SENATE—*Wednesday, May 13, 1987*

(Legislative day of Friday, May 8, 1987)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN B. BREAUX, a Senator from the State of Louisiana.

PRAYER

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

Let us pray:

If my people which are called by My name, shall humble themselves and pray, and seek My face, and turn from their wicked ways then will I hear from heaven and will forgive their sin and heal their land.—II Chronicles 7:14.

Gracious God, Your word speaks plainly—so plainly to Your people, Your church, Your Synagogue. Help us to hear it. You speak to Your people, Lord, not their government. Give Your people ears to hear and obey. You promised to heal the land if Your people meet Your conditions.

Tragically, Heavenly Father, we who profess to be Your people are so predisposed to pass the buck. In the wisdom of one psychiatrist, we major in "scapegoating"—blaming everyone but ourselves. You speak to us and exhort us to "turn from our wicked ways * * *." Jesus warned us, "Judge not that ye be not judged. For with what judgment ye judge ye shall be judged: and with what measure ye mete, it shall be measured to you again."—Matthew 7:1-2.

How easily Lord, do we behold the "mote that is in our brother's eye and ignore the beam that is in our own eye."—Matthew 7:3.

Forgive us, gracious Father, for demanding of others that which we do not require of ourselves. In the name of the Righteous One, we pray. 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, May 13, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN B. BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

RESERVATION OF THE LEADERS' TIME

Mr. BYRD. Mr. President, I do not wish to take my time. If the distinguished Republican leader wishes to take his time, I will yield at this time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, could I reserve my time?

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Republican leader may reserve his time, and that I may also reserve mine.

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

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I will take 1 minute of my time.

Mr. President, would the distinguished Republican leader be in a position to indicate to me as to whether or not he could give consent to proceed to the Defense Department authorization bill?

Mr. DOLE. Mr. President, I will say to the majority leader that I am not in a position to do that at this time. We have had, as I have indicated privately, a number of meetings on our side, and as recently as yesterday afternoon. But I cannot do it at this time.

Mr. BYRD. I thank the Republican leader.

Mr. President, all indications are that there will be a filibuster on the motion to proceed. I had hoped that it would not occur, and it does not yet need to occur. I would hope that we could get on the bill, and allow Senators who wish to debate that. That is their right. But I am going to set in motion my efforts to get the bill up.

If there is no indication to filibuster on the motion to proceed, and if that is readily evident, we can go on and get on the bill.

MOTION TO ADJOURN FOR 1 MINUTE

Mr. BYRD. Mr. President, I therefore ask unanimous consent that the Senate adjourn for 1 minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, I object.

Mr. BYRD. Mr. President, I move that the Senate adjourn for 1 minute, 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 that the Senate adjourn for 1 minute. 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. SIMPSON. I announce that the Senator from Idaho [Mr. MCCLURE] and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. FOWLER], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

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

The result was announced—yeas 48, nays 44, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—48

Adams	Ford	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Biden	Graham	Nunn
Bingaman	Harkin	Pell
Boren	Heflin	Proxmire
Bradley	Hollings	Pryor
Breaux	Inouye	Reid
Bumpers	Johnston	Riegle
Burdick	Kennedy	Rockefeller
Byrd	Kerry	Sanford
Chiles	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Daschle	Levin	Shelby
DeConcini	Melcher	Stennis
Dixon	Metzenbaum	Wirth

NAYS—44

Armstrong	Cochran	Dole
Bond	Cohen	Domenici
Boschwitz	D'Amato	Durenberger
Chafee	Danforth	Evans

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

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AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Garn	Kasten	Stafford
Gramm	Lugar	Specter
Grassley	McCain	Stevens
Hatch	McConnell	Symms
Hatfield	Murkowski	Thurmond
Hecht	Nickles	Trible
Heinz	Packwood	Wallop
Helms	Pressler	Warner
Humphrey	Quayle	Weicker
Karnes	Roth	Wilson
Kassebaum	Simpson	

NOT VOTING—8

Conrad	Fowler	Rudman
Dodd	Matsunaga	Simon
Exon	McClure	

So the motion to adjourn for 1 minute was agreed to.

ADJOURNMENT

The ACTING PRESIDENT pro tempore. The Senate stands in adjournment for 1 minute.

At 10:34 a.m. on Wednesday, May 13, 1987, the Senate adjourned until 10:35 a.m., the same day.

AFTER ADJOURNMENT

WEDNESDAY, MAY 13, 1987

The Senate met at 10:35 a.m., pursuant to adjournment, and was called to order by the Acting President pro tempore [Mr. BREAUX].

THE JOURNAL

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

Mr. DOLE. Mr. President, I object.

Mr. QUAYLE. Mr. President, the Senate is not in order.

The ACTING PRESIDENT pro tempore. The Chamber will please be in order.

MOTION TO APPROVE THE JOURNAL—VOTE NO. 102

Mr. BYRD. Mr. President, I move that the Journal be approved to date, 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 majority leader. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there additional Senators in the Chamber who have not yet been recorded?

SENATOR WARNER DECLINES TO VOTE

Mr. WARNER. Mr. President, I decline to vote for the reason that I have not read the Journal.

Mr. DOLE. Regular order.

The ACTING PRESIDENT pro tempore. Are there additional Senators who desire to be recorded?

Mr. DOLE. Is the Chair aware of rule XII?

The ACTING PRESIDENT pro tempore. The Chair will state to the Senator from Virginia, the Senator may not decline to vote without leave granted and permission to do so.

Mr. DOLE. Mr. President, 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.

VOTE ON PERMISSION FOR SENATOR WARNER TO DECLINE TO VOTE—VOTE NO. 103

The ACTING PRESIDENT pro tempore. The question is: Is it permissible for the Senator to decline his right to vote on this issue? The yeas and nays have been ordered and the clerk will please call the roll on the question just presented by the Chair.

The legislative clerk called the roll.

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

SENATOR QUAYLE DECLINES TO VOTE

Mr. QUAYLE. Mr. President, I decline to vote for the following reason: I do not believe a Senator should be compelled to vote.

The ACTING PRESIDENT pro tempore. The question is, Should the Senator be excused by the Senate from voting on this issue?

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

The ACTING PRESIDENT pro tempore. The yeas and nays are requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON WHETHER SENATOR QUAYLE SHOULD BE EXCUSED FROM VOTING—VOTE NO. 104

The ACTING PRESIDENT pro tempore. 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 (Mr. WIRTH). Are there additional Senators in the Chamber who have not voted?

Mr. SYMMS. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho.

SENATOR SYMMS DECLINES TO VOTE

Mr. SYMMS. Mr. President, I decline to vote for the following reason: I do not believe a Senator should be compelled to vote.

Mr. BYRD. Mr. President——

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. The majority leader.

SENATOR BYRD'S POINT OF ORDER THAT REQUEST OF SENATOR SYMMS IS FOR PURPOSE OF DELAY

Mr. BYRD. Mr. President, I make a point of order that the request of the Senator to be excused from voting is for the purpose of delaying the conclusion of the vote that the Journal be approved to date; that in amending rule IV, the Senate intended that a majority of the Senate could resolve the question of the reading of the Journal;

I make my point of order that a request of a Senator to be excused from voting on a motion to approve the Journal is, therefore, out of order and that the Chair proceed immediately, without further delay, to announce the vote on the motion to approve the Journal.

Mr. DOLE. Mr. President, the point of order is not in order during a vote.

The PRESIDING OFFICER. The point of order is not in order.

APPEAL OF RULING OF CHAIR

Mr. BYRD. Mr. President, I appeal the Chair's ruling.

Mr. DOLE. Mr. President, that is not in order, either.

Mr. BYRD. I ask for the yeas and nays.

Mr. DOLE. I ask for the yeas and nays on the question of the entitlement to vote.

The PRESIDING OFFICER. The question is on the appeal.

Mr. DOLE. The appeal is not in order.

Mr. BYRD. Regular order.

Mr. DOLE. Regular order, Mr. President. The appeal is not in order.

Mr. BYRD. I make a point of order that in this situation, in which there are obviously dilatory actions being taken to prevent a vote on the motion to approve the Journal, an appeal is in order.

Mr. DOLE. A point of order is not in order during a rollcall vote in progress. Members are standing to be recognized to vote. I ask for the yeas and nays on the issue of whether or not he may decline to vote.

The PRESIDING OFFICER. The Chair will first state that a point of order not being in order, an appeal therefore is not in order either.

Mr. BYRD. Mr. President, I appeal the ruling of the Chair.

Mr. DOLE. Mr. President, that is not in order.

Mr. BYRD. I appeal the ruling of the Chair.

Mr. DOLE. That is not in order. A point of order—that is not in order. The only thing in order is the request of the Senator from Idaho.

The PRESIDING OFFICER. The Chair has stated the point that an appeal is not in order.

Mr. DOLE. Regular order.

The PRESIDING OFFICER. Shall the Senator from Idaho be excused from voting?

Mr. DOLE. I ask for the yeas and nays.

Mr. BYRD. What is the question before the Senate?

The PRESIDING OFFICER. The question is, shall the Senator from Idaho be excused from voting?

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD. Mr. President, what about my point of order?

The PRESIDING OFFICER. It has been stated that a point of order is not in order during a rollcall vote.

Mr. DOLE. Have the yeas and nays——

Mr. BYRD. Mr. President, a Senator has the right to appeal the ruling of the Chair.

The PRESIDING OFFICER. In the past, the Chair has ruled that an appeal will be denied only in the most extraordinary circumstances, and the Chair does not feel that these are extraordinary circumstances, and the Chair has stated that the point of order is not in order.

Mr. BYRD. Mr. President, I insist that these are extraordinary circumstances, and the Senate should vote on whether or not an appeal is in order under these circumstances.

Mr. DOLE. Regular order.

The PRESIDING OFFICER. An appeal should be precluded in these circumstances.

The question is, Shall the decision of the Chair stand that the point of order of the majority leader is not well taken?

Mr. DOLE. A point of order is not in order. I appeal the ruling of the Chair.

Mr. BYRD. What has the Chair ruled?

Mr. DOLE. Regular order, Mr. President.

APPEAL PRECLUDED—SHALL DECISION OF CHAIR STAND

The PRESIDING OFFICER. The Chair has stated that although under the precedents a point of order is not in order at this time, the right to appeal is a most valuable right and is not to be abridged except under the most extraordinary circumstances. The Chair does not believe that these qualify.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. DOLE. That is not in order.

Mr. BYRD. I ask for the yeas and nays.

SEVERAL SENATORS. Regular order.

The PRESIDING OFFICER. Is there a sufficient second?

SEVERAL SENATORS. Regular order.

The PRESIDING OFFICER. Is there a sufficient second for the motion made to appeal the ruling of the Chair?

Mr. DOLE. A point of order—that is not in order.

Mr. BYRD. Mr. President, first of all, can we have order in the Senate, so that Senators can hear what the Chair is saying?

The PRESIDING OFFICER. The point of order of the majority leader is well taken, and the Senate will be in order.

Mr. DOLE. Mr. President——

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President——

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. DOLE. Mr. President——

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. The Chair cannot put the question. We are in the process of a rollcall vote. There is absolutely no precedent for this. It is strict flounting of the rules. Either we are going to play by the rules or not play by the rules.

The only question is whether or not the Senator from Idaho can decline to vote. The yeas and nays have been ordered, and I demand the regular order.

Mr. BYRD. What is the question on which the Senate is about to vote?

The PRESIDING OFFICER. The question on which the Senate is about to vote is shall the opinion of the Chair be sustained by the full Senate.

Mr. BYRD. And the opinion of the Chair was what?

The PRESIDING OFFICER. And the opinion of the Chair was that the point of order is not in order.

