriff, a post he held for the next 13 years.

During his career, Stringer relates, Dishong matched wits with bank robbers, cattle and hog thieves, and wily moonshiners. And there were a lot of moonshiners. Especially after a local ordinance was passed by the city in 1921 to regulate prohibition.

In tracking a moonshiner Dishong would park his car near the suspected "still" site, walk the rest of the way, and sometimes track his fleeing man for two or three days in swamp and thick underbush.

Perhaps Dishong's most famous case was the capture of Bernard Whidden, who slew his wife with a .22-caliber rifle in 1920 as she sat at her organ in her home, playing "Home, Sweet Home."

The relentless pursuit by the Sheriff and the eventual capture of the murderer was related in detail in a national detective magazine, among other news accounts, and Dishong's national reputation for getting his man grew rapidly.

Dishong planned to resign in 1938 but was recommended by Sen. Claude Pepper and confirmed by President Franklin D. Roosevelt as the U.S. Marshal for the southern District of Florida.

His territory included 47 counties, and in the 13 years that Dishong held this position, a prisoner never escaped his custody.

But many prisoners benefited from his well-known compassion. Tales are told of the times he posted bail for prisoners he had jailed because the man's family was suffering for lack of food, and often he would by seen passing the the hat for the needy up and down Wauchula's Main Street or bringing someone who needed a meal home to his wife, Hallie.

A legend in law enforcement, Dishong's death at 82, in 1974 brought nation-wide sorrow and, with his obituary, a eulogy was entered by Sen. Pepper into the U.S. Congressional Record.

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. COELHO. Mr. Speaker, in recognition of Developmental Disabilities Awareness Month in March, I cosponsored a briefing with Senator BOB DOLE on March 16, 1987 to highlight the lives of all individuals who have a developmental disability. Together with the Consortium for Citizens with Developmental Disabilities [CCDD] a coalition of over 50 national groups advocating on behalf of individuals with developmental disabilities, we invited a consumer panel to share with us their concerns and needs for Federal programs. Dea Everett and her daughter, Chris, who has a chronic seizure disorder, Stuart Lunde, a high school senior with quadraplegia, Donald Creed, a father of a 2-year-old daughter who is developmentally disabled and Denise Holmes, a 21-year-old woman who has benefited from vocational training to help her secure competitive employment, took time from their busy lives to give us their extraordinarily valuable insight on the impact of Federal programs on their lives. Barbara Hanft of the American Occupational Therapy Association, Inc., moderated the consumer panel and the legislative overview presented by three CCDD members, Susan Aimes-Zierman of the National Association of Developmental Disabilities Councils, Liz Savage of the Epilepsy Foundation and David Capozzi of the Paralyzed Veteran's Association. The following are excerpts from that presentation, written by Susan Aimes-Zierman:

The lives of the four panelists illustrate two concepts critical to the development of public policy in the field of disability:

First. When programs are created and sustained, a great difference in the lives of people with disabilities is made by increasing their independence so that they can contribute to their community.

Second. When programs are not created and sustained, people with disabilities are thwarted in their efforts to achieve independence and potential contributions may never be realized.

Since most of us at this briefing are in the business of making public policy, let's inventory how well we've done and what is yet to be achieved. Let's look first at the lives of infants and young children with disabilities and the situations their families find themselves in. More often than any of us would like to see, programs discourage families from caring at home for their children with disabilities. This situation creates one of the most serious barriers preventing children from ever reaching their potential. When youngsters with disabil-

ities are living at home, several critical factors ensure that parents are not forced to place their children in hospitals, foster homes or congregate facilities. The first factor in insuring maximum independence is that early identification and intervention are critical services for both children and families.

Health, developmental and family support services are essential at this initial stage. The new Early Intervention Program authorized under the Education of the Handicapped Act Amendments of 1986 is a critical program for providing these services.

For families with incomes too high to qualify for State and Federal aid, sufficient health insurance is seldom available except at exorbitant costs. Insurance risk pools and catastrophic illness insurance are two policies urgently needed and are now being debated in Congress.

For children who need sophisticated technological equipment, the tradeoff is often weeks and months of separation from the home if in-home services are unavailable.

Working parents with seriously ill children often risk losing their jobs in order to meet their parental responsibility. The Family Medical Leave Act is intended to allow parents to properly take care of their children with disabilities.

Families can also be supported to keep their children with them by in-home services such as health aides and respite care. The Community and Family Living Act would stop inappropriate institutionalization of children who have a right to grow up in their own community.

The second factor necessary in creating an environment to foster growth and independence is that public policy, from preschool through high school, must focus on the individual needs of each child with a disability. Early educational experiences for children of disabilities form the basis for future development as students, workers, and citizens.

Preschool programs authorized by Public Law 99-457, as well as the Headstart Program with it's 10 percent earmark to serve handicapped preschoolers, provide essential educational and social experiences which pave the way for children to benefit from subsequent educational experiences.

Youngsters with disabilities require a vocational assessment component early on to ensure continuity of education and training to bring them into the world of work. Vocational education must be viewed as an essential training component so that individuals with disabilities are not stuck stringing beads or watching television all day as adults. The new Supported Employment Program under the Vocational Rehabilitation Act provides an opportunity for people with disabilities to have real jobs with real incomes, and to work with nonhandicapped peers in the community.

A third factor necessary for independent functioning centers around providing an accessible home and work environment.

Housing programs such as HUD section 8 rent subsidies and loans under the 202 Program, can provide the wherewithal to have a home to live in. Personal supports such as attendant care can make the difference between living in a nursing home and living in an apartment. For someone with a severe physical disability, such things as simple as bathing, cooking and transferring from a wheelchair to a bed can be all that is standing in the way of being able to function at home.

The reform of the Medicaid Program as proposed in the Community and Family Living Amendments by Senator JOHN CHAFEE intends to provide the kinds of individual and family support that make the difference between a life of dependence and a life of independence, productivity, and integration.

Architectural and transportation barriers discourage participation in our communities. The lack of enforcement of prohibitions to such barriers is an appalling statement of unconcern not only for currently disabled citizens but for those of us who will become disabled as we age. Specialized and generic transportation systems are necessary to provide access to all aspects of our communities to enable people with disabilities to get from their homes to their jobs.

The fourth factors are indirect but critical services of prevention and planning and advocacy.

The prevention of disabilities and alleviation of the effects of disability are addressed by a variety of research efforts of the National Institutes of Health and Mental Health. While it is difficult to portray what won't occur in the future because of such research, we have seen the effects of research in the past, for example, in predictory and preventing phenylketonuria [PKU].

Planning and advocacy must occur at the State and community level to insure that the needs of people with disabilities are taken into account. The Developmental Disabilities Act has these functions as its mandate and will be reauthorized this year.

This survey of programs could not possibly give the explicit detail that you need as policy analysts, developers, and influencers. The CCDD briefing book developed for you will provide many resources to learn more about individual programs. The chairpersons of various CCDD task forces are available to work with you to provide further information about the needs of people with disabilities. We are happy to work with you to formulate public policy which will increase an individual's independence, productivity, and integration into the community.

INTRODUCTION OF H.R. 1934, A BILL TO CODIFY THE FAIRNESS DOCTRINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. DINGELL. Mr. Speaker, today, I am introducing H.R. 1934, a bill to codify the fairness doctrine, with my distinguished colleague ED MARKEY, chairman of the Telecommunications and Finance Subcommittee of the Energy and Commerce Committee, and a number our colleagues from both sides of the aisle.

The fairness doctrine requires broadcasters to provide balanced coverage of controversial issues. It was given definitive statement by the Federal Communications Commission in 1949 pursuant to the requirement in the Communications Act of 1934 that broadcasters act in the public interest.

The 1959 Amendments of the Communications Act gave statutory approval to this requirement—referring to the "obligation imposed upon broadcasters under this act to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

In its 1969 Red Lion decision, the Supreme Court held that as long as there were more people who wanted to broadcast than there were stations available, the fairness doctrine was a constitutional means of affirming the paramount right of viewers to receive differing viewpoints on essential public issues.

However, in a 1985 report the current FCC revised history by concluding that the fairness doctrine and a "chilling effect" on the first amendment rights of broadcasters. The Commission was poised to eliminate the doctrine but was constrained by congressional opposition and the apparent codification of the doctrine in the 1959 Amendments.

Instead of attacking the fairness doctrine directly, the FCC chose instead to undermine the doctrine in court.

In its September 1986 Teletext decision, the D.C. Court of Appeals concluded that the doctrine was not a binding statutory obligation. The FCC has viewed this decision as license to repeal the doctrine administratively, and in several recent actions, the Commission has demonstrated its intention to do just that.

The broadcasters' self-serving argument—repeated by the FCC—that the doctrine chills speech is not persuasive. Broadcasting differs fundamentally from other media such as newspapers. The limited availability of channels creates a technical scarcity that requires Government licensing.

Some argue that scarcity no longer exists in broadcasting. They say that the number of broadcast stations has increased, that the number of newspapers has declined, and that alternative video distribution outlets have begun to grow.

All true. But none of these developments heralds the end of broadcast scarcity. One need only look at the price of broadcast properties—which is many times the value of the physical assets involved—and the number of comparative renewal cases pending at the FCC to know that scarcity still exists in broadcasting. There continue to be more people who want to broadcast than there are available channels.

The fairness doctrine merely gives legal recognition to the ethical obligations of journalists to be balanced. Its whole purpose is to frustrate any intent to provide exclusively one side of controversial issues. For this reason, some responsible broadcasters, such as Westinghouse Broadcasting and Fisher Broadcasting, support retention of the fairness doctrine.

Without the fairness doctrine discussion of public affairs could become either one-sided or be reduced to a bland, uniform pablum as broadcasters react to economic pressure from commercial advertisers—whether real or perceived.

The public benefits from the fairness doctrine because it enables them to receive opposing sides of controversial issues. The public benefit would be even greater if the fairness doctrine were more vigorously enforced.

The legislation I am introducing today is necessary because of the continued assault on the fairness doctrine by the commission. I will be working with numerous Members of the House and Senate to see that this vital democratic protection is enshrined in statute during the 100th Congress.

The legislation unambiguously codifies the doctrine. In so doing, it restores the legal situation which many of us thought existed prior to the U.S. court of appeal's Teletext decision in September 1986.

The bill requires that the administration and application of the doctrine shall be consistent with current rules and policies. This will protect the core policies which have governed the application of the fairness doctrine from a likely administrative assault by the current FCC—but it is intended to permit any needed administrative reform and adjustments to meet new situations.

In addition, the bill contains findings concerning the scarcity of broadcast stations in relation to demand which are necessary to enable the doctrine to withstand a constitutional challenge.

The Senate has begun to act on S. 742—an identical companion bill. On March 24, the Senate Commerce Committee voted 14-4 to report S. 742 favorably to the Senate floor.

ED MARKEY, chairman of the House Subcommittee on Telecommunications, has scheduled hearings on legislation to codify the fairness doctrine for April 7.

I draw the attention of my colleagues to the wide support which this legislation enjoys. Groups from the left, right and center agree that the fairness doctrine is needed to protect the vital democratic right of the public to receive suitable access to a diverse range of views on issues of public importance.

Such wide support across the political spectrum is rare, and indicates the broad appeal of the fairness doctrine. I urge my colleagues to join this effort to further the first amendment values of presenting the public with diverse and antagonistic points of view by cosponsoring H.R. 1934.

Groups which support legislation to codify the fairness doctrine include the following:

Accuracy in Media.
Action for Children's TV.
Amalgamated Clothing and Textiles Workers.
American Baptist Churches.
American Civil Liberties Union.
American Conservative Union.
Americans for Democratic Action.
American Federation of State County and Municipal Employees.
Anti-Defamation League of B'nai B'rith.
AFL-CIO.
AFL-CIO—Dept. of Professional Employees.
American Jewish Committee.
American Lung Association.
Black Citizens for a Fair Media.
Center for Science in the Public Interest.
Center for Study of Responsive Laws.
Christ Church (Disciples of Christ).
Church Women United.
Citizens Communication Center.
Common Cause.
Communications Workers of America.
Consumer Federation of America.
Consumers Union.
Conservation Caucus.
Eagle Forum.
Environmental Action.
Environmental Policy Institute.
Episcopal Church—Office of Communication.
Friends of the Earth.
Fund for Renewable Energy and the Environment.
General Motors.
International Ladies' Garment Workers' Union.
League of Women Voters.
Media Access Project.
Mobil.
National Association of Arab Americans.
National Conservative Political Action Committee.
National Council of Churches—Communication Commission.
National Education Association.
National Federation of Local Cable Programmers.
National League of Cities.
National Organization for Women.
National Rifle Association.
People for the American Way.
Public Citizen.
Safe Energy Communication Council.
Seagram & Sons, Inc.
Sierra Club.
Union of Concerned Scientists.
United Auto Workers.
United Church of Christ—Office of Communication.
United Food and Commercial Workers International Union.
U.S. Catholic Conference—Department of Communications.
U.S. Public Interest Research Group.

BICENTENNIAL AND THE PARK SERVICE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. VENTO. Mr. Speaker, the Bicentennial of the U.S. Constitution is being celebrated this year. As part of that celebration, I am introducing today a bill to enhance the National Park Service's participation in the celebration of the Bicentennial. That landmark document, signed 200 years ago this year, has long shaped our Nation's political, economic and social development, just as the events subsequent to its creation have shaped it in ways that could not have been foreseen by its authors.

The National Park System, an institution in American life hardly predicted by the Constitution, preserves much evidence of its history. Historic sites within the National Park System document both the origin and subsequent development of the Constitution. They serve to make the Constitution and its effects on American life visible to all of us. Parks within the National Park System relating directly to the U.S. Constitution include Independence National Historical Park, witness to its creation and early implementation, numerous Presidential homes that document the development of that office under article II, Civil War battlefields that show its greatest trial, as well as many other sites that preserve evidence of various articles and amendments of the Constitution. The National Park Service has extensive experience in interpreting our history to the American public, each year providing insights into our past to more than 100 million visitors to our cultural parks alone.

I am introducing a bill directing the Secretary of the Interior to celebrate the Bicentennial of the U.S. Constitution in those national parks and historic sites appropriate to such a commemoration. Specifically, my bill would direct Independence National Historical Park to include the history of the U.S. Constitution in its interpretation to the public. It would authorize the Secretary of the Interior to establish a memorial at Independence National Historical Park to the Constitution to remind future generations of its significance.

The bill also directs the Secretary to use the resources of the National Park System to educate the public about the U.S. Constitution. It directs the Secretary of the Interior to enter into cooperative agreements with owners or administrators of historic sites closely associated with the Constitution to assist in their interpretation and preservation. Finally, the bill directs the Secretary of the Interior to contract with qualified institutions of higher learning for research and other activities, such as interpretation to implement the legislation. This legislation seeks to recognize the role the national parks have long had in educating the American public about our Nation's history.

TRIBUTE TO EUGENE "GUS" NEWPORT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to Eugene "Gus" Newport. This Sunday, April 5, residents of Berkeley and the San Francisco Bay area will honor Gus at a testimonial.

Gus Newport has long involved himself in the struggle for civil rights, equality, economic justice, and world peace. Whether organizing voter registration drives in the black wards of his native Rochester, NY, or taking the podium at international peace conferences around the world, Gus has tirelessly and consistently advocated these noble goals.

In 1979, after living in Berkeley for several years and working in a variety of capacities in our community, Gus Newport was elected mayor. He would serve two terms. As mayor, Gus became one of the foremost critics of Federal policies that abandoned a commitment to low-cost housing—and now we see the impact in countless homeless throughout our society; of policies that failed to provide for alternative transportation development—and now we see clogged freeways in all our urban centers; of policies that failed to promote racial understanding and equality of opportunity—and now we see conflict erupting between groups in our society who have more in common than apart; of policies that failed

to provide adequate funding for education and vocation programs—and now we see despair and frustration, along with prevalent drug abuse, among our children; and of policies that prompted a massive buildup of military armaments at the expense of fiscal sanity—and now we see a national debt that straps our ability to finance it and meet important policy goals.

His clarity of analysis, his articulate discussion of the issues and his unswerving loyalty to the belief that government has an obligation to help the cast out, the locked out and those who have never even entered the mainstream of American civic and economic life, elevated him to a leadership role in the U.S. Conference of Mayors.

In addition to these, perhaps more traditional roles, Gus also became one of our Nation's foremost advocates for peace and international understanding. Under his leadership, Berkeley formed important relationships with our neighbors in Central America, planting the seeds of better U.S.-Central American understanding. These seeds may allow us, someday, to overcome the bitterness and animosity that our militarism in the region generates each day. He spoke tirelessly of the threat of nuclear war—both the threat to the very survival of the planet as well as the daily horror that this massive diversion of funds creates for people throughout our society and the world.

Mr. Speaker, although Gus has passed the torch of municipal leadership on and has joined the academic community as a lecturer and researcher, he has left a legacy of commitment, perseverance, insight, and determination that will be difficult to match.

It pleases me greatly to call this celebration to the attention of my colleagues and to pay this small tribute to a giant of a man, a person of great strength and gentleness, a quiet man with a loud voice for the cause of justice and peace.

HOW SOON CAN YOU STOCK YOUR NEW STORE, MR. BASHA?

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. UDALL. Mr. Speaker, a new magazine has come to the State of Arizona and it is a welcome addition to our State. The new publication is the Arizona Monthly, and I have had the pleasure of looking it over and found it to be full of information and insight.

Among the articles in the premier issue was one by my old friend Don Dedera, one of the best writers of Arizona events in memory. His article, "How Soon Can You Stock Your New Store, Mr. Basha?", describes a wonderful series of events involving a great citizen of Arizona, Mr. Eddie Basha, and the good people of the Tohono O'Odham nation.

I commend all involved and suggest to my colleagues that this story is worthy of their attention.

The article follows:

[From the Arizona Monthly, February 1987]

HOW SOON CAN YOU STOCK YOUR NEW STORE, MR. BASHA?

(By Don Dedera)

The telephone rang four years ago in the south Chandler office of supermarket mogul Eddie Basha. "Mr. Basha, I'm the chairman of the Tohono O'odham, and we'd like to you come down here [to Sells] and build a Bashas' market. My tribe needs a good store real bad."

"Oh, sure," Basha thought to himself at first. "Nice try."

Basha regards jangling phones and exotic requests from strangers the way hikers react to rattlesnakes. That's because he terrorizes so much of the universe with practical jokes, and, therefore, lives constantly in fear of reciprocation. As well he should: Wag Basha once appeared at a schoolboard meeting disguised as an elitist-minded Arab sheik, shouting "Education only for the rich!" Another time, bedecked in a priest's robes, he marched into a hospital seeking the confession of a beautiful young woman friend.