Mr. BYRD. May we hear the Chair? What was——

The PRESIDING OFFICER. The opinion of the Chair was that the point of order is not in order during a rollcall vote. The Senate, therefore, is voting on the opinion of the Chair whether or not to sustain the ruling of the Chair as the ruling of the full Senate and on that issue the yeas and nays are ordered. They have not been ordered.

The Republican leader.

Mr. BYRD. Regular order.

Mr. DOLE. Is the appeal debatable?

The PRESIDING OFFICER. The appeal is not debatable.

Mr. BYRD. Mr. President, regular order in the Chair's ruling.

Mr. DOLE. Mr. President, is the quorum call in order?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the full Senate?

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

Mr. BYRD. Mr. President, a quorum call is not in order on this.

Mr. DOLE. I appeal the ruling of the Chair.

Mr. STEVENS. I appeal the ruling of the Chair.

Mr. SYMMS. The yeas and nays are not ordered.

The PRESIDING OFFICER. Shall the decision of the Chair stand?

Mr. DOLE. Mr. President——

The PRESIDING OFFICER. All those in——

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

Mr. STEVENS. A quorum is in order before any vote.

QUORUM CALL NOT IN ORDER

The PRESIDING OFFICER. The quorum call is not in order.

APPEAL OF RULING OF CHAIR

Mr. DOLE. I appeal the ruling of the Chair and ask for the yeas and nays. I appeal the ruling of the Chair on denial of the quorum call and ask for the yeas and nays.

The PRESIDING OFFICER. The Republican leader has appealed the ruling of the Chair on whether or not a quorum call is in order at this time. Is there a sufficient second?

Mr. BYRD. Would the Chair speak louder into the microphone? What is the Chair's ruling on the motion that has been made by the Republican leader?

The PRESIDING OFFICER. The Chair has held that the request for a quorum call during a rollcall vote was not in order.

Mr. DOLE. I appeal the ruling of the Chair.

The PRESIDING OFFICER. The Republican leader has appealed the ruling of the Chair.

Mr. DOLE. I ask for the yeas and nays.

Mr. BYRD. I move to table the—let us give the Republican leader the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second on the appeal.

The yeas and nays were ordered.

MOTION TO TABLE APPEAL—VOTE NO. 105

Mr. BYRD. Now I move to table the Republican leader's appeal.

The PRESIDING OFFICER. The Republican leader moved to appeal the ruling of the Chair.

Mr. DOLE. I suggest the absence of a quorum.

Mr. BYRD. That is the question that has to be decided right now.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. DOLE. I suggest the absence of a quorum.

Mr. BYRD. Call the roll.

Mr. DOLE. There has been no rollcall.

The PRESIDING OFFICER. The clerk will call the roll on the motion to table. The clerk will call the roll.

Mr. HUMPHREY. Dictatorship.

The legislative clerk called the roll.

(After the call of the roll, the following occurred:)

Mr. DOLE. Mr. President. Mr. President.

Mr. BYRD. Mr. President, I ask for the yeas and nays after—I ask for the yeas and nays on the opinion.

The PRESIDING OFFICER (Mr. FORD). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President.

The PRESIDING OFFICER. The Chair is in doubt as to whether to report the vote on the last vote or not, that he will——

SENATOR DOLE DECLINES TO VOTE

Mr. DOLE. Mr. President, I have not voted. Mr. President, I decline to vote for those reasons set out in the Senate rules as follows: I would like to state my reasons.

Mr. BYRD. Mr. President, I ask for the regular order. The question is as to whether or not we can proceed.

QUESTION RECURS ON APPEAL OF RULING THAT POINT OF ORDER IS NOT IN ORDER

The PRESIDING OFFICER. The question now recurs on the appeal of the majority leader that the ruling of the Chair that the point of order is not in order during a rollcall vote, and the yeas and nays have been ordered. The clerk will call the roll.

Mr. DOLE. Mr. President, point of order. Mr. President, point of order.

MOTION TO TABLE APPEAL OF RULING THAT POINT OF ORDER IS NOT IN ORDER—VOTE NO. 106

Mr. WALLOP. Mr. President, I move to table.

Mr. DOLE. I move to table, and ask for the yeas and nays.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I move to table and 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 of the Senator from Kansas to lay on the table the appeal of the majority leader of the ruling of the Chair that the point of order is not in order. 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. WALLOP. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator is recorded as voting "yea."

Mr. WALLOP. Mr. President, I vote "nay."

Mr. QUAYLE. Mr. President, on vote No. 103, I withheld my vote. I would like to be recorded in the affirmative.

Mr. WARNER. Mr. President, on vote 102 I withheld my vote. I should like to be recorded as voting no.

Mr. BYRD. Regular order, Mr. President.

Mr. DOLE addressed the Chair.

SENATOR DOLE'S REASONS FOR NOT VOTING

Mr. DOLE. Mr. President, I was prevented from stating my reasons for not voting in the last vote in violation of rule XII which I will now state by declining to vote on this vote.

Mr. BYRD. Regular order, Mr. President.

Mr. DOLE addressed the Chair.

Mr. BYRD. Regular order.

The PRESIDING OFFICER. Regular order.

Mr. DOLE. Mr. President:

When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the rollcall and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

A Member, notwithstanding any other provisions of this rule, may decline to vote, in committee or on the floor, on any matter when he believes that his voting on such a matter would be a conflict of interest.

No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until after a quorum call ordered for the purpose by the Presiding Officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

Then moving on to the rule because we are talking about the rules——

Mr. BYRD. I ask for the regular order.

Mr. DOLE. We are talking about the rules that are being violated.

Mr. BYRD. The Republican leader is talking about the rules of the Senate. What is involved here is paragraph 2 of rule XII of the Senate.

Mr. DOLE. Mr. President, I am talking about the rules of the Senate.

Mr. BYRD. The leader has already read that. I ask for the regular order.

Mr. DOLE. Mr. President, I continue to state my reasons for declining to vote.

The PRESIDING OFFICER. I would say to the distinguished minority leader we are trying to vote on this one, too, this particular rollcall.

Mr. DOLE. But I have been recognized to vote. I decline to vote. I want to state my reasons. My reasons are the rules of the Senate, what is left of the rules of the Senate, and I think everybody ought to hear the rules of the Senate so I will continue to read my reasons for declining to vote.

Mr. BYRD. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator has stated his reasons, and therefore regular order—

Mr. DOLE. I have not stated my reasons.

Mr. BYRD. I ask for the regular order. This could go on all day.

Mr. DOLE. It may go on all day.

The PRESIDING OFFICER. Regular order.

Mr. DOLE. Mr. President, "When a question has been decided by the Senate"—

Mr. BYRD. Mr. President, I ask the Chair to call the roll.

Mr. DOLE. "Any Senator voting from the prevailing side or who has not voted may, on the same day or on either of the next 2 days of actual session"—

The PRESIDING OFFICER. The Senator puts the Chair in a very embarrassing situation. I wish he would allow me to make a ruling and try to bring order to the Senate. I am trying to operate this Chair in the best manner I know. I know the conflict that is going on. There is an opportunity here for regular order. We will have plenty of time to debate the rules of the Senate. The clerk will proceed.

The assistant legislative clerk continued with the call of the roll.

Mr. DOLE. Mr. President, is the Chair stating I cannot state my reasons for declining to vote?

The PRESIDING OFFICER. The Chair indicated to the distinguished minority leader that he had stated his reasons and therefore we went to the regular order.

Mr. DOLE. That is not the prerogative of the Chair. Is the Chair ruling that I cannot state my reasons for declining to vote because if he is, then I want to appeal that ruling of the Chair.

The PRESIDING OFFICER. I would say to the distinguished minority leader the question now is on the appeal of the point of order during a rollcall vote so the point of order is already a question and the Chair would have to say that the minority leader's position is not the order of the Senate now. We should go to the question on a point of order as we now have it before the Senate.

Mr. DOLE. But I declined to vote on the last vote. I was denied the opportunity to state my reasons for declining. I raise that point now, and if the Chair rules it is not in order, then I want to appeal the ruling of the Chair. If not, then I want to state my reasons because I think we are talking about the Senate rules, and the Senate rules are rather lengthy.

The PRESIDING OFFICER. Well, the Senator has made his point, and the Chair then will rule.

Mr. DOLE. But the Chair has to make a ruling or permit me to proceed.

Mr. BYRD. Mr. President, I ask for the regular order. The Senator has stated his reasons for not voting.

The PRESIDING OFFICER. The Chair has given the Senator from Kansas adequate time to state his reasons.

Mr. DOLE. Mr. President, I have still not voted and decline to vote and let me state my reasons for not voting.

The PRESIDING OFFICER. The Senator has already done that. He has had adequate time to do that. He

could stand there and read the rest of the rules. We only have 7 more minutes and a rollcall is in progress.

Mr. DOLE. Mr. President, respectfully—and I do not want to get in a quarrel with the Chair——

The PRESIDING OFFICER. I do not want to get in a quarrel with the Senator from Kansas either.

Mr. DOLE. If the Senator will just rule that I am out of order, then I can appeal the ruling of the Chair. If not, there is nothing in this rule that says I have to take 1 minute or 30 minutes or a day and a half on stating my reasons for declining to vote. It is not in the rule. And there is precedent for this in 1952. I am not trying to remake the rules, as some are. I am just trying to follow the rules. Either we are going to have rules or we are not going to have rules. If the Chair will rule I am out of order, then I will appeal the ruling of the Chair.

The PRESIDING OFFICER. The Chair is walking a fine line.

Mr. DOLE. So is the Senator from Kansas but——

SENATOR DOLE RULED OUT OF ORDER

The PRESIDING OFFICER. It is the opinion of the Chair and the ruling of the Chair that you cannot go on forever stating your reasons for not voting, and therefore the Chair would rule that you are out of order.

APPEAL OF RULING OF CHAIR—VOTE NO. 107

Mr. DOLE. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—55

Adams	Ford	Mitchell
Baucus	Fowler	Moynihan
Bentsen	Glenn	Nunn
Biden	Gore	Pell
Bingaman	Graham	Proxmire
Boren	Harkin	Pryor
Bradley	Heflin	Reid
Breaux	Hollings	Riegle
Bumpers	Inouye	Rockefeller
Burdick	Johnston	Sanford
Byrd	Kennedy	Sarbanes
Chiles	Kerry	Sasser
Conrad	Lautenberg	Shelby
Cranston	Leahy	Simon
Daschle	Levin	Stennis
DeConcini	Matsunaga	Stevens
Dixon	Melcher	Wirth
Dodd	Metzenbaum	
Exon	Mikulski	

NAYS—45

Armstrong	Durenberger	Humphrey
Bond	Evans	Karnes
Boschwitz	Garn	Kassebaum
Chafee	Gramm	Kasten
Cochran	Grassley	Lugar
Cohen	Hatch	McCain
D'Amato	Hatfield	McClure
Danforth	Hecht	McConnell
Dole	Heinz	Murkowski
Domenici	Helms	Nickles
Packwood	Simpson	Tribble
Pressler	Specter	Wallop
Quayle	Stafford	Warner
Roth	Symms	Weicker
Rudman	Thurmond	Wilson

The PRESIDING OFFICER. On this vote, we have 55 yeas, 45 nays, and the decision of the Chair is sustained.

VOTE NO. 105—SENATOR BYRD'S MOTION TO TABLE APPEAL OF RULING THAT QUORUM CALL IS NOT IN ORDER

The PRESIDING OFFICER. On rollcall vote No. 105, the yeas are 54, the nays are 46, and the motion to table the appeal of the ruling of the Chair is sustained.

(The rollcall is as follows:)

[Rollcall Vote No. 105 Leg.]