And retaliation (or perhaps just devine justice) has visited Basha on occasion. Two of his trucks were stolen last year: One, a handsome International, was discovered later in the possession of Mexican police in Agua Prieta. It took months before they'd give it up to him. Also, jokers impersonating irate customers barrage him endlessly with rotten-grocery complaints. Once, an impostor with a British accent, ostensibly representing Sotheby's of London, offered to buy Basha's vast Western art collection for $500 in junk bonds.

Except for the truck thefts, such hi-jinks are a release for the fun-loving grocer. Basha runs the 45-store, 3,000-employee (he calls them "members") family grocery chain with a train of nearly illegible notes scribbled on cocktail napkins. Oftentimes, he answers his own phone . . . very carefully.

You can imagine the suspicions, then, that ran through his mind four years ago when he picked up the receiver and heard a voice claiming to be the chairman of the Tohono O'odham Indian tribe. "We'd like you to come down here and build a Bashas' market. My tribe needs a good store real bad." Oh, sure.

But this time the call was for real. The Tohono O'odham (also known as the Papago) needed a supermarket in their southern Arizona town of Sells, and they wanted Basha to build it. If only for the sake of diplomacy, Basha reluctantly offered to consider the request.

Basha is sympathetic toward people on the rise. His own Lebanese forebears came to America the Promised Land at the turn of the century. They and the next generation worked hard, saved, opened a little Chandler store and expanded to a few more. When Basha is in a sentimental mood, he speaks of the chain's tenfold growth under his chairmanship as merely an extension of his ancestors' sacrifice and struggle.

So, as a courtsey to the tribe, Basha and his executive vice president, Wayne Manning, one day motored the 150 miles southwest to Sells, and met with tribal leaders. Sole meeting agenda: new Bashas' store for Sells.

Unlike Basha, Manning is a nuts-and-bolts, facts-and-figures man. A computer wizard, he processes the data that ensures that a trainload of turkeys and a fleet of cranberry trucks will arrive exactly on time to stock every store for Thanksgiving. A Bashas' member for 20 years, Manning knows to the hundredth of a second how long it takes the average customer to ink a check, and how many Bargain Booster stamps weigh a ton. He also can calculate what population of what income it takes to support a store in a given area.

For Manning, the meeting with the Tohono was, well . . . forgettable. Large, brown-skinned men spoke simply yet eloquently of their people's needs: better nutrition, more jobs, a social center. Basha nodded politely. Manning ran a few numbers through his pocket calculator.

"And, obviously, no way would Sells make a location," recalls Manning of that first meeting. "We had made no marketing studies, but you couldn't see enough customer traffic in Sells to justify a push cart—let alone a modern supermarket. As a rule, figure the smallest Bashas' has to gross more than $1 million annually, and our largest might gross $7 million.

"Well, we didn't want to hurt feelings. And, as sort of an afterthought, I pulled out a rumpled, rolled-up sketch of the smallest Bashas' store from the trunk of the car and gave it to one of the Indians as a souvenir. It wasn't a blueprint, just a loose rendering of one elevation. I thought maybe the tribal leaders would see for themselves that a Bashas' at Sells simply wouldn't work.

"We came back to Chandler," continues Manning. "There were a couple more noncommittal meetings. Time went by. We heard there had been a change in tribal leadership, and Eddie and I rolled our eyes out of relief. We thought, well, that was the end of that."

Actually, it was only the beginnning, Understand, of the planet Earth's family of nations, the Papago must rank among the more serene and solicitous. Only after a few centuries of lumping along under somebody else's label did the Papago (a Spanish word for "bean eater") people politely insist upon being known as the Tohono O'odham (an Indian phrase meaning "desert people"), which is what they have been quitely calling themselves right along.

They are not only gentle by nature, they draw upon centuries of marvelously resourceful adaptation to the extremes of the Sonoran Desert. To this day, they occupy their traditional sunbaked homelands of scant water north of the Mexican border.

The only grave national error of the Papago, or Tohono O'dham, would seem to be a permissive immigration policy; but they have managed to muddle through Spanish conquest, Christian conversion, Mexican silver lust, American gold rush, Arizona prohibition, Anglo range piracy, and Tucson tourism.

Now booming to a population of 12,000, the Desert People inhabit reservation lands totaling nearly 3,000,000 acres—an area nearly as large as Connecticut and second only to Navajoland in reservation size. The Tohono capital, a community of 3,500 permanent residents, is Sells, a dot on secondary State Route 86, west 58 miles from Tucson.

Sells, the physical town, is disarmingly unimpressive. One-story buildings hither-thither long a few streets, Vast vacant lots. Sleeping dogs. Pickup trucks with bumper stickers: "My Other Car is a Pickup Truck." A couple of fast-food outlets and a garage. Big hospital. Even bigger school complex. Tribal headquarters, bureaus of the Great White Father, church. One wonders how the Tohono keep their senses of humor and humanity in Sells, but they do. They also

reserve an indigenous region embracing magical powers, and an old-fashioned belief that a man's word is his bond.

Last summer, the telephone rang again in Bashas' headquarters.

"Mr. Basha," another Indian voice inquired, "how soon can you stock your new store?"

"Our new *What?*" said Basha, who hadn't heard from the Tohono for more than a year. This *had* to be the expected practical joke. Probably Marty Humphrey talking through his handkerchief, goaded on by Joe Beeler, Stan Turley and Mack Dossey.

"Yeah, our construction crews had some slow months so we put them to work on the new Bashas' market," the caller continued.

And indeed they had. On the strength of what they considered a handshake agreement with Basha, the Tohono O'odham quietly raised walls around and roofed over about 18,000 square feet to make a supermarket closely resembling Manning's rendering. For good measure, they tossed in a bunch more structures to create a shopping mall.

To put Basha' mind at ease, the Tohono leaders came up to Chandler and put on a slide show of the Sells store—the future bride of the Bashas' empire. All it lacked was a loading dock (which didn't show in the sketch), and a floor.

"Actually a blessing," says Manning. "We couldn't back out now. We retrofitted a loading dock, and took the utilities in and put before the floor was poured. It actually is a very well-built structure, and through a heroic effort, we had the store stocked for the scheduled grand opening. It's taken a heroic effort to keep it stocked ever since."

The Bashas' organization, which also operates three Navajo Nation stores, has considerable experience with reservation retailing. Thus Manning and other non-Indians have kept open minds regarding female managers (some tribes abide them, some don't), religious taboos (older Navajos won't eat fish because they are important water spirits) and demographic realities (exactly one-half of the Navajo people are younger than 17, for example). Advertising also requires an Indian point of view. "If you advertise a low price," says Manning, "Indians think the merchandise must be old. They don't buy it. Sales stop."

When the Bashas' at Sells grandly opened last September, a thousand people turned out for a parking-lot party. A whole day of ceremonials, feasting, and official speechmaking followed. People drove in from Ajo, Gila Bend, San Xavier and four dozen Tohono villages.

It was a great start, but the store's continued success might be credited to store manager Alfred Mendoza. Mendoza gained experience in Bashas' original Chandler store. An Hispanic, he assumed the Tohono would want plenty of tortillas. Wrong. They buy sacks of flour and pat their own tortillas. Mendoza guessed right, however, about some favorites—such as pinto beans, lard and potatoes. As expected, the Tohono aren't very fond of strange vegetables. Frozen foods and microwave products, forget it. And in a world of table scraps, canned dog food sells not at all. Yet where home laundries are still a luxury, disposable diapers sell like sin.

Mendoza also had the good sense to stock religious items, such as votive candles for the converts of Padre Kino. And in three weeks he sold 160 floral wreaths for roadside shrines. Another winner is the deli. While an average grocery deli might account for three percent of a store's gross, the Sells deli contributes 12 percent. Tohono customers go to the store two or three times a day, whereas a Phoenix customer might go to the local Bashas' once a week.

"Did you actually build the store before you had Eddie Basha's signature on the lease?" we ask Richard Ramirez, Tohono planning director.

"We had recruited every major chain," he responds. "They all said thanks, but no thanks. We weren't even sure of our own marketing data. Our government budgets were reduced, our cattle industry was having problems and our copper-mining enterprises were suffering. So I guess we said, 'If we're gonna expect Eddie Basha to take a chance on us, maybe we ought to show that we have faith in ourselves. So we built it. Yes.' "

Ramirez, a Tohono and a product of the University of Arizona School of Business, thinks that considerable tribal pride has been transferred to the Bashas' experiment. The store is a social center and young people's recreation hall. Some evenings, it has been impossible to fry chicken fast enough to meet the demand. Ramirez also praises a Bashas' policy of hiring as many Tohono as possible: 40 Indians and 44 employees. And it seems widely appreciated that the tribe shares 25 percent of net profits.

The upshot is that the Sells supermarket, one of the smaller stores in the Bashas' chain, is perking along at a pace of $3.5 million in annual gross revenues.

That is more than twice what Manning considered break-even income. "For its size," he says, "it might turn out to be the best little store in our system."

CHANGES NEEDED IN NEW TAX LAWS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. DREIER of California. Mr. Speaker, I was recently thumbing through a digest of bills introduced in the 100th Congress and was not too surprised to find that at least 189 of them seek to amend or repeal a wide range of provisions in the Tax Reform Act of 1986. This indicates to me that the new tax law is seriously flawed, and a major overhaul of tax overhaul will soon be necessary.

Two aspects of the Tax Reform Act concern me the most. In my view, the disincentives for capital formation pose a substantial threat to long-term economic growth, and restrictions of IRA contributions will impair the ability of working Americans to prepare adequately for their financial security upon retirement. As a result, today I am introducing two bills which would, if enacted, restore the important incentives for savings and investment which were unwisely discarded in last year's tax bill.

The first bill calls for the repeal of the restrictions on IRA deductions added by the Tax Reform Act of 1986 and allow up to a $2,000 deduction for IRA contributions for a nonworking spouse. The second bill would restore the preferential treatment of capital gains, eliminate the retroactivity in the repeal of the investment tax credit, and provide for the indexing of the basis of certain assets.

Mr. Speaker, the new restrictions on IRA contributions came at an unfortunate time. IRA's are about the only base of support for savings in this country. Instead of reducing IRA eligibility, we should have extended full eligibility to all Americans, including nonwage earning spouses.

The benefits of IRA participation are currently skewed heavily toward working males, and away from women who work either in the home or in lower-paying jobs. Spouses working in the home should have the same individual retirement rights as those working outside the home. My legislation would address this inequity by granting nonworking spouses the full benefits of IRA contributions. Ultimately, it will enhance retirement security, and increase incentives for long-term savings. The result would be lower interest rates and increased capital formation, productivity, and economic growth.

IRA's have proved extremely effective in channeling private resources into retirement needs. The more than $250 billion in IRA's already comprises more than 15 percent of the total assets saved in pensions. Unless the new IRA restrictions are repealed, Congress will be seriously weakening the Nation's retirement system and destroying an important incentive for Americans to save.

As evidence, one only has to look at the myriad of projections which indicate that the ratio of Social Security recipients to wage earners will increase dramatically over the next several decades. The huge amount of private resources accumulating in IRA's would substantially reduce pressure over the long run on Government spending and those Americans who must shoulder the heavy burden of maintaining the solvency of the Social Security system.

In addition to providing increased retirement security and increasing the savings rate, an expanded IRA Program will have a positive effect on our Nation's trade deficit. With a higher level of savings, the Government—which currently absorbs about one-fifth of the Nation's record low savings pool—would not have to depend as much on foreign investment to finance its structural deficits.

With regard to capital gains, elimination of their preferential treatment was a serious mistake. Changes in the capital gains rate structure in recent years show conclusively that a lower tax rate results in greater capital formation and ultimately more tax revenue to the Federal Treasury. For instance, in 1977 the capital gains rate was 49 percent, total capital gains were $23.4 billion and taxes paid were $8.1 billion. By 1982, the top rate had been reduced to 20 percent, yet capital gains totaled $38.5 billion and taxes paid increased to nearly $13 billion. At the same time, the pool of capital gains available for capital formation increased from $3.5 billion in 1978 to $16 billion in 1984.

According to a Harvard University study, a 1-percentage point increase in the capital gains tax rate produces a 6.2-percent decrease in net long-term capital gains. The study concluded that a capital gains tax rate

of between 14 and 20 percent would maximize revenue to the Federal Treasury.

Not only would my legislation bring the top capital gains rate well within this revenue maximizing range, capital gains would be indexed for inflation so that only real gains would be subject to taxation. Consider, for example, what the lack of indexing means to the average homeowner. With an annual inflation rate of 5 percent—a realistic assumption—the value of a $100,000 home will increase by about $30,000 over 5 years. In real terms, the value of that home remains $100,000, yet the owner would have to pay taxes on $30,000 upon selling the home. This would also be the case with other types of assets.

Last, my legislation would eliminate the retroactive repeal of the investment tax credit and make the repeal effective January 1, 1987. The purpose of this provision is not meant to extrol the relative merits of the ITC. Rather, it is designed to restore the credibility of tax reform. We should not be penalizing taxpayers retroactively for making decisions based on current tax laws. I don't see the fairness in telling a business person that the Government will pick up 10 percent of the tab for the purchase of new equipment, and then changing the rules after those purchases have been made.

Mr. Speaker, I believe the retroactive provisions and savings and investment disincentives in the Tax Reform Act do not comprise real or lasting tax reform. It is my goal to achieve changes in the new tax law to eliminate many of its inequitable provisions, and I hope my colleagues will support these needed changes.

PROUD OF THE "HURRYING HOOSIERS" AND MARION GIANTS

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. JONTZ. Mr. Speaker, our entire Nation is aware of the recent success of the Indiana University "Hurrying Hoosiers" as they captured their fifth NCAA basketball championship in a thrilling 74 to 73 victory over the Orangemen of Syracuse. All of us in Indiana are very proud of our IU basketball team.

This weekend was also an exciting time for high school basketball in Indiana, as the finals of our boys basketball tourney were held Saturday at Market Square Arena in Indianapolis.

As everyone who has seen the movie "Hoosiers" knows, we take our high school basketball very seriously in Indiana. It is therefore with a great deal of pride that I rise today to commend the Marion Giants of Marion High School on their third consecutive Indiana State high school boys basketball championship.

The Marion Giants defeated a tough team from Richmond in the final game of the State tourney Saturday evening by a 69 to 56 score. This is the sixth State title for the Giants, with five of those titles in the past 13 years. The Marion Giants are the first Indiana high school team to win three straight State titles since Franklin High School did so in 1920–22.

The Giants have compiled an 84–4 record over the past three seasons; they have won three consecutive north central conference titles; and are ranked second among U.S. high schools nationwide. Two of the Giants, Jay Edwards and Lyndon Jones, are Parade All-Americans who will play in the McDonald's Capitol Classic in Washington this month.

Coach Bill Green of the Giants deserves special commendation, as this 1987 State championship is his sixth title, a record no other Indiana high school basketball coach can match.

Mr. Speaker, I want to personally recognize the tremendous accomplishments of Marion High School and the 1987 Giants boys basketball team. I ask unanimous consent to place in the RECORD the roster of this outstanding group of young men and the educators who have made their victories possible.

Superintendent, Mayer E. David; Marion High School principal, Dr. John J. Marshak; athletic director, Jim Fricke; head coach, Bill Green; assistant coaches, Ray Sims and Mel Young.

Players, Jay Edwards, Daric Keys, Eric Ewer, Lyndon Jones, Kyle Persinger, Scott Hunt, Robert Stanley, Derek Barnett, Eric Persinger, Erik Krabbe, Steve Walker, David Anderson, and Anthony Butler.

TRIBUTE TO HORACE ALBRIGHT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. VENTO. Mr. Speaker, America lost a conservation-environmental visionary when Horace Albright died this past week. Horace Albright helped create the National Park System in 1916 when he assisted in the enactment of legislation establishing our National Park Service. He served as the assistant to the first Director of the National Park Service, Stephen Mather, before becoming the second Director himself in 1929. Mr. Albright's numerous accomplishments include formulation of policies for the early National Park Service, acquiring vast new and special parks and responsibilities—particularly in historic sites and historic preservation—and promoting the National Park Service. Even after he left the National Park Service, Horace Albright watched over our national parks. He remained actively interested in parks and supported conservation programs until he died Saturday, March 28, 1987, at the age of 97. For his outstanding contributions Horace Albright was awarded the Medal of Freedom. He kept—and fought for—his vision which has become the American vision of the national parks—special places set aside for all the American people. The best memorial to his efforts are the parks themselves. The 340 units now comprising the National Park System are truly places where we can grow in appreciation and understanding of the splendid natural, cultural, historic resources within our Nation's boundaries.

Over 70 years ago, Horace Albright helped pass the legislation that created the National Park System. Albright remained active for the last seven decades to keep alive, guide and weave the National Park System and conservation ethic into the fabric of 20th century America and U.S. policy, certainly leaving an indelible mark in human history and outstanding environmental values as a legacy to all Americans. The 1916 Organic Act stated clearly that the parks and their resources should be kept "unimpaired for future generations." We are the "future generations" who have inherited Horace Albright and his colleagues' legacy. We now have the same responsibilities to the generations that follow us. Let us remember Horace Albright's life and vision of the national parks as we mourn his death.

SOCIAL SECURITY NOTCH REFORM—H.R. 1917 PROVIDES BENEFIT EQUITY—FINANCIAL SOLVENCY OF TRUST FUNDS KEPT INTACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. ROYBAL. Mr. Speaker, today 123 of my colleagues and I are introducting H.R. 1917, a bill to resolve the problem known as the Social Security notch. I wish to particularly praise the ranking minority member of the Select Committee on Aging, Mr. RINALDO, for his continued support for notch reform legislation. His assistance has proved invaluable in bringing this inequity to the Nation's attention.

The 1977 amendments were designed to rectify the problems in the overindexed 1972 benefit formula and reduce benefit levels for all persons eligible for retirement after 1978. Congress wanted to phase-in the reduction over a period of years, so as not to hurt those who were already planning on a specific Social Security benefit. Incidently, Presidents Ford and Carter recommended, and the House orginally passed a 10-year transition into the new benefit formula. However, the final legislation which passed included a 5-year phase-in to the new benefit formula. Unfortunately, this transition did not work because of the unanticipated double-digit inflation of the late 1970's and the early 1980's and more importantly, because the transition formula ignored the post age 61 earnings of individuals in calculating benefits.