YEAS—54

Adams	Exon	Metzenbaum
Baucus	Ford	Mikulski
Bentsen	Fowler	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gore	Nunn
Boren	Graham	Pell
Bradley	Harkin	Proxmire
Breaux	Heflin	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	Wirth

NAYS—46

Armstrong	Hatfield	Quayle
Bond	Hecht	Roth
Boschwitz	Heinz	Rudman
Chafee	Helms	Simpson
Cochran	Humphrey	Specter
Cohen	Karnes	Stafford
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
Dole	Lugar	Thurmond
Domenici	McCain	Tribble
Durenberger	McClure	Wallop
Evans	McConnell	Warner
Garn	Murkowski	Weicker
Gramm	Nickles	Wilson
Grassley	Packwood	
Hatch	Pressler	

VOTE NO. 106—SENATOR DOLE'S MOTION TO TABLE APPEAL THAT POINT OF ORDER IS NOT IN ORDER

The PRESIDING OFFICER. On rollcall vote No. 106, the yeas are 46, the nays are 54, and the motion to table is not agreed to.

(The rollcall is as follows:)

[Rollcall Vote No. 106 Leg.]

YEAS—46

Armstrong	Hatfield	Quayle
Bond	Hecht	Roth
Boschwitz	Heinz	Rudman
Chafee	Helms	Simpson
Cochran	Humphrey	Specter
Cohen	Karnes	Stafford
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
Dole	Lugar	Thurmond
Domenici	McCain	Tribble
Durenberger	McClure	Wallop
Evans	McConnell	Warner
Garn	Murkowski	Weicker
Gramm	Nickles	Wilson
Grassley	Packwood	
Hatch	Pressler	

NAYS—54

Adams	Bentsen	Bingaman
Baucus	Biden	Boren
Bradley	Gore	Mitchell
Breaux	Graham	Moynihan
Bumpers	Harkin	Nunn
Burdick	Heflin	Pell
Byrd	Hollings	Proxmire
Chiles	Inouye	Pryor
Conrad	Johnston	Reid
Cranston	Kennedy	Riegle
Daschle	Kerry	Rockefeller
DeConcini	Lautenberg	Sanford
Dixon	Leahy	Sarbanes
Dodd	Levin	Sasser
Exon	Matsunaga	Shelby
Ford	Melcher	Simon
Fowler	Metzenbaum	Stennis
Glenn	Mikulski	Wirth

VOTE NO. 108—APPEAL OF RULING OF CHAIR THAT A POINT OF ORDER IS NOT IN ORDER DURING ROLLCALL VOTE

The PRESIDING OFFICER. The question recurs on the appeal of the ruling of the Chair that a point of order is not in order during a rollcall vote. The yeas and nays have been ordered and the clerk will call the roll.

Mr. DOLE. Mr. President, I understand the appeal is not debatable, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, a further inquiry: following the vote, I assume that we could indicate whether or not this is limited or just what precedent we may be stating?

The PRESIDING OFFICER. The Senator is correct.

The question is, Shall the decision of the Chair stand as the judgment of the Senate. The yeas and nays have been ordered and the clerk will call the roll.

Mr. BYRD. Mr. President, is this on my appeal of the ruling of the Chair?

The PRESIDING OFFICER. This is on the Senator's appeal of the ruling of the Chair that a point of order is not in order on a rollcall vote.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

[Rollcall Vote No. 108]

YEAS—46

Armstrong	Hatfield	Quayle
Bond	Hecht	Roth
Boschwitz	Heinz	Rudman
Chafee	Helms	Simpson
Cochran	Humphrey	Specter
Cohen	Karnes	Stafford
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
Dole	Lugar	Thurmond
Domenici	McCain	Tribble
Durenberger	McClure	Wallop
Evans	McConnell	Warner
Garn	Murkowski	Weicker
Gramm	Nickles	Wilson
Grassley	Packwood	
Hatch	Pressler	

NAYS—54

Adams	Conrad	Harkin
Baucus	Cranston	Heflin
Bentsen	Daschle	Hollings
Biden	DeConcini	Inouye
Bingaman	Dixon	Johnston
Boren	Dodd	Kennedy
Bradley	Exon	Kerry
Breaux	Ford	Lautenberg
Bumpers	Fowler	Leahy
Burdick	Glenn	Levin
Byrd	Gore	Matsunaga
Chiles	Graham	Melcher

Metzenbaum	Proxmire	Sarbanes
Mikulski	Pryor	Sasser
Mitchell	Reid	Shelby
Moynihan	Riegle	Simon
Nunn	Rockefeller	Stennis
Pell	Sanford	Wirth

The PRESIDING OFFICER (Mr. FOWLER). The yeas are 46, the nays 54, as a result, the decision of the Chair shall not stand as the judgment of the Senate and under these circumstances a point of order is in order.

Mr. BYRD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, does the Chair have any further announcement?

The PRESIDING OFFICER. The Chair would like to rule now on the original point of order. It is the opinion of the Chair that the Senate, in amending rule IV, when it adopted rule IV—that was Senate Resolution 28, 99th Congress—intended that a majority of the Senate had the right to vote without delay on a motion to approve the Journal. The Chair, therefore, rules that a Senator may not decline to vote on the motion to approve the Journal when it is done for the purpose of delaying the announcement of that vote.

The Chair will now announce the result of rollcall vote 104.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Republican leader, Mr. SIMPSON.

Mr. SIMPSON. I would inquire of the majority leader whether that ruling of the Chair had been communicated, even though it need not have been, to the minority leader before his absence from the Chamber, whether that ruling of the Chair was to be done at that moment?

Mr. BYRD. I think the Republican leader understood that, when the Senate voted as it did, the Chair would proceed to, in accordance with the actions of the Senate by direction of the Senate, make these statements. I am sure the Republican leader is not unaware of that.

Mr. SIMPSON. Mr. President, in other words, that there would be a resume of the rulings; is that what the majority leader is saying?

Mr. BYRD. The Chair is attempting to clarify for the legislative record, the actions of the Senate.

Mr. SIMPSON. Mr. President, does an appeal of this ruling need to be made at this time or can it be later made?

The PRESIDING OFFICER. The appeal of this ruling of the Chair would have to be made at this time. Under the rules, the appeal cannot be made after subsequent business would intervene.

Mr. SIMPSON. I believe, Mr. President, we ruled on the issue of voting or proceeding during the period of a rollcall vote to appeal the Chair, and not on the issue of declining to vote when we dealt with that.

Mr. BYRD. Mr. President, that is what the Senate just decided.

The PRESIDING OFFICER. I am sorry, the Chair did not hear the majority leader.

Mr. BYRD. The Senate has decided this matter. I am surprised the Chair is now saying that this can be appealed all over again. I thought the Senate established its decision on this very thing.

The PRESIDING OFFICER. Let the Chair ask a clarification. What the Chair has done, it has announced the decision of the last vote, which dealt with the question of points of order in the midst of a rollcall. The Senate just decided that the decision of the Chair would not stand, but that under those circumstances a point of order was in order.

To state it in the converse—and I ask for the Parliamentarian's careful listening—a point of order would lie in the middle of a rollcall. That was ruling No. 1—on this particular rollcall vote. That was ruling No. 1. Ruling No. 2 had to do with the question of delaying a motion to approve the Journal.

Now, which, the Chair is inquiring of the Republican leader, Mr. SIMPSON, of his requests for a motion does it lie to, the opinion No. 1 or the second opinion?

Mr. SIMPSON. Mr. President, it would be toward the latter. But as I heard the expressed ruling of the Chair, it was with regard to something about declining to vote, and that was not what was before the body, or at least had not gone through the rulings process.

The PRESIDING OFFICER. The Chair will be glad to repeat one more time this ruling as to whether the Republican leader can make any request he deems timely.

The Chair has ruled that when a Senator refuses to vote, it is up to the body, the body of the Senate, to determine whether or not that individual Senator will be excused from voting, and that is what has now been determined in the proceedings.

Mr. BYRD. But only with reference to the circumstances in which the Senate was trying to reach a vote on the motion to approve the Journal. The point of order was confined to that situation.

The PRESIDING OFFICER. That is the ruling of the Chair and was in the initial ruling of the Chair.

Mr. SIMPSON. Mr. President, I am not trying to be difficult; I really am not. What is the difference, then, between that vote and any other vote in this situation? I mean, you are trying to limit it to this, but what is the difference between that and any other rollcall vote?

The PRESIDING OFFICER. The Chair would respond to the inquiry that Senators under our rules would have the right to decline to vote under any other circumstances, subject to the decision of the body as to whether or not—not relating to a vote on the motion to approve the Journal.

Mr. SIMPSON. I say, Mr. President, with all deference, that I do not see how the Chair will ever be able to determine the differentiation of the substance of a vote—what are "good votes," what are votes to be commented on, votes that the ruling applies to, votes that the ruling does not apply to. We come here and we vote on a rollcall vote, and I do not see how anything can be isolated to a certain type of rollcall vote. I think that is a very extraordinary commentary and precedent.

Mr. BYRD. Mr. President, if the distinguished Senator will yield, maybe I can be helpful.

We have to go back to the point of order that was made. The point of order speaks for itself. That is what we are talking about, not just any situation.

The point of order was as follows: "I make a point of order that the request of the Senator is made for the purpose of delaying the conclusion of the vote that the Journal be approved to date."

Without reading the rest of the point of order, that sets the situation into focus. Where Senators decline to vote on other rollcall votes in other situations—this point of order does not go to those. This point of order only goes to the unusual situation, the extraordinary circumstances, in which the Senate found itself today, when it was trying to act on a motion to approve the Journal to date, and when three Senators in succession stood to say, "Mr. President, I decline to vote on this rollcall for the following reason." They did not all do it en bloc. One Senator declined, and we had a rollcall vote as to whether or not he should be required to vote.

Before that vote could be announced, another Senator stood up and said, "I decline to vote on this rollcall because I do not think we have to make a Senator state his reasons," and we had another rollcall.

Then, before the Chair could announce the outcome of that rollcall vote, another Senator—Mr. SYMMS, I believe it was—stood and said, "Mr. President, I decline to cast my vote on this for the reason that I do not believe a Senator should be required to state his reasons."

So you had three Senators in succession declining to vote on the motion to approve the Journal. Obviously, these were dilatory tactics.

For this reason, then, I made a point of order, because I felt that the Senate ought to get on with approving the Journal. My ultimate purpose was to make a motion during that very little, narrow window of time which occurs during the first two hours on a new legislative day, when, if a motion is made in that very little, narrow window of time, that motion is not debatable. I wanted to get to the defense authorization bill without a filibuster on the motion to proceed.

Really, the basic here is not so much the procedural side. I had understood that there was going to be a filibuster of the Department of Defense authorization bill, and that there was going to be a filibuster also on the motion to just take the bill up. Of course, we see now that it was very obvious that there was a filibuster on the motion to take it up.

So, those who oppose the motion to take it up won, because they succeeded in running out the 2 hours. So that I no longer have that little window now on this new legislative day in which to make a nondebatable motion to take up that defense authorization. They have succeeded in that for today.

Now I can make the motion to proceed but it is debatable, and we can debate the rest of the day.

The point here is that I was trying to get to a little window in which to make a nondebatable motion to take up the defense authorization. The way to obstruct that was for Senators to chew that time up, run out that 2 hours, before I could make my motion, and they succeeded.

One Senator declines to vote and a vote is had on whether he may do so. The rollcall takes at least 15 minutes; and then another Senator gets up and declines to vote, and the Senate has to decide whether he may decline to vote, and there is another rollcall vote.

Then another Senator gets up and declines to vote, and then there is another rollcall vote, under paragraph 2, rule XII.

So it is under this particular set of extraordinary circumstances we found ourselves, because we do not have all this hassle over reading the Journal, except on these occasions when the leader is trying to get to some business, and the object is to keep him from getting to that business on a nondebatable motion.