Instead of transition which was intended to reduce benefits over 5 years by 6 to 10 percent, the average benefit reduction for an age 65-year-old retiree born in 1917, the first year of the notch, was 10 percent. In subsequent years, discrepancies of 20 percent or more have been noted. I do not believe that we in Congress ever intended such a drastic cut in benefits over such a short period of time.

My goal has always been to press for a responsible solution to the notch that will restore faith in the system for millions of notch babies and provide maximum protection to current and future beneficiaries, without undoing the necessary reforms of 1977. My bill, from the 99th Congress, included a 30-year transition into the new benefit formula, and provided a complete resolution of the notch problem. Current estimates by Social Security

Administration actuaries for H.R. 1917 of the 99th Congress, however, are $243 billion over 10 years.

Technical corrections have been made to my notch legislation which substantially reduce the cost while still providing equity to those individuals born during the years 1917–21. This new legislation, which I am introducing today as H.R. 1917, would allow for a 10-year transition to the new benefit formula.

This amendment bill would compute benefits under the old—1972—formula and reduce them by 3 percent. In addition, benefits would be reduced an additional 3 percent for each year of birth after 1916. Under this formula, beneficiaries would be protected from abrupt reductions in benefits, as envisioned under the 1977 amendments, and would also receive retroactive benefits. Last year the Social Security actuaries estimated the cost of this particular proposal to be approximately $45 billion over 10 years. I expect more formal cost estimates from the Social Security Administration shortly.

Under this 10-year formula, average earning 65-year-old retirees born between 1917 and 1924 are projected to receive higher benefits than under current law, while 65-year-old retirees born after 1924 would receive the same level of benefits projected under current law.

The Select Committee on Aging has studied this problem for over 3 years. The committee's eight hearings include an extensive record on the effect of the notch on individuals. In addition, the American Enterprise Institute has published an extensive analysis of the notch and proposals to resolve the issue. The General Accounting Office study on the notch which was begun almost a year ago, is still not complete. But for those of my colleagues who believe that more study is needed, I urge them to review these hearings and the legislative analysis.

There are some who believe that there is a need to cut benefits or raise taxes to pay for notch reform. The Social Security trust funds are in excellent financial shape, with large annual surpluses projected over the next few decades. The 1987 Social Security Trustees Report, which is due to be released shortly, will demonstrate this health. Accordingly to last year's trustees report, under intermediate economic assumptions, total reserves will grow from about $44 billion this year, to over $540 billion by 1995. In fact, over the next 5 years, the average annual surplus is projected to be about $50 billion a year. Certainly some of these reserves could be used to correct this inequity without damaging the long-term financial solvency of Social Security.

Mr. Speaker, let me close by stating that obviously this blatant inequity should not exist. Such arbitrary discrepancies in benefit levels are unfair and undermine condidence in the Social Security system. H.R. 1917 solves the problem, responsibly and fairly. I urge my colleagues to join me and 123 other Members in pushing for resolution of this unfair inequity.

Mr. Speaker, I am submitting two charts to be printed. The first chart compares current monthly Social Security benefit amounts with H.R. 1917. The second chart compares current replacement rates with that of H.R. 1917. I urge my colleagues to review these charts which demonstrate the unintended inequity of the notch.

COMPARISON OF AVERAGE MONTHLY SOCIAL SECURITY BENEFIT AMOUNTS IN 1991 FOR AGE 65 RETIREES WITH CAREER AVERAGE EARNINGS

	Year of retirement at age 65	Current law 1977 amendments	H.R. 1917 100th Cong.
Year of birth:			
1915	1980	$675	
1916	1981	697	
1917	1982	630	$679
1918	1983	606	681
1919	1984	575	683
1920	1985	561	693
1921	1986	572	665
1922	1987	582	652
1923	1988	589	640
1924	1989	604	623
1925	1990	608	608
1926	1991	608	608

Source: Social Security Administration. Prepared for Chairman Roybal by the Subcommittee on Retirement Income and Employment.

COMPARISON OF REPLACEMENT RATES[1] UNDER CURRENT LAW AND H.R. 1917 FOR AGE 65 RETIREE WITH CAREER AVERAGE EARNINGS

	Year of retirement at age 65	Current law 1977 amendments (percent)	H.R. 1917 100th Cong. (percent)
Year of birth:			
1915	1980	51.1	
1916	1981	54.4	
1917	1982	48.7	52.4
1918	1983	45.8	51.4
1919	1984	42.9	50.9
1920	1985	40.9	49.2
1921	1986	41.4	48.1
1922	1987	41.7	46.7
1923	1988	41.8	45.4
1924	1989	42.6	43.8
1925	1990	42.1	42.1
1926	1991	41.5	41.5

[1] Replacement rate is equal to the ratio of the annual primary insurance amount to annual earnings in the year prior to retirement.

Source: Social Security Administration. Prepared for Chairman Roybal by the Subcommittee on Retirement Income and Employment.

PORTABLE PENSIONS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. WOLPE. Mr. Speaker, I would like to call our colleagues' attention to an article by David Shribman which recently appeared in the Wall Street Journal. Mr. Shribman discusses an intriguing new concept on the horizon, and the man who brought the idea to light.

Mr. Pat Choate, director of Policy Analysis at TRW, Inc., has convincingly drawn attention to the need to reform the Nation's pension system to compensate for the increased mobility of today's workforce. Described as "one of the most prodigious producers and marketers of new ideas," Mr. Choate has devised a system of "portable" pensions as a means of achieving increased security for today's workforce. Later this spring, I will be cosponsoring a bill to be introduced by my esteemed colleagues Mr. FEIGHAN and Mr. MATSUI that will address the need for greater flexibility and mobility of pension funds.

I hope my colleagues will take the time to read this informative article on portable pension plans.

The article follows:

[From the Wall Street Journal, Feb. 5, 1987]

SOME WHITE HOUSE ASPIRANTS, COMBING THE MARKET OF FRESH IDEAS, EMBRACE PORTABLE PENSION PLAN

(By David Shribman)

WASHINGTON.—Here comes the next new idea.

It's called the Portable Pension Plan, and though it's been kicking around labor circles, it has yet to be transformed into a broad popular cause, the sort of issue politicians talk about in outdoor rallies and at Rotary Club luncheons. A handful of presidential candidates are poised to do just that in the next few months.

"It will be a big theme in my campaign," says former Gov. Bruce Babbitt of Arizona, who is seeking the democratic nomination. "I'm going to be talking about it," says former Gov. Pierre du Pont of Dalaware, who is seeking the Republican nomination. So will two other Democratic contenders, former Sen. Gary Hart of Colorado, who stressed the concept in a lecture at the University of Florida Law School last month, and Rep. Richard Gephardt of Missouri.

SEARCH FOR NEW IDEAS

New ideas are the coin of the realm in modern politics, and the men who are girding for the 1988 presidential campaign are already searching for them, hoping that these ideas will dress up their campaigns, burnish their image and attract large blocs of voters to their cause.

That's why the Portable Pension Plan has such great appeal. It sounds fresh, it seems fair, it has a catchy slogan: "Tie the pension to the worker, not the job." And it appeals to the majority of Americans, including the 75 million baby-boom voters who are chronic job switchers and who constitute the most receptive market for new political ideas. "These voters are motivated by self-interest, and here is a problem that no politican has addressed," say Paul Leinberger, a St. Paul, Minn., management consultant.

The evolution of the portable pension from proposal to political buzzword illuminates the process by which policy ideas germinate in Washington and then burst forth in full flower as part of the popular debate. But though presidential candidacies search for new ideas in the belief they set them apart from other political figures, make them seem creative and transform their candidates into a movement, they seldom come up with the ideas themselves.

"Every campaign needs someone from the outside to inject fresh lines of thinking," says Paul Maslin, a Democratic political consultant. "The pressure of a campaign schedule and the very act of campaigning makes it unlikely for the candidate himself to come up with a lot of new ideas."

The notion of portable pensions surfaced in a report by a commission appointed by President Kennedy. But it was given new life last year when Pat Choate, director of policy analysis at TRW Inc. and known as one of the capital's most prodigious producers and marketers of new ideas, managed to persuade the Democratic Policy Commission to include it in its blueprint for the future, "New Choices in a Changing America."

Then Mr. Choate included it as one of the 45 new ideas in "The High-Flex Society: Shaping America's Economic Future," a

book he wrote with Juyne Linger, a TRW policy analyst. The book is selling briskly in Washington bookstores, particularly on Capitol Hill, even though it is receiving scant attention in the rest of the country. And he discussed it with several presidental candidates and then persuaded Mr. Hart, Mr. Babbitt, Mr. du Pont and others to make it part of their appeal in the first breath of the campaign.

IDEA "TAKES ON ITS OWN LIFE"

"Once the ideas has taken off, it takes on its own life," he says. "The candidates who seize it give it life, and then everyone else has to have a position on it."

Mr. Choate, 45 years old, grew up in Maypearl, Texas, a railroad junction of 150 people about 40 miles southwest of Dallas. He helped popularize the debate on improving America's infrastructure, claims credit for the idea of a capital budget for the federal government and provided Mr. Hart with his leading new idea of the 1984 presidential campaign, the Individual Training Account to help workers find new opportunities in a changing economy.

"This is a guy who is full of good ideas," says Mr. du Pont. "He sits around, thinks them up, offers them up and is willing to have anybody take the idea and run."