In this way there can be two filibusters, a filibuster on the motion to proceed and a filibuster on the bill itself.

So for the legislative history, the point of order is confined only to that situation in which the Senate is trying to complete a vote on a motion to approve the Journal to date. That and only that is the situation to which this point of order addresses itself. This does not impact on paragraph 2 of rule XII except in the situation where the Senate is trying to get to a vote on the motion to approve the Journal to date and it becomes obvious that the Senators who are declining to vote are simply trying to delay the vote. The point of order is clear on that.

It is confined to that very narrow purpose. The distinguished assistant Republican leader is performing a service in trying to get a clarification of this matter as legislative history so that we can be sure that the impact of the ruling will not address itself to situations which are other than the one I have described.

Mr. SIMPSON. Mr. President, having been in the role of assistant majority leader at one time—eminently more fun that the role of being assistant minority leader—I remember the terrible frustration of the filibuster of the motion to proceed, best described as something that would just drive you goofy as these people would come and begin to filibuster the motion to proceed they had a second shot at it and the best shot at it is when you got to the actual action on the bill.

So I have no problem with understanding the frustration of trying to abort that, trying to get around the filibuster and knowing it was coming and will come on the motion to proceed because of an amendment in that bill. We all know what we are doing here. I am sure it looks to the public as if it is great fun and games. It is not. It is a reality of trying to get to an amendment which is very troubling to people on the arms control issue, the Levin-Nunn amendment. That is what we are doing. Some like that. Some do not.

I do not want to ever get in a parliamentary tangle with the Senator from West Virginia, because I will lose, and I have the deepest respect for him. There is no one that knows procedure more skillfully and more adroitly than the senior Senator from West Virginia.

Here is my question. It really is one that I express quite honestly. I can understand the ruling on points of order during the rollcall but the second ruling whether it is blended in or whether it is worked in or hoveled in, I do not understand when we get to the issue of the Senator who declines to vote, because I do not believe that there has been a ruling of the Chair on the second point. There has been a ruling of the Chair on points of order during the rollcall and that was appealed and that was settled, and that is that.

But whether a Senator may decline to vote in my mind has not been settled and that is the question I am asking. If it is not, then we should ask for a vote on the Chair's ruling and then have things in order unless I miss something in the process.

I guess the other thing I would like to ask is under the decision, and I am not trying to sharpshoot—I am trying to make an orderly procedure because this can be very disruptive. At some point in time in the future you can be in the minority again, and I remembered that always when I was in the majority, a very important part of legislative life. So I think that you do not want to leave us with something that is going to disrupt every rollcall vote from now on.

The sacrosanctness of a rollcall vote is very obvious in any parliament. In fact, in most parliaments the rules say you cannot interrupt a rollcall vote under any circumstances whatsoever and I think it says that here, but there are certain exemptions.

But under the decision of the Senate to overturn the ruling of the Chair, are points of order in order during any rollcall vote? I think that is a very critical issue to present to any legislative body and, if that is the truth, there is going to be a long day's journey into night for anyone who is either in the majority or the minority. It just depends if you are on the side that is not the one with the horses. So that is one issue.

But the other issue is definitely whether we need to appeal this ruling with regard to the declination to vote.

The PRESIDING OFFICER. If the Chair may respond to the specific inquiry of the Senator from Wyoming, the Chair has reviewed its ruling and it is specific. It is limited. The ruling is that a Senator may not decline to vote on a motion to approve the Journal when it is done for the purpose of delaying the announcement of a vote. That is the ruling of the Chair. It is specific and it is limited under this ruling to that opinion.

Mr. BYRD. Mr. President, I only read part of my point of order. I see now I should have read the remainder of it and the Chair has stated it.

I went on to say: I make my point of order that a request of the Senator to be excused from voting on this motion to approve the Journal is therefore out of order and that the Chair proceed immediately and without further delay to announce the vote on the motion to approve the Journal.

Mr. SIMPSON. Mr. President, that ruling has not been appealed. Is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. And it certainly has less weight as a precedent if it has not gone through a vote on the motion to appeal the ruling of the Chair. Is that not right?

The PRESIDING OFFICER. That is the Senator's interpretation.

Mr. SIMPSON. May I yield to my friend from Alaska who has a fine parliamentary background and I know he has a comment with regard to this if I may do that.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I feel constrained to say that my good friend, and he is my very good friend, from West Virginia, in seeking to limit the impact of the ruling that has just been made, has failed to really address the point that the Senate has just violated its own rules repeatedly. The impact of the ruling of the Chair on items that exceeded the authority of the Senate in the first place, cannot now be turned into a precedent that would guide future conduct in this body.

The rules are very specific. I do not think that it is possible to have anything interrupt a rollcall vote except a Senator who uses his right under the rule to decline to vote and then states his reasons for so doing.

The rules are defective, I might add, because they do not limit the amount of time that a Senator can take in stating his reasons, and there is no precedent on that yet. I doubt that we will write into the rules a limitation on a Senator's right to state his reasons.

I understand full well that my good friend would like to have that precedent established by a procedure similar to what we have just gone through, because the difficulty of proceeding to legislation must be extremely frustrating. The Senator from West Virginia knows that I am one who has sought to change the rules, and made specific proposals to do so, so that there would be a limitation on debate on a motion to proceed and we would not have the problem of the leader having to resort to the morning hour procedure in order to get a bill before the Senate that he wishes to bring up.

Now we have talked at length in years gone by about this, and I have made that specific proposal to the Rules Committee. I put it before the body several times in the form of a proposed rules change. But right now I think the Senate is treading dangerously close to trying to change the rules with regard to what can take place during a rollcall.

In my judgment, as I said, nothing can interrupt a rollcall, and I do not take anything that we have done today to have established a precedent that would change the rules to that effect. As I said, and respectfully I said to all of us, we violated our own rules.

The procedure that was being followed, incidentally, was a legitimate procedure under the rules, as I understand them, for a Senator to decline to vote and state his reasons as the Senator from Virginia did. The Chair followed the normal procedure stating that it then became an issue to vote upon and unfortunately whether we like it or not, the rules make it a way to, in effect, delay a leader from getting to a motion to proceed during the morning hour.

I would urge my good friend from West Virginia to consider the problem that we are going to face if we now try to change that basic rule that nothing should interrupt a rollcall in order to use this procedure now to establish a precedent. Because if that is the case, there will be similar attempts in the future, not in the morning hour, to interrupt rollcalls.

That is what worries me most about what we have just done. I do not think we can limit the precedents of the Senate now to the interruption by a Senator of a rollcall to state he did not wish to vote and his reasons for not voting. That can occur at times other than the morning hour. And we are going to be off to the races on filibusters if that happens.

Mr. WARNER. Mr. President, if I could ask the Senator a question.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Chair is entertaining a parliamentary inquiry by the Senator from Wyoming. And, as the Senator from West Virginia and the Senator from Wyoming know, under the rules, no debate is in order during a parliamentary inquiry.

Mr. STEVENS. I may have overstepped those bounds myself. I asked the Senator from Wyoming to state my reasons for urging the Senate to go slow now in trying to establish a precedent from what we have just done.

I thank the Chair.

Mr. WARNER. Mr. President, my observation would not be in the nature of a dilatory one, but I think it would be important. The Senator from Alaska, if I might get his attention, said that nothing should interrupt a rollcall vote, but we still have to resolve the issue. There is a right for a Senator to get up and say he wishes to withhold his vote for certain reasons. What is the period of time that he can absorb in stating those reasons and at what point does that period of time become, in your judgment, an interruption of the rollcall vote? I think that is a subsidiary question you have to address.

Mr. SIMPSON. You have been very gracious, Mr. Leader. I appreciate your willingness to allow Senator STEVENS and Senator WARNER to speak briefly.

I will conclude now. I do not want to take that to a higher precedence status. But I would say this: Under rule XII, I think that we should revisit that and set perhaps some limitation. But the important thing of rule XII—and I share this with the majority leader, who knows these rules by heart—it says in rule XII:

> No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

So what we have effectively done, what the precedent is achieving, is that any time a Senator is exercising his rights under the rules and the majority can vote by a simple majority that the exercise of those rights is dilatory because it is contrary to the intentions of the majority, then a minority member can be prevented by that simple majority vote from exercising his rights. And I think that that is a very unfortunate mistake, regardless of what party you are in, regardless of who is in the majority or minority. Those are some things that we must address.

You cannot leave the phrase "what is dilatory?" up to the definition of the majority who are crashing ahead through the underbrush. That cannot be done. The rule does not say this precedent, but if the precedent is that definition of dilatory is left to the majority, a great right of the minority on an issue, not by party, is trampled and indeed we are lessened.

I thank the Chair.

Mr. BYRD. Did you get an answer from the Parliamentarian?

Mr. SIMPSON. I do not think I want to go any further.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I want to be careful how I say this, because I do not want to be misunderstood.

The PRESIDING OFFICER. Would the majority leader withhold for just a moment?

Mr. BYRD. Yes.

The PRESIDING OFFICER. During our period of extended discussion, we have had an opportunity for some scholarly research that may or may not help answer some of the questions raised on all sides.

Apparently, as a matter of precedence, on January 29, 1915, a point of order was entertained that a Senator had exceeded his rights in giving his reasons for declining to vote.

The majority leader.

Mr. BYRD. Mr. President, I often consider, in amusement, the explosion of interest in the arcane and esoteric rules and precedents of the Senate that occurs only when a situation such as we have seen occur today arises. Suddenly there are many, many experts in the rules and precedents when a situation such as this arises.

On the other hand, contrary to all the plaudits that are often expressed concerning my knowledge of the rules, while I accept all those plaudits with considerable humility, I do not always believe everything Senators say about me, because I have to know—having studied the rules and precedents over the past 21 years, inasmuch as I did the floor work on the Senate floor for Mr. Mansfield, my predecessor, as well as myself; and he would be the first to say that—it is not all that true. I also can learn and do learn and have lots

yet to learn about the rules and precedents.

But it is somewhat amazing that, when a situation like this arises, there are a plethora of Senators and staff people around here who never, or probably never, otherwise bother to open the rule book—and they are busy with other things; I do not find fault with that—but everybody suddenly becomes an expert on the rules.

These matters, when they arise, are a concern to other Senators as much as they are to this one. And I know the Senators on the other side have the expert advice of the Parliamentarian Emeritus, and he was a good Parliamentarian.

Senators have expressed concern about how this particular ruling might some day be extrapolated and expanded and used in situations other than when attempting to enter a nondebatable motion, and one has to get by the approval of the Journal. I am as concerned about the maintenance of the rules and maintenance of order around here as is anybody. I am not going to sit supinely by impervious to the emasculation of the rules in that fashion.

But I hope that this discussion will not go on at this time too much longer, because I also hope we can get on with debate on the motion to proceed to take up the defense bill. That is what the people want to hear. They want to hear the debate on the defense bill.

I hope that Senators will understand, while they implore me and importune me to respect and protect the rules, I hope they will also understand that they likewise have a responsibility. It is not the responsibility just of the majority leader to move the program forward and get the Senate's business done. It is somewhat the responsibility of everybody else as well.

We have spent a whole morning and part of the afternoon now in the exercise of my trying to get to a nondebatable motion to take up the defense authorization bill.

I think it should be obvious to everybody that what was going on here was an effort to keep the majority leader from making a nondebatable motion to take up the defense authorization bill. If I had succeeded in doing so, Senators would still have had the opportunity to filibuster the bill once it is up—or talk about it, debate it, and amend it to their hearts' content unless or until such time as the Senate votes to invoke cloture.