Some of the other ideas in his book—Rep. Nancy Johnson (R., Conn.) bought 80 copies of it, gave them as a gift to members of her campaign finance committee and told them it was "one of the really exciting books"—involve new approaches to child care, worker retraining, assistance to small businesses and ways to address the U.S. trade deficit.

TWO-MINUTE DESCRIPTION

"But the good thing about the portable pension, the thing that makes it perfect for politics, is that you can describe it in two minutes," say Mr. Choate.

He estimates that only a quarter of U.S. workers are entitled to a pension, and a survey by Korn-Ferry, the human-resources research firm, showed that a quarter of executives aged 30 to 47 already have worked in four or more companies. A National Bureau of Economic Research study, moreover, found that workers who change jobs once after age 31 reduce the value of their pensions by more than a quarter.

President Reagan, in his legislative message accompanying his State of the Union address, urged Labor Secretary William Brock to examine making pensions portable. The debate among the presidential candidates, however, is likely to go considerably beyond that, and will deal with assuring that every worker has a private pension.

Mr. Choate's version of the idea has generated enthusiasm among a number of White House aspirants. "It's got to happen, given the mobility of the work force," says Mr. Hart. Mr. Babbitt adds: "I want to create mobility rather than restrict it. This issue relates to two things that are central to Democrats: productivity and equity."

The Choate plan calls for the creation of a portability fund, which could be administered by the Penison Benefit Guaranty Corp., the Treasury or the Social Security Administration. Matching tax-exempt contributions would be made by workers and employers, and workers would be immediately vested. Those moving to new jobs could deposit their pension money in the central fund or have it transferred to the pension plan provided by their new employer.

"This appeals to younger people who are going to change the jobs several times in their careers and to women who aren't always as permanent in the work force," says Mr. du Pont, who knows that as a dark-horse GOP candidate he has to offer unusual ideas to attract attention and support. "But there's also an element of fundamental fairness to it: It secures for people what they have earned."

TRIBUTE TO THE DEPASQUALE BROTHERS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. WELDON. Mr. Speaker, I rise to pay tribute to the dePasquale brothers who will be honored on April 5, 1987, by receiving the Man of the Year Achievement Award from the Order of the Sons of Italy in America. The brothers have been chosen for their outstanding achievement in the field of music.

Mr. Speaker, I ask my colleagues to join me in recognizing the dePasquale brothers, and I submit for the RECORD the following brief biography:

Oreste dePasquale immigrated to the United States in 1908 from Ruggiano Gravino Calabria, Italy at age 11. He started to teach himself to play violin at age 12. Rosa Lanza also came to this country from the same town in Italy as Oreste. She was 7 years old when she arrived in America in 1906.

Although Oreste and Rosa's families knew each other in Italy they met in Philadelphia and were married.

Oreste and Rosa dePasquale truly made beautiful music together as husband and wife. Besides starting his own business, the dePasquale Music School in Mt. Airy, Papa and Mama started a family of six, Joseph, Francis, Eleanor, Robert, John and William.

Papa had one ideal in life, to raise a professional string quartet. But in Philadelphia baseball was the thing and the dePasquale boys were forever tossing their baseball equipment out of the second-floor window and sneaking off to the diamond. On Sunday afternoons, however, they were held captive in the living room and made to listen to recordings by Kreisler and Casals. "That's what it should sound like," Papa would say, and then he would lead the boys through their paces. If a little extra encouragement was needed, Papa administered a smart rap on the head with his violin bow. Papa ruled with an iron fist, so stated Robert. Gradually, recalled Francis "we learned to love chamber music as much as he did." The brothers practiced 20 hours a week at their old homestead in the Germantown section of the City of Brotherly Love. "When things get too violent", explains Robert, "Mama has to come in from the kitchen to mediate." There is nothing, they say, like Mama's eggs in purgatorio (fried eggs smothered in sauteed tomatoes) and a spot of vino to cool a heated brow.

As their careers blossomed, the brothers agreed that each would go his own way. Francis was accepted by the Philadelphia Orchestra, Joseph went to the Boston Symphony and William to the New Orleans Philharmonic.

Then in 1963 William won a position with the Philadelphia Orchestra. The brothers had decided the time had come. The following year in 1964, Joseph and Robert packed up their fiddles and joined their brothers i taking up permanent residence in the Phil delphia Orchestra under the baton o Eugene Ormandy. The first all-brothe quartet in musical history was born.

In 1966 the quartet made its Manhatta debut in Town Hall. Time magazine wrot of the brother's New York debut: "The tempos * * * were brisk and lively, the tone as rich and heady as a May wine. * * Their approach was marked by a warmt and intuitive sensitivity."

PRODUCT LIABILITY BILL

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. SHUMWAY. Mr. Speaker, today, I an introducing a product liability bill which ad dresses the major concerns of both manufac turers and consumers, eradicating the inequi ties, abuses and expenses associated wit the current system.

In the last 10 years, product liability lawsuit against manufacturers have increased nearl 700 percent. The dramatic rise in litigatior does not stem from the sale of defective goods. In fact, today's products are perhaps the safest ever made, as American manufac turers recognize that product quality is the key to increased domestic and international competitiveness. Instead, the major cause of this litigation explosion lies in the structure of our present system of product liability law. As the laws are presently written, everyone loses—manufacturers, consumers, plaintiffs and defendants.

Currently, State laws and court decisions govern product liability cases; however, these laws vary widely from State to State. Several States have enacted some form of product liability statutes, but no two of these statutes are alike. Furthermore, most of these statutes fail to address the principal issues which arise in product liability. Such a State-by-State legal framework might work if products produced in a State stayed there—but they do not. On average, 70 percent of all products produced in a State enter nationwide commerce.

This morass of contradictory State legislation does not provide effective standards for manufacturers or protect the legitimate interests of injured product users. A consumer injured in one State might have standing to sue in that State but not in another—even under the same circumstances. For manufacturers, these myriad State standards have made the task of creating a product which conforms to each increasingly difficult, if not impossible. This increased burden on manufacturers results in either increased costs of producing a product or the complete elimination of a useful product line. Either result places American manufacturers at a disadvantage with foreign competitors who are free from such excessive product liability costs in their home markets.

Uniform Federal guidelines are also needed to reverse the drift in product liability law. This drift has taken product liability law away from the traditional notions of liability toward a judicially created tort system of risk distribution

and no-fault compensation. Courts frequently render judgments against manufacturers without regard to negligence on the part of the manufacturer or the consumer. Manufacturers are being held strictly liable by the mere determination that their product caused harm with no consideration of the care taken by the manufacturer to produce a safe product or any lack of care assumed by the product user.

My bill would set the framework for nationwide uniformity and stability of product liability rules so that manufacturers and sellers may understand their obligations, consumers may understand their rights and insurers may calculate product liability rates on a rational basis. The bill provides thorough construction, design, instruction and representation liability standards for product manufacturers and sellers and provides that manufacturers or product sellers cannot be held liable for injuries caused by products which conform to Federal safety standards, unless the consumer can show that those standards were unsound. The bill also incorporates the comparative fault standard under which the manufacturer and the product user are each held accountable for their negligence in either the production or the use of the product. Furthermore, my bill adjusts damage awards by other amounts received by the plaintiff, places reasonable constraints upon punitive damage awards and establishes a 2-year statute of limitations and a 10-year statute of repose.

I urge my colleagues to join me in support of this bill which restores fairness of the product liability system.

DR. JOHN WOLFE RETIRES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. LAGOMARSINO. Mr. Speaker, on April 10, 1987, Dr. John Wolfe, associate superintendent of the Ventura Unified School District, will be honored at a retirement dinner at the Fairfield Harbortown Hotel in Ventura, CA.

Dr. Wolfe has held the position of associate superintendent of the Ventura Unified School District since 1975. He began his career 40 years ago in 1947 as a seventh grade teacher in the Hawthorne, CA school district. He served as a teacher and as a principal in Compton, CA, schools prior to his coming to the Ventura area in 1954. In Ventura, his first assignment was as principal at Montalvo School, he then became business manager of the San Buenaventura School District and subsequently rose through the administrative ranks as assistant superintendent, deputy superintendent, assistant superintendent of the Ventura Unified School District, and finally as associate superintendent.

The California Association of School Business Officials has also had the benefit of Dr. Wolfe's wisdom and guidance since he has served that organization as president, southern section; State librarian; State secretary; State director; vice president, State; president, State; and since 1981, as chairman, State Committee for Development of School Business Officials. In 1982, John was the recipient of the Association of California School Administrator's Region XIII Administrative Excellence Award. In addition to his academic achievements, the Ventura Downtown Rotary Club has had the benefit of John's wisdom and guidance. He served as president of the club in 1982–83.

As you can see, John has dedicated his life to assisting our young in obtaining a quality education. I ask that you join me in thanking Dr. Wolfe for his 40 years of service, congratulating him on his retirement and in wishing he and his wife Paulina, many years of happiness and health.

THE 65TH ANNIVERSARY OF THE YUGOSLAV BENEVOLENT AND PLEASURE CLUB

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. LIPINSKI. Mr. Speaker, it is my pleasure to bring to the attention of this body one of the civic groups of Chicago, the Yugoslav Benevolent and Pleasure Club, on the 60th anniversary of its formation. It had a humble beginning in January of 1922 when it met for the first time with the unity of Chicago's Yugoslav community its purpose. From a small initial membership of 11, it has grown to well over 300 members of Croatian, Serbian, and Slavic descent.