I hope that Senators will not put me to the rack too mercilessly. I have a responsibility to try to get on with the business of the Senate. And it it is not my fault if Senators are, by their dilatory motions and their dilatory actions, forcing me to make points of order which have the effect of setting strict precedents. I did not come here this morning wanting to establish new precedents. I came here this morning wanting to call up the defense bill.

If Senators drive me to the wall in my effort to carry out my responsibility to get a bill up, they can expect points of order to be made. The American people want to hear the debate on this defense authorization bill. I assume the President wants this defense authorization bill. Had only one Senator stood up and declined to vote, I would not have made a point of order. But it happened a second time. We had two rollcalls, and then we had a third Senator stand up who declined to vote. When it gets to that point it just has to be an extraordinary situation. These are obviously dilatory actions.

Who among these 100 Senators has bothered to read the Journal of proceedings one time in the last 10 years? One. I may be going out on a limb in daresaying that another Senator has not. Perhaps another Senator has. But to come in here and say "I decline to vote because I have not read the Journal," that is going a bit far. I would, however, have let that go. But when a second Senator says, "I decline to vote because I do not think I should have to vote to make the first Senator explain his reason for not voting," the purpose becomes a little obvious as being dilatory. When it happens a third time, the majority leader is driven to make a point of order to put a stop to the delaying tactics. So I hope that as Senators in their own consciences attempt to exculpate themselves from blame in this, they just stand back and see what they have done. If they are concerned so much about the rules and precedents in the Senate, then perhaps they should also exercise restraint in the effort to prevent the Senate from taking up a bill.

Mr. President, the following precedents were established today:

First, a point of order may be made during a rollcall vote on, or subsumed by a vote on, a motion to approve the Journal that repeated requests by Senators to be excused from voting on any such vote is out of order as dilatory.

Second, repeated requests by Senators to be excused from voting on a vote on, or subsumed by a vote on, a motion to approve the Journal, when they are obviously done for the purpose of delaying the announcement of the vote on the motion to approve the Journal, are out of order.

Third, a Senator has a limited right to explain his reasons for declining to vote, but may not go on "forever" stating his reasons for not voting.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I cannot tell you how richly I hear what the majority leader is saying. I have been right here at this post pleading across the aisle, and he has always tried to assist, saying "why can you not allow us to get through the motion to proceed and on to the bill?" Well, I would like to help you do that. But we have people on our side of the aisle who are going to prevent that. And they do. And they will. That is the way it is.

We have had some significant meetings on that issue with regard to the motion to proceed, whether we can break through that. And I regret it is a bit sad to watch when we have these two superb people, the former Parliamentarian, Bob Dove, and the present Parliamentarian, Alan Frumin, going through "the dueling banjo" routine. That is really tedious to watch. But it comes from a knowledge that we have to be ready for those kinds of things. And that is the way it is. I wish that were not the case. There are those of us on this side of the aisle who do not profess to be parliamentarians. We are a little sloppy in our work, perhaps. I do not profess to be a parliamentarian. I am like the person who had the operation on his hand and when he finished, he said to the doctor, "Will I be able to play the piano?" The doctor said, "Yes." And the patient said, "Great; I've never played it before!" [Laughter.]

That is the way with me and the rules. But I have learned a lot here today. Everything we did was within the rules. I do not want anybody to miss what happened here today. Everything that was done by this minority was within the rules—everything. That is so very important to recognize. And the reason for it, as the majority leader wants to get to this bill, is so the American people can protect themselves and have a military budget. There are people on our side of the aisle who say the reason we do not want to get to this bill is because the President does not want this defense bill. It ties his hands in Geneva. There is an amendment in this bill which to some of us it is felt so clearly and completely ties our hands in Geneva that we will make no more progress toward arms control for this country this year. Those are pretty heavy stakes.

I do not know how you can say that any more clearly. That is why we are using the rules to the best of our abilities, and scrapping hard to do that. While we make notable, visible progress in Geneva, this amendment could slow that, and that is why we are dealing as we are dealing.

So let the American people know that, too. There is a reason for everything around here, but then there is usually a real reason, and it is often very difficult to get to that.

But I would just share this conclusion with you: If—impatience and frustration are to be the twin hammers

that forge legislation, if that is the way it is to be—instead of using rules and precedents, it will never work. And I know about frustration and impatience because I have been right here gnashing my teeth to the gums watching it. But the system still works. And everything we were doing today was fully within those rules, and I think that is a very important thing for the American people to know. We know it here. Nobody knows it better than these people in this Chamber right now.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I do not think the American people are very concerned about the rules of the Senate; not so much concerned as we are. I want to get on with the debate on the matter that is of importance to the people of this country—the defense authorization bill. Instead, we are just going around and around the mulberry bush here. I am happy to indulge in it and to engage in it. But I would like at some point very soon to be able to make the motion to proceed to take up the defense authorization bill so that the Senate can debate the bill and the language that the President objects to.

If the distinguished assistant Republican leader wishes to make any motions or anything, I will yield the floor. But if he is not, I would like to make a motion to proceed with the consideration of the authorization bill on the Department of Defense, and that is a debatable motion.

Mr. SIMPSON. Mr. President, may I inquire of the Chair whether the Chair announced the results of the rollcall vote on the motion to approve the Journal?

The PRESIDING OFFICER (Mr. HARKIN). No. The Chair must announce the result of the three rollcall votes.

VOTE NO. 104—WHETHER SENATOR QUAYLE MAY BE EXCUSED FROM VOTING

The PRESIDING OFFICER. The Chair will announce the result of rollcall vote No. 104. On rollcall vote No. 104, there were 44 yeas, and 56 nays. The Senator from Indiana may not decline to vote.

(The rollcall is as follows:)

[Rollcall Vote No. 104 Leg.]

YEAS—44

Armstrong	Hecht	Quayle
Bond	Heinz	Roth
Boschwitz	Helms	Rudman
Chafee	Humphrey	Simpson
Cochran	Karnes	Specter
D'Amato	Kassebaum	Stafford
Dole	Kasten	Stevens
Domenici	Lugar	Symms
Durenberger	McCain	Thurmond
Evans	McClure	Trible
Garn	McConnell	Wallop
Gramm	Murkowski	Warner
Grassley	Nickles	Weicker
Hatch	Packwood	Wilson
Hatfield	Pressler	

NAYS—56

Adams	Dodd	Metzenbaum
Baucus	Exon	Mikulski
Bentsen	Ford	Mitchell
Biden	Fowler	Moynihan
Bingaman	Glenn	Nunn
Boren	Gore	Pell
Bradley	Graham	Proxmire
Breaux	Harkin	Pryor
Bumpers	Heflin	Reid
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
Chiles	Johnston	Sanford
Cohen	Kennedy	Sarbanes
Conrad	Kerry	Sasser
Cranston	Lautenberg	Shelby
Danforth	Leahy	Simon
Daschle	Levin	Stennis
DeConcini	Matsunaga	Wirth
Dixon	Melcher	

VOTE NO. 103—WHETHER SENATOR WARNER MAY DECLINE TO VOTE

The PRESIDING OFFICER. The Chair will announce the results of rollcall No. 103. On that rollcall vote, there were 44 yeas, and 56 nays. And the Senator from Virginia is not allowed to decline to vote.

(The rollcall is as follows:)

[Rollcall Vote No. 103 Leg.]

YEAS—44

Armstrong	Hecht	Quayle
Bond	Heinz	Roth
Boschwitz	Helms	Rudman
Chafee	Humphrey	Simpson
Cochran	Karnes	Specter
D'Amato	Kassebaum	Stafford
Dole	Kasten	Stevens
Domenici	Lugar	Symms
Durenberger	McCain	Thurmond
Evans	McClure	Trible
Garn	McConnell	Wallop
Gramm	Murkowski	Warner
Grassley	Nickles	Weicker
Hatch	Packwood	Wilson
Hatfield	Pressler	

NAYS—56

Adams	Dodd	Metzenbaum
Baucus	Exon	Mikulski
Bentsen	Ford	Mitchell
Biden	Fowler	Moynihan
Bingaman	Glenn	Nunn
Boren	Gore	Pell
Bradley	Graham	Proxmire
Breaux	Harkin	Pryor
Bumpers	Heflin	Reid
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
Chiles	Johnston	Sanford
Cohen	Kennedy	Sarbanes
Conrad	Kerry	Sasser
Cranston	Lautenberg	Shelby
Danforth	Leahy	Simon
Daschle	Levin	Stennis
DeConcini	Matsunaga	Wirth
Dixon	Melcher	

NO. 102—APPROVAL OF THE JOURNAL

The PRESIDING OFFICER. The Chair will announce the results of rollcall vote No. 102. On that vote, there were 65 yeas and 35 nays. The Journal is approved.

(The rollcall vote is as follows:)

[Rollcall Vote No. 102 Leg.]

YEAS—65

Adams	Byrd	Exon
Baucus	Chafee	Ford
Bentsen	Chiles	Fowler
Biden	Cohen	Glenn
Bingaman	Conrad	Gore
Bond	Cranston	Graham
Boren	Daschle	Gramm
Bradley	DeConcini	Grassley
Breaux	Dixon	Harkin
Bumpers	Dodd	Heflin
Burdick	Domenici	Heinz
Hollings	Melcher	Riegle
Inouye	Metzenbaum	Rockefeller
Johnston	Mikulski	Roth
Karnes	Mitchell	Sanford
Kennedy	Moynihan	Sarbanes
Kerry	Nickles	Sasser
Lautenberg	Nunn	Shelby
Leahy	Pell	Simon
Levin	Proxmire	Stennis
Matsunaga	Pryor	Wirth
McCain	Reid	

NAYS—35

Armstrong	Helms	Simpson
Boschwitz	Humphrey	Specter
Cochran	Kassebaum	Stafford
D'Amato	Kasten	Stevens
Danforth	Lugar	Symms
Dole	McClure	Thurmond
Durenberger	McConnell	Trible
Evans	Murkowski	Wallop
Garn	Packwood	Warner
Hatch	Pressler	Weicker
Hatfield	Quayle	Wilson
Hecht	Rudman	

Mr. BOSCHWITZ addressed the Chair.

Mr. BYRD addressed the Chair.

Mr. BYRD. Mr. President, has the Chair completed the Chair's announcements?

The PRESIDING OFFICER. The Chair has completed.

Mr. BYRD. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from Minnesota sought recognition first.

The Senator from Minnesota.

Mr. BYRD. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. BOSCHWITZ. Yes.

Mr. BYRD. Mr. President, I hope I can proceed soon to call up the defense authorization bill. I will soon seek recognition for that purpose. I hope that we do not go on and on too much longer in this discussion of the rules but rather that we get on with a discussion of the defense authorization bill.

I have some people in my office who have been waiting patiently since 12 o'clock, and I am sure other Senators have the same situation. But I will be back shortly and I will seek recognition.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. BOSCHWITZ. Does the acting minority leader ask me to yield to him?

Mr. SIMPSON. Mr. President, I appreciate my friend from Minnesota yielding, but let me say to the majority leader there will be no attempt on this side of the aisle, at least that I am aware of, to prevent him from seeking recognition and proceeding. We will not be in that posture; we have not been in that posture. We were using the rules. We put forth our efforts on that point with the rules. I have nothing further.

I certainly want him to know that we are not involved in some concerted effort to delay further. I assume that

it is a debatable motion when the majority leader makes it, and from that point on it will be debated.

Mr. BYRD. Mr. President, I thank my distinguished friend for that assurance. It will be a debatable motion.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I will not proceed at great length. I would like to comment to the majority leader and the Senate about the proceedings of this morning because I think that we perhaps are in danger of establishing a precedent that will not serve the institution, and certainly will make the meeting of the institution more difficult.