At a meeting on February 28, 1925, two of its members, observing the rapid growth of a Yugoslav community in the Archer Avenue-Garfield Ridge district between 51st and 59th Streets and Cicero to Harlem Avenues, urged the group to move the club to this newly developing area. With a small treasury and courage borne of Yugoslav pioneers, the club moved to its present site, 5540 South Naragansett Avenue. In 1926 lots were purchased, and by the year 1930 construction of a clubhouse and community center was begun. On the eventful day of May 17, 1931, a vast throng of Yugoslav people gathered from all parts of the Chicago metropolitan area to celebrate the opening of the new community house.

It was always the goal of the members of the club to build a community house adjoining the grove that would be a credit to the Yugoslavs of community and a worthwhile contribution to the growth of Chicago. A part of this objective was accomplished after many years of planning and effort as the new community house was begun in November 1954 and dedicated in September 1955.

Since its inception, the club has been interested in all activities that promote the growth of the community, the city of Chicago, and benefits all people of Slavic heritage in the United States in fulfill the ideals of equality, fraternity, and good will among all people. Mr. Speaker, I am sure that my colleagues join me in congratulating the Yugoslav Benevolent and Pleasure Club on its longevity and its commendable efforts in the Chicago community.

SMALL BUSINESS COMPETITIVENESS ACT OF 1987

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. DAUB. Mr. Speaker, I rise to offer the Small Business Competitiveness Act of 1987. This is in part an effort to implement the exemplary recommendations made by the White House Conference on Small Business last year.

First, this legislation will permit more small business to file payroll taxes once a month. Currently, only businesses with monthly deposits of $3,000 or less are permitted monthly deposits, while others must file eight times a month. My bill would raise this limit from $3,000 to $5,000.

For a small business, the difference between the two payroll schedules is substantial. The accelerated eight times a month schedule imposes a paperwork nightmare and substantially increases the potential for unnecessary confrontations with the Internal Revenue Service. I think it is time that we reduce this burden and allow small business people the opportunity to channel their resources to more productive pursuits than pushing paper.

Mr. Speaker, section 102 of my legislation is a further effort to reduce the paperwork blizzard on small businesses. This provision of the bill will require the Internal Revenue Service to perform regulatory flexibility analyses on new regulations in order to ensure that this particular agency considers the potential impact of regulations on small businesses.

In 1980, the Congress responded to the problems associated with neglecting consideration of small business concerns when promulgating regulations by enacting the Regulatory Flexibility Act [RFA]. The RFA requires Federal regulatory agencies to prepare a regulatory flexibility analysis that describes the impact proposed regulations will have on small businesses and describes regulatory alternatives that could minimize such impact.

Nonetheless, some agencies have taken the position that the RFA does not apply to interpretive regulations that are exempt from section 553(b) of the Administrative Procedures Act. In effect, such an exception amounts to a blanket exemption for many IRS regulations impacting small businesses.

Again, Mr. Speaker, such exemptions—because they are relied upon significantly by courts, tax courts, accountants are IRS agents—have created onerous burdens for small business. It is time that we address this problem and further create a productive environment for small business activity.

Further, title II of my bill will allow a full deduction—the Tax Reform Act of 1986 allows a 25-percent deduction for amounts paid for health insurance—to self-employed individuals for contributions to accident or health plans for medical care. This provision would provide for a trade or business deduction on the same basis as other businesses and will prevent double-dipping by persons who are both employed and carry on a secondary business as a self-employed taxpayer.

There is no logical policy reason to assure employees necessary health benefits on one hand, and on the other to preclude the same legitimate business deduction for those businesses choosing to operate as a sole proprietorship. The question is simply one of fundamental fairness in our Tax Code.

Mr. Speaker, title III of my bill establishes a Fair Trade Advocates Office in the Office of the U.S. Trade Representative. This office will assist small businesses in preparing cases under the trade laws; obtain remedies and benefits under the trade laws by acting as a advocated in proceeding before any agency responsible for administering such trade laws; and pursuing appeals of cases undertaken by the office.

During trade debate, we must take into account the essential contributions that small businesses make to the economy. The Fair Trade advocates Office will go a long way in this regard.

Finally, Mr. Speaker, title IV of my legislation would allow those who sell their closely held business to reinvest the proceeds in either another closely held business or in an individual retirement account, and thus avoid recognition of the gain. This provision is much like the provision for the rollover of gain from the sale of a home and encourages the entrepreneurial spirit in the small business person, or rewards him/her with a retirement incentive.

THE HYPOCRISY OF GLASNOST

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mrs. COLLINS. Mr. Speaker, today, the Washington Post stated that Moscow claims thousands of refuseniks soon will be allowed to emigrate and restrictions on Jewish religious and cultural freedom will be relaxed. This action is supposed to be in keeping with General Secretary Gorbachev's new policy of glasnost or openness.

Gorbachev makes much of this openness. He leads us to believe that after years of tyranny, Moscow now respects human rights.

All I can say is, Mr. Gorbachev, talk is cheap. What I want to see is action.

The time for openness is long overdue. Soviet Jews and other minorities have suffered terrible misery and persecution for practicing their religious beliefs or applying to emigrate.

For years I have worked to free refuseniks. Several of the cases that I am currently addressing demonstrate the true realities of Gorbachev's openness.

There is the case of Abe Stolar, an American citizen born in Chicago, who's family moved with him to the Soviet Union when he was a young man. He lost both his parents and one sister in Stalin's purges.

Abe stayed in the Soviet Union, but he never gave up his American citizenship. He has been trying for years to come home to Chicago. Moscow refuses to let his family leave and Abe knows that if he goes alone, he will never see them again.

Is openness holding an American citizen against his will? I think not and I have introduced legislation calling on the Soviet Government to release Abe and his family.

Then there is Yuli Edelshtein. His persecution began when he applied to emigrate to Israel in 1978. In 1984, he was imprisoned on a trumped up charge. Since that time, Mr. Edelshtein has been severely beaten and suffered several mysterious "accidents," leaving him with a disabled leg, a damaged bladder, and injuries to both his kidneys.

Mr. Edelshtein, who's health continues to deteriorate, should be immediately released. Yet, he still languishes in prison.

This is not openness and I have written the Soviet authorities telling them so.

The situation confronting Leonid Yuzefovich and his family is another example. The Yuzefoviches applied to emigrate to Israel in 1980. Permission, of course, was refused.

Recently, in an effort to demonstrate openness, Moscow enacted a new emigration law. It specifically allows those with first degree family members living abroad to emigrate. The Yuzefovich family qualifies under this law because Leonid's wife, Ekaterina, has parents and other relatives residing in Israel. But Moscow continues to refuse the Yuzefoviches permission to leave.

Now, in a last ditch effort, Mr. Yuzefovich is risking his life in a hunger strike.

Persecuting this family is not openness and I am now circulating a congressional letter in support of the Yuzefovich family.

These examples demonstrate the hypocrisy of glasnost. Behind Gorbachev's smooth rhetoric, the iron fist of repression remains; a fist which crushes dissent and strangles hope.

As a black woman I have seen how flowery words can be used as a smokescreen to hide discrimination and repression. I want to see Mr. Gorbachev put his words into action. I want to see real openness in the Soviet Union. I want to see Moscow truly respect human rights. Then, and only then, will glasnost be more than an empty promise.

THE 175TH ANNIVERSARY OF LYCOMING COLLEGE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. GEKAS. Mr. Speaker, on Saturday evening, April 4, 1987, I will have the great pleasure of participating in a special program of activities to celebrate the 175th anniversary of Lycoming College, Williamsport, PA.

The staff, students, and alumni of Lycoming College can be quite proud of this institution not simply because the college has existed for 175 years, but more importantly, because quality education and the commitment to excellence has endured for nearly two centuries.

Lycoming College, first named the Williamsport Academy at the time of its incorporation on April 2, 1811, started out on less than solid ground. Some even said that the academy was doomed to financial failure. But as we know today, 175 years later, this institution did not fail but rather grew from its shaky beginnings and placed itself, with the help of its instructors, administrators, staff, and students on a rock solid foundation.

Mr. Speaker, I would like to ask my colleagues in the U.S. Congress to join me in saluting Lycoming College as they commemorate this very special 175th anniversary.

MORE ENCOURAGING SIGNS OF SOVIET GLASNOST

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. LEVIN of Michigan. Mr. Speaker, like many in the Congress I have been following closely the news from the Soviet Union about its new policy of glasnost, or openness.

In the last decade we have witnessed a great swing in the pendulum with regards to Soviet Jewry, from a record high emigration in 1979, to a record low in 1986. Today we can be more optimistic than we have had reason to be in many years, though we must remain on guard to ensure that progress in Soviet Jewry and Soviet human rights is being made.

Very much is the plight of divided spouses. Twenty couples remain separated simply because the Soviets refuse to allow them to be united. Amidst the anticipation of this new openness, the Soviets have kept the divided spouses a closed case.

We admire and salute the courage and heroism of these couples; we rationally and intelligently discuss steps to reunite them, but none of us can truly understand the anguish they must experience by being denied the opportunity to share their lives together.

One of these spouses, Keith Braun, is a founder of the Divided Spouse Coalition, and lives in Southfield, MI. He met and married his Soviet wife Svetlana, while a student in Moscow. They married in August 1984. Svetlana has repeatedly been refused an exit visa, and has continued to receive confusing signals from the Soviets regarding her application.