I would first point out that the distinguished majority leader sought to bring up the defense authorization bill in the morning hour during which time a motion to proceed is not debatable. As he utilized the rules to his best advantage, so we on this side utilized the rules to our best advantage.

There perhaps were some dilatory practices, I am not sure, on this side, but the rule that deals with dilatory practices, indeed the only rule that deals with them to the best of my knowledge, is that involving cloture, the invocation of cloture.

We indeed felt that it was necessary to respond to the majority leader when he sought to bring up the defense authorization bill in the morning hour, bringing it up in that manner and preventing debate. We want to debate the defense authorization bill. Indeed, we did not want to be denied that opportunity to debate because of the bringing up of the defense authorization bill in the morning hour.

The use of the rules as we used them this morning is entirely within the rules.

There is no definition of a dilatory procedure, as the majority leader would wish us to understand, and dilatory procedures, as I understand the rules, are only curtailed through the process of cloture.

Those are the comments I wanted to make, Mr. President, because before it is assumed by those listening to the debate that we are dealing in delaying procedures, it must be understood that after 2 hours the motion to proceed can indeed be made, as the distinguished majority leader now wishes to make it. But during that period of the morning hour the debate on the motion to proceed simply could not have occurred.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I thank all Senators for their comments. I also thank all for their diligent attendance on rollcall votes.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, I again ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 120, S. 1174, a bill to authorize appropriations for 2 fiscal years, fiscal year 1988 and fiscal year 1989, for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I object.

Mr. BOSCHWITZ. Mr. President, I object.

Mr. BYRD. Mr. President, I move that the Senate proceed to the consideration of S. 1174, 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. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask, first, about the parliamentary situation. It is my understanding that debate is now in order. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I would like to initiate that debate.

I see on the floor the distinguished chairman of the Senate Armed Services Committee. At such time as he wishes to seek recognition, I will try to accommodate him in such a way that I do not lose the floor. Do I detect at this time he wishes to speak before I speak?

Mr. NUNN. I would say to my colleague that I would like to make a brief statement perhaps for 10 minutes. If the Senator would be so kind as to let me make a statement on this subject without his losing the right to the floor, I would certainly appreciate that. I would like to get back to the Iran hearings. I am sure that the Senate proceedings this afternoon will be very exciting. I will try to read the entire RECORD as to the Senator's words this afternoon.

Mr. WARNER. I thank my distinguished colleague and friend.

It would be my hope in the course of objecting to the majority leader's wish to proceed on this bill that we can do it in a constructive manner. It is important that we frame in the RECORD today, in a consistent way, just what are the issues that lead a certain number of Senators, foremost among them myself, to object to bringing up this very important piece of legislation.

I am wondering if we might discuss here, in the presence of the majority leader, the means by which I could speak for a brief period of time without losing the floor, allow the distinguished chairman of the Senate Armed Services Committee to rebut or otherwise comment on my remarks, and then other members of the Armed Services Committee give brief statements, perhaps 10 or 15 minutes in duration, so that we have in the RECORD today a constructive, substantive framing of this debate.

Now, having said that, if it would be agreeable, I will proceed for about 10, 15 minutes and then it would be my intention to seek unanimous consent such that my distinguished colleague could speak for a like period of time without my losing the floor.

Mr. President, I would like to begin my statement on the fiscal 1988-89 defense authorization bill by paying a most sincere tribute to my long-time friend, the Senator from Georgia [Mr. NUNN], chairman of the Senate Armed Services Committee. In his first year as committee chairman, his insight, his leadership, his sense of fairness, and his honest effort to proceed in a nonpartisan way in addressing the Nation's defense needs were certainly recognized by this Senator and I think all members of our committee. He has established in this brief period of time a reputation, a respect which will place him alongside the great chairman who have led this committee.

This working relationship with me, I value greatly. He has shared with me from the very start a role in the decisionmaking of this committee. Our first joint decision was to embark on a course, somewhat different from previous years, for the committee to hold a series of hearings to document the military strategy of this Nation and the forces required to implement that strategy. These hearings laid a foundation for the ensuing work of the committee, primarily the consideration of the 1988-89 defense authorization bill.

It was a demanding task but throughout it all he and other members of the committee worked to keep it on course and on schedule.

The only reason that a certain number of us are opposing the normal consideration of this bill is the Levin-Nunn amendment. I hope that the Senate will recognize the importance in having this amendment separated from the bill and addressed in a context other than the consideration of this bill. I suggest a freestanding bill.

I am pleased to inform the Senate that although eight of the nine Republicans voted against the bill, indeed, in our hearts we felt that the bill represented a sound, equitable, and fair approach to the many issues

involved in the 1988-89 authorization bill.

Now, we had to construct this bill under a degree of uncertainty as to the fiscal constraints. All members of the committee knew that Congress eventually would not be able to authorize a budget authority level and an outlay level as high as we would hope. Eventually, the budget process of the Senate produced the guidelines that are required but they were too late for this committee to incorporate in its final analysis of the bill. We therefore with equal emphasis, proceeded to address the bill at a budget authority level of $312 billion, as requested by the President, and then proceeded a second bill at a zero real growth level.

On the whole both bills in a fair and equitable manner balanced the necessities of reducing spending in view of the fiscal constraints and came out with a reasonable prioritization of the programs.

We also recognize that the House of Representatives is in the process of developing their bill at levels somewhat below that of the Senate. I say somewhat. Indeed, they are drastically below the level of the Senate. In the conference process a bill will eventually emerge which will have, again, regrettably, reductions below those established by the Armed Services Committee will in this bill be able to establish a position of the Senate as a whole.

Now, Mr. President, turning to that single provision in the bill which led eight of the nine Republicans to set a precedent, namely to vote against reporting out of committee this bill. I will summarize the basis for our opposition. The so-called Levin-Nunn amendment—indeed, it was a last-minute approach taken about 7 o'clock on a Thursday night when we had anticipated concluding on a Friday—would prohibit the expenditure of funds for certain development and testing procedures relating to the strategic defense initiative, SDI. It would require a joint resolution of the House and the Senate before the President could proceed with any development or testing of SDI which would not be conducted under the so-called narrow interpretation of the ABM Treaty.

In other words, either the House or the Senate could decide not to permit exercise of their options by the President. In effect, a one-House veto, a one-house veto which is a very dangerous precedent for the Senate to give in view of its explict powers under the Constitution on the "advice and consent" role with respect to treaties.

My objections are several. First, the provision represents a unilateral constraint on the United States on a military program which both the United States and the Soviet Union are now pursuing. The Soviets have been and are continuing to pursue an SDI program. This amendment would have the effect of placing on the United States Commander in Chief a restriction which would prevent him at some point in time from exercising the discretion to alter the R&D and testing program. It would in effect send a signal to the Soviets that we are now, going to interpret the treaty in a way to eliminate an option allowing the President to pursue a different course of action at some future date.

Now, this action is proposed to be taken by the Senate, the House have adopted a similar amendment, at the very time the negotiators are in Geneva endeavoring to reach common accords on a number of objectives to reduce the level of nuclear weapons throughout the world. It would limit the flexibiltiy of our negotiators and would impose on them a new starting point that indeed I think the Soviets would welcome. Essentially, if the Congress were to adopt this amendment, they would be pulling a chair up to the negotiating table and taking a seat alongside the negotiators, and that is unprecedented in the history of our Nation. Indeed, it is contrary to the balance of powers between the executive branch and the legislative branch, as set forth in the Constitution and a number of Supreme Court cases.

I ask my distinguished colleagues who oppose me: What has the United States received in return for this unilateral concession?

The Levin-Nunn amendment would permit an unacceptable intrusion by Congress into the President's jurisdiction to conduct our Nation's foreign affairs. Those Members supporting the Nunn-Levin amendment would be transgressing, in my judgment, that balance of power between the executive and legislative branches.

Second, under the restrictive interpretation recommended by the Levin-Nunn amendment, the United States may conduct only a limited number of SDI experiments; and if we were to direct that course of action, we would be taking away from the President the option of pursuing what we now recognize to be a more efficient, expeditious, and cost-effective research and test program to evaluate the feasibility of a deployed defense system.

In today's fiscal restraint atmosphere, a program of this magnitude should be examined in terms of saving dollars. The President has not yet made the decision to alter the present course of R&D and testing, but I say that Congress should not tie his hands at this critical time in the negotiations taking place in Geneva and while Congress is seeking ways to make defense programs less costly.

Third, the Levin-Nunn amendment would impose on the United States a restrictive interpretation of the ABM Treaty to which only the United States and not the Soviet Union would be bound. The precedents in this country clearly indicate that the President has the constitutional responsibility for implementing treaties during their lifetime. We are endeavoring, by virtue of this amendment, again, to transgress that constititional responsibility.

Historically, our negotiators attempted to restrict both the United States and the Soviet Union to the narrow interpretation of the treaty during the period it was under negotiation some 15 years ago. But the record reveals that the Soviet Union was the party to those negotiations which refused to accept the United States position.

Now, some 15 years later, the Levin-Nunn amendment would bind only the United States to that restrictive interpretation and would have no corollary effect on the Soviet Union's obligations under the treaty.

Fourth, the Levin-Nunn amendment is in part based on concern for the proper role of the Senate in giving advice and consent on the ratification of treaties. This is certainly an appropriate concern, but the approach taken by the Levin-Nunn amendment would yield to the House of Representatives an effective veto over any Presidential decision to conduct development or testing beyond the restrictive treaty interpretations.

The amendment requires a two-House vote of approval before the President may proceed to such development or testing. Therefore, if the House alone should decide not to approve such a decision, they would prevail under the Levin-Nunn amendment.

For those Members who are concerned about the Senate role in this process, let me put it another way: If a majority of Senators were to agree that the President should be able to conduct certain tests under a broad interpretation, and the House of Representatives refused to give like approval, then the will of the Senate would be overruled. A simple majority of the House could overrule not only the President's decision but also a decision by the Senate. I trust that the authors of the amendment will be able to address this during the course of their debate.

Mr. President, I should now like to conclude my first address on this matter; and now ask unanimous consent that my distinguished colleague, the chairman of the Senate Armed Services Committee, the Senator from Georgia [Mr. NUNN], might take such time as he feels is necessary to make such preliminary remarks as he feels are appropriate, and to do so without my losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I thank my colleague and friend from Virginia for his kind words.

I certainly echo his words of praise, because he has been an outstanding leader in the Armed Services Committee for many years. He has been an outstanding Secretary of the Navy and has been a great member of our committee. He has been the ranking member of the committee on the minority side since I have taken over the chairmanship. So our relationship goes way back.

I assure my colleague that whatever transpires in the course of this debate, that relationship on matters relating to our national security will continue in a positive vein. I assure all my colleagues of that. This is a fundamental difference. We have fundamentally different viewpoints on this issue. It is going to be hard ball. It may very well kill the authorization bill this year. It may very well kill the appropriation bill, except for a meager continuing resolution. I think that is where this plays out.

I am not sure there will be 60 Senators voting to break this debate and go to the bill. I hope there will be, because this is not SAM NUNN's bill; this is not the chairman's bill; it is not the Democratic bill. It is not the Senate bill alone. This is the authorization bill for the Department of Defense.

I am therefore curious about some of the events that have transpired today. I am curious about where this will all lead. I am curious about what lies down the road. I understand the temporary tactics, but I am not sure how it plays out. It seems to me that we do have Members of the Senate who feel strongly about a particular provision, and they are at this point preventing the Senate from considering the entire fiscal year 1988-89 defense authorization bill which was reported to the Senate by the Armed Services Committee last week.

This is an incidental matter, but this is a 2-year bill; the first time we have had a 2-year authorization. The second year we have not put in 100 percent of the request, because the administration does not meet the Gramm-Rudman-Hollings targets. As the Senator from Virginia knows, we do have 73 percent of the requested authorization for the second year—that is, fiscal year 1989—which is incorporated in this bill.