It is imperative that we keep the plight of these couples before the American public and raise the issue during all our contacts with Soviet officials. As Soviet human rights reforms continue to unfold, let us not abandon our efforts on behalf of those who remain prisoners in their own country.

A BILL TO RAISE THE GASOLINE TAX

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. BEILENSON. Mr. Speaker, I am introducing a bill today to raise the Federal excise tax on gasoline by 25¢ a gallon. This legislation would help solve three of the most pressing economic problems facing us today: Our Nation's vulnerability to a new energy crisis, the enormous U.S. trade deficit, and the huge Federal budget deficit.

Our growing dependence on imported oil poses a serious threat to our economic and national security interests. Imported oil accounted for 39 percent of all the oil we used last year, compared with just 27 percent the year before. Energy experts are predicting that by the early 1990's, imports are likely to account for well over half of the oil we use—a higher proportion than that which triggered our energy crises in the 1970's and brought not just the inconvenience of long gas lines, but also two serious recessions and the worst period of inflation in American history.

Raising the Federal gasoline tax is the best way we can protect our Nation against an even more disastrous energy crisis in the 1990's. By raising the price of gasoline through a higher tax, we would reestablish the incentives Americans had just a few years ago to buy more fuel-efficient vehicles and cut back on nonessential driving. By consuming less gasoline, we would lower our demand for imported oil.

According to estimates prepared by the Congressional Reseach Service, a 25-cent-a-gallon increase in the gasoline tax would reduce oil imports by about 290,000 barrels a day, or 3.5 percent, in the short run—the first year. In the long run, the additional 25 cents tax would reduce imports by about 930,000 barrels a day, or 11.4 percent.

As we lower our oil imports, we would also reduce our record-high trade deficit. Because oil accounts for nearly one-quarter of that deficit, lowering our demand for just this one commodity will substantially reduce the total amount of money we send overseas.

And, since every penny per gollon of tax raises about $1 billion annually, this bill would increase revenues by about $25 billion, reducing the Federal budget deficit by that amount each year. Every deficit-reduction measure is a burden to the groups of people on whom it falls, but a higher gas tax, which would be spread broadly and relatively equitably, is probably the least painful way available to reduce the deficit by so large an amount. Even with a 25-cent-a-gallon increase in price, Americans would still pay a little less for gasoline than we were paying at the beginning of last year—and a lot less than we paid in 1981, when the average price of gas was $1.35 a gallon. We would also still pay much less for gasoline than drivers in Western European countries pay, where gas taxes average about $1.60 a gallon.

No one wants to pay more for gasoline, but the fact is, Americans will pay more for it whether we raise the tax or not.

If we do nothing to curb our demand for imported oil, the cost of gasoline will go up because oil supplies will decline, and OPEC will again be able to raise its prices as it gains more control over the world oil market.

On the other hand, the cost of gas will also go up if we raise the tax on it, but we will have lowered our demand for imported oil and kept OPEC from being able to raise its prices. our Nation's drivers will thus pay the entire extra cost of gasoline to the U.S. Treasury, so that it can be used for purposes here at home, instead of sending the money to foreign oil producers.

Americans will thus pay more for gasoline whether we in Congress raise the price ourselves or do nothing and thereby set the stage for OPEC to raise its prices, but if we act, we will ensure lower prices and greater supplies of oil, and reduce trade and budget deficits—and, as a result, we will enjoy the benefits of reduced inflation and interest rates, and lower unemployment. In other words, if we raise the gasoline tax, we will pay more for gasoline but our standard of living will rise; whereas, if we do nothing, we will pay more for gasoline and our standard of living will decline.

None of us in Congress wants to be blamed by our constituents for higher gasoline prices, but we will be blamed whether we raise the tax or not. If we don't act, when prices start rising again our constituents will hold us responsible for not having taken measures to decrease our dependence on imported oil and reduce OPEC's ability to raise prices. Either way we will get blamed for higher gasoline prices, so we ought to do the sensible thing and raise the price ourselves—and do it now while gasoline prices are still low:

There are, of course, other ways to decrease our dependence on foreign oil besides raising the gasoline tax. But every other major proposal for doing so creates new problems, and not one does nearly so much to help reduce the Federal budget deficit as does a higher gasoline tax.

For example, the most commonly suggested way to reduce our imports is to impose an oil import fee. Although a fee would bring in some revenues, it would also result in inexcusable windfall profits for domestic producers who would raise the price of their oil to match the higher price of imported oil. Thus, we would be raising the cost to American consumers of both domestic and imported oil, but only receiving the benefit of revenues from imports. With a gasoline tax, however, all the additional cost of gasoline would be used to reduce the deficit.

In addition, an oil import fee would cause resentment and retaliation from trading partners and would reduce incentives for our own oil industry to improve its international competitiveness. It would also raise the cost of all uses of oil, from home heating to manufacturing, whereas a gas tax would affect only transportation costs. And, an oil import fee could be difficult to administer, especially compared with the ease of administering an increase in the Federal gasoline tax. In sum, as the Department of Energy's March 1987 report on energy security states, an oil import fee "would seriously reduce the Nation's economic growth, increase inflation, and reduce U.S. competitiveness in both foreign and domestic markets."

Most of the other frequently suggested ways of reducing our oil imports involve various means of expanding domestic production of fuel, such as opening more public lands for oil development, creating synthetic fuels, or providing tax incentives for our own oil industry. But these and virtually all other means of increasing domestic production have environmental, administrative, or economic drawbacks that a gasoline tax doesn't have. Because of those drawbacks, all of these proposals would be subject to lengthy consideration before they could be implemented. Raising the gas tax, on the other hand, could be implemented—and would show results—immediately.

Unlike the existing 9-cent-a-gallon Federal tax on gasoline, whose proceeds go to the highway trust fund, this additional 25-cent-a-gallon tax would be directed to the general fund and, therefore, would be used to reduce the budget deficit. And, this tax would apply to gasohol and to diesel fuel sold at the pump, as well as gasoline. Gas which is used for noncommercial aviation, however, would be exempt in order to avoid creating an inequity in the taxation of aircraft which use gasoline rather than jet fuel.

Mr. Speaker, we paid a high price for our dependence on imported oil in the 1970's. We will pay an even higher price in the 1990's if we don't soon begin reversing our growing demand for imported oil. By asking Americans to make a relatively small sacrifice, we can take a giant step toward solving three of our most critical national problems: our vulnerability to a new oil crisis, the excessive U.S. trade deficit, and the huge Federal budget deficit. Raising the gasoline tax by 25 cents is a wise and sensible step that is long overdue. I urge our colleagues to join in support of this important legislation.

A BILL "TO IMPROVE THE ADMINISTRATION, MANAGEMENT AND LAW ENFORCEMENT CAPABILITIES OF THE COAST GUARD"

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1987

Mr. DAVIS of Michigan. Mr. Speaker, the bill I am introducing today contains provisions which would allow the Coast Guard to more effectively discharge its responsibilities in a number of critical areas. Title I of the bill contains provisions related to several Coast Guard advisory committees. Section 101 would set the termination dates for the Great Lakes Pilotage Advisory Committee and the Coast Guard Academy Advisory Committee in accordance with the requirements of the Federal Advisory Committee Act. Sections 102 and 103 would establish two new advisory committees reporting to the Secretary of Transportation: a Commercial Fishing Industry Advisory Committee and an Offshore Safety Advisory Committee. These committees would provide the Secretary with valuable information from the private sector to assist the Secretary in making decisions affecting safety in the commercial fishing and offshore vessel industries.

The sections in title II of this bill contain important Coast Guard law enforcement authority. Section 201 clarifies the Coast Guard's law enforcement authority in view of its increased role in maritime air surveillance and interdiction. Section 202 would allow Coast Guard civilian criminal investigators to carry firearms while performing official law enforcement duties.

The title III provisions of this bill relate to Coast Guard personnel matters. Section 301 would allow Coast Guard personnel who are

forced to relocate as a result of the Coast Guard's recent realignment initiative to be included in the Department of Defense program which compensates DOD employees, under certain circumstances, for losses they incur in selling homes following base closures. The other sections in this title would extend the military service obligation of Coast Guard Academy cadets from 5 to 8 years, in line with the service obligation of the other military service academy graduates, and assure that Coast Guard members occupying inadequate quarters be required to forfeit only the amount of their basic allowances for quarters as required of other uniformed service members under the same circumstances.

The provisions in title IV of this bill relate to the overall management and administration of the Coast Guard. Section 401 would allow the Coast Guard to give retroactive pay and allowances to enlisted members who are deprived of pay as a result of administrative errors or oversights. Section 402 would require Coast Guard contractors to employ local residents in States which have unemployment rates above the national average. Section 403 would give the Secretary of Transportation the authority to charter one or two polar icebreaking vessels for use by the Coast Guard. This section would not direct or require the Secretary to enter into a charter arrangement for icebreaking vessels, but would merely give the Secretary the authority to enter into an arrangement of this type, subject to certain conditions.

Title V contains provisions relating to maritime and boating safety. Section 501 provides technical changes regarding the costs of administration of the Recreational Boating Safety Program. Section 502 reduces the number of licensed mates required on mobile offshore drilling units on voyages of short duration. Finally, section 503 would improve recreational diving safety by ensuring that various State rules concerning the display of divers flags apply equally as well as other navigational safety rules.

I believe that enactment of these provisions is essential to provide important new management, law enforcement, and maritime safety authority to the Coast Guard.