Mr. President, Congress has enacted the defense authorization bill each and every year for 25 years. Virtually the entire defense budget now requires annual authorizations as a matter of law under title X of the United States Code. The Pentagon may not obligate or expend any funds unless they are authorized.

And that means authorized in the process of this bill and its counterpart in the House.

Preventing this bill from being debated will put the Department of Defense over a period of time in a very difficult situation.

The thing that is curious about this action to me, Mr. President, is that this authorization bill is essential to improving and strengthening our Nation's defenses, and certainly our colleagues on the other side of the aisle as well as this side of the aisle always have prided themselves on being very much in favor of our national security.

I can only assume at this point that perhaps my colleagues have made a mistake. They may be mistaken about what this bill is.

I say to my colleagues in case there is any mistake that this is not a State Department authorization. There are no nominations in it. There is nothing in it that controversial. It also does not have any revenue enhancements in it, to the best of my knowledge as chairman of the committee. Revenue enhancements are what some on this side of the aisle called tax increases. Until 1984, when we were taught a very vivid lesson. There is nothing in here like that. There is no controverisal nomination.

So I would say that our colleagues who are exercising their right under the Senate rules for extensive debate on the motion to proceed need to consider very much where they are going in the overall procedure here.

If this bill is blocked, is the Senate in effect saying, as our colleagues are saying, that we will forego for 2 years the procurement of all ships, airplanes, tanks, and vehicles for the military services that this bill contains? Is that what we are saying? Are those who are blocking the bill saying we are to forego 2 years of training and exercises necessary for Air Force pilots, our Navy crews and Army battalions to be ready to fight if a war comes about? Are those who would block this bill saying for 2 years we can turn out the lights in our alert missile silos, stand down our strategic bombers and take off alert and stand down our sea-based missile force that constitutes the heart of the deterrent? Are those who block the bill saying for 2 years we do not want to buy spare parts, ammunition, and other supplies to sustain our forces in combat? Is that what is being said?

Are those who do not want us to proceed to consider this bill saying that we do not need the 2.2 million men and women on active duty and 1.2 million National Guard and Reserve personnel which this bill authorizes? Is that the message going out?

Are those who would not have us proceed on this bill saying we do not want the 4-percent pay raise this bill provides for our military personnel or that we do not want to increase the sea pay and submarine pay for those military personnel who have to undergo very long and very difficult family separation? Are those who do not want us to proceed today saying that we do not want any military construction for 2 years at any installations in the United States or overseas? Are they willing to forego the bed down of beginning of the B-1 Program in terms of deployment, the new, light division in Fort Drum and Fort Wainwright, all the naval strategic homeporting and family housing for military housing? Is that what we are saying here?

Are those who do not want to proceed today willing to forego the research and development programs for such important programs as the Stealth bomber and SDI Program which are certainly essential to the security of our country? I that what is being said?

Mr. President, I can only conclude the answer to these questions is really "No" because I know my colleagues better than that. I know they do not want to hold up those programs. But I am not sure where this is going to lead us.

Certainly we can fool around for a week or two. We can have a long and lengthy debate, and I think we should have a long debate on this controversial provision, but I certainly do not believe my colleagues on the other side of the aisle are willing to sacrific all of this, which is really the heart of our Nation's security, over one provision because this filibuster, if it can be called that. Perhaps we should delay that wording right now, but I think that is what we are in, not just blocking one provision, but blocking the entire authorization bill for the Department of Defense for fiscal years 1988 and 1989.

What is it that is so objectionable in this bill? What is it that prevents our colleagues from even wanting the Senate to debate the bill itself and turn to it in a formal sense on the floor?

It turns out, Mr. President, that the problem is with only one provision of the bill. That is section 233 which deals with the testing of the strategic defense initiative.

This provision, authored by the Senator from Michigan and cosponsored by myself and voted for by 12 members of our committee, prohibits the expenditure of funds for testing or development of mobile or space-based ABM systems or components, including ABM's using exotic technologies, unless the President submits a report to Congress and Congress passes a joint resolution allowing this testing. The joint resolution would be subject to expedited procedures in both

Houses to guarantee its prompt consideration.

This means that the President, if he decides to go to the broad interpretation in terms of testing, would have to file a report in Congress and he would have to get Congress' approval.

I ask my colleagues, does anyone believe that we really could begin a program that would depart from the historical traditional interpretation of the ABM Treaty without Congress being in on the act? I do not understand that logic. I do not understand that logic when you are talking about a program where the least amount of money that you are talking about to go forward is probably $4 to $6 billion a year. For the next 5 years you are talking about escalating costs on up the ladder and if you are talking about deploying it you are talking about anywhere from $50 billion to $1 trillion and $1½ trillion.

I do not see how anyone can think that can be done without a bipartisan consensus and without approval of both Houses of Congress.

What we are saying is, do not break out of the ABM Treaty without our having something to say about it.

We view the broad interpretation as a reinterpretation of the treaty. We say that to reinterpret, Mr. President, you cannot alone do it alone. We are saying you have to get Congress on board. I just do not see how you can proceed on a program of this magnitude without having Congress on board. Someone is going to have to explain that to me.

I cannot understand why the opponents think this is such a radical departure.

First, the President has not even requested the funds to do that which this provision would prevent them from doing. On the contrary, the administration has testified that the strategic defense initiative program for the next 2 fiscal years has been designed to fully comply with the traditional interpretation of the ABM Treaty. That is the testimony we have before us.

Second, even if the strategic defense initiative would be restructured to conform to the so-called broader interpretation, the key systems in the specific near-term deployment architecture which are now being pushed by some advocates of the strategic defense initiative, still could not be developed or tested in all probability in space even under the broad interpretation. That is the most curious thing of all.

The programs that relate to early deployment are the kinetic kill programs, and those programs are not new technology. Those programs are not exotic technology. So even if the broad interpretation is adopted by the President and even if Congress approves it, there is a strong case that these kinetic kill programs cannot be tested under the broad interpretation. They can be tested if the President decides to abrogate the treaty and I think in that case he ought to also certainly get the approval of Congress, but that is another issue.

The reason that this is true is because the systems that are so-called early deployment options involve traditional technologies that were in effect in the early 1970's, not so-called exotic or futuristic technologies. The difference between the broad and narrow interpretation, and we have been hearing an awful lot about this, is not a vast difference. It does not relate to whether you can deploy SDI. Both broad and narrow say that you cannot deploy strategic defense initiative type systems except under the very limited land-based system provision of ABM Treaty. So this issue is not about deployment. It is really not about traditional technologies; it is about future technologies. Therefore, the most puzzling part of this whole exercise to me, one that makes the whole exercise so futile at this point in time, is that the technologies that are being talked about for early deployment cannot be tested under either interpretation, whether we have the broad or the traditional.

That is what really boggles my mind. I do not understand what we are debating.

The New York Times Sunday had an article which talked about the new technologies and talked about the proposed kinetic kill program and talked about the various legal interpretations and noted that Judge Sofaer, who is the primary author of so-called broad interpretation, said even he had not decided that these early deployment systems could be tested under the broad interpretation. Yet we have a Defense Department report that is conjuring up this huge cost and delay that is going to take place after we have the traditional interpretation. I have not seen it yet, but I am told that the primary ingredients in it are the old technologies which cannot be tested under either interpretation.

It is a very, very curious thing that we are going through here. I think it relates more to ideology and perhaps even theology than it does to actual reality about where we are in terms of SDI.

The third reason I would say that this whole area is puzzling to me, is that it would be unprecedented, Mr. President, for Congress to give the President of the United States a blank check to unilaterally undertake a major restructuring of important defense programs. What the President is saying is give me $5.7 billion and let me do anything I want with it and I will tell you what I have done after I have done it, perhaps.

Basically, they have testified they do not need the broad interpretation to carry out the program over the next 2 years. There is, however, a Defense Department report, I say in fairness, that is now floating somewhere out there in the secret corridors of the executive branch, only known to the executive branch so far and the news media, not yet shared with the Senate, that says they need this broad interpretation. I hope at some point, when it has been thoroughly hashed out in the newspapers and they all throughly understand it, that the Senate will be given a copy of that report. I trust that is the case.

Nevertheless, what we have here is the President asking for a blank check. Now, what we have got in this bill is not the full administration request for SDI. I think we have a very good number in the bill for SDI. We have $4.5 billion, with a pretty good consensus on our committee on that. But I must say that consensus was framed on the basis of what the administration had testified to as to what was going to be done with the money, and that is to have the money spent in terms of the traditional interpretation.

My friend from Virginia mentioned a minute ago, if I recall his exact words, something to the effect that this would basically interfere with the President's prerogatives in Geneva. There is nothing in this amendment that keeps the President from announcing that he is going to the broad interpretation. There is nothing in this amendment that keeps the President from abrogating the treaty, although I think that would be a very unwise decision. He has a right to consider that as an option. I think Congress ought to be brought into that one, too. But, nevertheless, there is nothing in here that prevents that.

What it says is that since you have testified you are going to adhere to the traditional interpretation for the next 2 years, if you are now going to depart from your own program, as described to us in the Abrahamson testimony, if you are going to depart from that, you cannot do it without Congress. We did that on the MX.

Can you imagine the Congress saying to the President:

> Here is $4.5 billion for the MX missile, Mr. President. Now, you go on out there and you put it in any kind of basing mode you want. Don't check back with us. Just go do it. Put it in fixed silos or put it in some side of a mountain or put it on a ship. Just here is the money, you go on out there and do it.

We have never done that. Nobody would even consider doing that. In the case of the MX program, Congress insisted on having both the House and the Senate approve the basing mode. We have to approve, the House and the Senate that is, everything in the Department of Defense bill whether the executive branch likes it or not. That is part of what the Constitution

of the United States says is our duty. We have to approve that.

As a matter of fact, if you go back to the ABM Treaty itself, there was a decision made not to deploy any ABM's, which we had a right to do, around the Nation's Capital. That was made in the early 1970's. Who made that decision? Congress made that decision.

Under either interpretation of the original ABM Treaty, we could initially have deployed a system around the Nation's Capital, a limited sytem. The Congress concluded it would not be worth the money. But, nevertheless, who approved that? The House and the Senate.

We also approved only a limited number of ABM's for deployment at Grand Forks and then finally decided not to have any ABM's there. Who made that decision? The House and the Senate.

And now we are told:

Forget about all that. Forget about all that. Forget about the constitutional duty of Congress to take care of the Department of Defense. We want to give the President $4.5 billion and we want him to be able to do anything he wants with that money, whether it complies with his representatives' testimony before the committee, or whether it complies with our view of the ABM treaty or not. Just give him the money. Give him the money because we are involved in arms control negotiations in Geneva.

We could have done that on the MX. We could have said with regard to the MX basing mode issue:

Oh, that is important to our negotiating position in Geneva. Therefore, Mr. President, we are going to throw a hunk of money at you and you just do whatever you think is right in that case.

Now, we did not do that. There was not anybody, I do not think, that advocated that. We are all involved in that basing mode debate.

We are told now that because we are restricting the kind of SDI testing the President can do unilaterally without coming back to Congress, we are told this is some kind of radical departure and that it is an intrusion on foreign policy.

I do not understand that. The logic escapes me completely. Was it an intrusion on foreign policy for the Congress to put a restriction on the MX basing mode? Was it an intrusion on foreign policy for the Congress to put restriction after restriction on what kind of deployed ABM system we were going to have? It never has been deemed so before. That is not foreign policy. That is a question of how you spend money.

Now, I will certainly grant you that how you spend money in defense has a spillover effect in foreign policy. But we are not saying to the President of the United States:

Mr. President, you can't go over there at Geneva and talk to the Soviets about a broad interpretation.

We are not saying that. We are not saying:

Mr. President, you can't tell the Soviets in Geneva that it is your plan, If SDI works and is feasible and so forth, that it is your plan to deploy it at some point.

We are not saying that. We are simply saying:

Mr. President, here is $4.5 billion in this bill for the Strategic Defense Initiative. If you are going to spend in it in a way that has not been presented to the Armed Services Committee and the Congress and in a way that is not part of your traditional interpretation and not part of your presentation to the Armed Services Committee, we have got to approve it first.

We did not do this out of the blue. We did not come out of some vacuum. What we were reacting to was a State Department opinion and a Presidential dialog with verious agency heads in his administration that asserts the right of the administration to go to this new interpretation any time they want to. They finally, after a long time, agreed to consult with the Congress. "Consult:" that could be 1 hour, it could be 5 minutes, it could be 1 month, it could be 2 months, it could be 9 months. We do not know what "consult" means. No one else has ever known, either, though it is better than nothing.

We are in what I consider to be uncharted constitutional waters here. We have the administration saying: "Give us $4.5 billion. We reserve the right to unilaterally interpret our treaty obligations." Treaties are if you believe the U.S. Constitution, the law of the land. But the administration says: "Leave that up to us, boys. Don't you get involved in all those nitty-gritty things about what the Constitution means. Tell us that we can go out and spend this money any way we want to. We will take the $4.5 billion and if we can devise a test soon enough that would be reach this key provision of the ABM Treaty, give us the authority to do it."

Now, I just really cannot believe that my colleagues on that side of the aisle—and I treasure my friendship with so many people on that side, as I do on my side—I cannot believe the Senate's institutional role is going to be disregarded in this debate. I cannot believe the Senate's responsibility to ratify treaties is going to be disregared. I cannot believe that we are going to say to the President of the United States, whether he is a Republican President or Democratic President: "Mr. President, you interpret the treaties. We will give you the money and you do whatever you want to with it."

I suppose that "Mr. Conservative," by everybody's definition, is Barry Goldwater. Barry Goldwater went to the Supreme Court of the United States on a matter of principle when there was a revision of the treaty with Taiwan, known as the Republic of China. The Supreme Court, as I understand it—and I am going to do more research on this—declined to decide the case on procedural grounds, in part because the Senate has not spoken on that point. But Senator Goldwater went to the Supreme Court of the United States as a matter of principle—"Mr. Conservative," a man we all love and cherish, former chairman of this committee—because he did not believe the U.S. Senate ought to be disregarded on the ability of a President to abrogate a treaty. And that was the Senate had not even spoken.

And now here we have an effort to keep the Senate from debating this provision, not after a majority has spoken, but without the Senate having ever debated this provision. What we have is an effort to block the Senate from speaking on the issue.

It seems to me that is flipping the whole theory that Senator Goldwater had, when he went to the Supreme Court, on it's head. We are not even going to be permitted, if the filibuster succeeds—and maybe it will—we are not even going to be permitted to speak on this issue.

Well, Mr. President, I just believe there is a lot of soul-searching that has to go on. I also think the executive branch has got to do some. It seems to me the executive branch is in one of the most curious situations I have ever seen. They are over in Geneva negotiating a treaty on intermediate range nuclear forces, the so-called INF treaty. Hopefully, in the next few months, they are going to have a treaty and they are going to present it to the U.S. Senate. Then they are going to be confronted with the State Department theory, which departs from everything we have known in our constitutional history. They are going to be confronted with that and we are going to have to say to them:

Mr. President, Mr. Secretary of State, we sure would like to consider that INF treaty, but you have told us with regard to the ABM treaty that what the Senate is told by the executive branch witnesses, the Nixon administation of 1972, was wrong and it does not have any meaning.

What we should have done in 1972 is gotten that negotiating record, and we should have gone through every detail of it. Wherever we had a question about that negotiating record, we should have put it in the form of a reservation. We should have said the treaty is ratified subject to this reservation. And we should have required the Soviet Union to agree to that reservation. We should have not only done it on things that were at issue, things of controversy; but we should have taken something that was not controversial that some astute lawyer might 15 or 20 years later think should be changed, and have taken

that and put it in the form of a reservation, too.

The State Department is basically telling us, "Do not trust what the executive branch witnesses say before the Senate; do not trust what they portray as the meaning of a treaty; do not do that. Go back and look at the negotiating record, then put in reservations, and make sure that the other party agrees on them and signs them." I think that almost renders helpless the executive branch treaty-making authority. What we will have to do when the INF treaty comes before us, based on this State Department document, unless they change it, is say, "Get the wheelbarrows out, folks; haul those documents in." We will have to obtain every memorandum that has ever been written in the executive branch about this negotiation. We will have to have every secret or classified subjective opinion by our negotiators. We will have to have all of that not only on INF, but since this is a three-basketed negotiation, we have to find out what was said in the START talks and what was said in the space talks because there certainly has been overlap, even though these talks may still be ongoing.

If we do not get the INF negotiating record, there is no earthly way we can comply with the State Department, or Sofaer, or executive branch doctrine of Senate responsibility because they are saying: "Do not believe what we say, go look at the negotiating record on anything that is important, put it in the form of a reservation, and make the Soviets sign it again." That is an untenable position for the executive branch to take. What is just truly amazing to me is that there are not more people in this administration who seem to understand this, because what they are doing is jerking the rug right out from under their own feet in terms of treaty ratification.

Our Founding Fathers intended treaties to be difficult to ratify. There is no doubt about that. They would not have put the two-thirds requirement on it if they did not think the treaties ought to be ratified very, very carefully. But I do not think they ever intended that we were going to not even trust what was told the Senate of the United States by official executive branch witnesses and was adhered to by four different administrations over a 15-year period. I do not think they believed it ought to be that difficult.

So what is at stake here is a whole lot more than the question of a little negotiating leverage in Geneva. I think it was very little. I am not going to make a case it had no leverage. There was probably some very small amount of negotiating leverage. But what we are doing in the first place is holding up the whole defense bill because of what which seems to me a totally disproportionate concern.

The second thing we are doing, if you take the State Department doctrine, is eroding very severely the ability of the executive branch and the President, whether this President or the next one, to enter into treaties with the hope that they may be ratified. I cannot conceive—and I have been over to Geneva a lot of times, and I know a lot of other people who have, too—of how we could go through a negotiating record on INF in a period of less than several months. I do not know how many Senators are going to go over the record. If we had the same rule we have with the ABM negotiating record, you have to go up to S407 and really only about two Senators at one time can read it because there are only one set of books, and they are pretty big. But you really have to do it in two's.

I do not see how we can get through an INF Treaty ratification procedure in less than probably 8 months to a year. I do not see how it could be done physically, if even 40 or 50 percent of the Senators are going to read the record.

Someone had better start thinking about where we are going. We are on a slippery slope here. We are on the slippery slope regarding the Senate's role under the Constitution of the United States and the ratification of treaties. We are on the slippery slope as far as perhaps killing the defense authorization bill. We are on the slippery slope as far as the treaty-making authority of the President of the United States, whether President Reagan, President Carter, or the next President. We are on the slippery slope as far as being a nation of laws. And we are on the slippery slope as far as whether America's word can be taken when we enter into an obligation.

I want to say right at the beginning, before anybody points it out, that if there are Soviet violations of this treaty—and I think there are some—then I think we ought to deal with those violations forthrightly. You do not deal with the Soviet violations by reinterpreting a treaty. The treaty of the United States is the law of the land. If a treaty is going to be reinterpreted 15, 16 years after the fact, the Congress of the United States has to have something to say about that law. The President cannot unilaterally reinterpret a law. He cannot do that. He cannot unilaterally reiterpret a treaty. He can come to the Congress. He can say to the Congress in good faith, "We think there has been a misinterpretation for 15 years, and we want to enter into a dialog with you, and we want you to approve a reinterpretation." That would be in order.

There are those who would say that if indeed the Sofaer analysis of the negotiating record is correct; that is, that the United States and the Soviet Union had an understanding and the Senate of the United States ratified another agreement, then that agreement with the Senate should not be binding on the executive branch vis-a-vis the Soviets; if that were the premise and if that were correct, it would be a case of first impression. However, I think the Sofaer analysis on the negotiating record is fundamentally wrong. I have already said that.

We are going to be getting into that debate, I hope, in open fashion. I hope it will be open. I understand there was a report released today, at 2 o'clock, that basically lays out the negotiated record which was previously classified, and which took 9 months for us to get, which is now being declassified as far as the Sofaer part of it. I have been assured by Judge Sofaer and Paul Nitze this morning, speaking for, I assume, the administration, that any Senator, including me or any other Senator who had an opinion on that negotiating record, will also have the right to have it declassified. Of course, in all fairness, that will be the only acceptable route. I do think that is going to happen.

But the point is, Mr. President, this is a serious issue. It deserves to be treated seriously. I do not think a prolonged debate is going to solve anything. I think what a prolonged debate is going to do is probably erode the ability of this Congress to pass an authorization bill.

Again, it is not my authorization bill, or a Democratic authorization bill. It is an authorization bill that authorizes the Army, Navy, Air Force, Marine Corps, and all the personnel, and all the pay of our people around the world. Certainly the theory can be, well, we will limp through with a continuing resolution. Maybe we will in October or November. Maybe we will erode the ability of the Armed Services Committee to present a bill next year. I do not know.

Whatever else, I know this: I know a continuing resolution is going to have a very adverse effect on the Department of Defense because you are not going to be able to start a lot of new programs. You are not going to be able to have the major thrust that we have in this bill. I think all of our colleagues know that. I know that. I know every member of the Armed Services Committee who has contributed to this bill does not want to see it go down the drain. If there are 51 votes to take this provision out, then you will see me marching off and following the orders of the Senate. I am not going to filibuster anything because I think the defense of our country is too important. So if 51 of our colleagues decide the Levin-Nunn amendment should not be in here, I will adhere to that. I will respect it. I would not agree with it, but I would

respect it. I will urge my colleagues to do likewise.

Let us debate it. Let us talk about the issue as long as necessary. But let us do so in a spirit of comity and a spirit of understanding that there is a lot more at stake here, a lot more at stake than simply the question of whether we have a broad or narrow interpretation. We have institutional concerns. We have concerns about the Constitution. We have concerns about the role of the Senate. We have the armed services of our country and the national security which are very much at stake.

I want to repeat one thing. If we have to go all the way to October, November, unless there are 51 votes to take this provision out, it is going to be in there as far as I am concerned, unless the administration decides they are going to make some accommodation which they should have done to begin with. If the administration decides that this is a partnership, this Government is not a government by king and the Congress of the United States has something to say about this, if they take that attitude, and give us the proper assurances, there is no need to have anything in law.

But what we have right now is the President and his advisers saying that they can do anything they want to with that $4.5 billion. "Give it to us, folks, and we will decide what is right. We will decide what the Constitution says about treaties. We will decide what the law of the land is. We will decide that unilaterally. We do not need any advice from the Congress," That is an unacceptable position from the executive branch.

It will be unacceptable in this month, it will be unacceptable in June, it will be unacceptable in July, it will be unacceptable in August, September, October, November, and December. It will be unacceptable in my view to a majority of this body from now on.

I thank my colleague for yielding.

Mr. WARNER. Mr. President, before my distinguished colleague leaves the floor, he mentioned he had talked with Judge Sofaer about the declassification of portions of the record.

For purposes of clarification, you indicated that if another Member of the Senate had a concern, I think you prepositioned it with it would be declassified, and the "it" referred to a portion as opposed to the whole. Am I correct in that assumption?

I think other Members of the Senate do have a concern about that and are listening, hopefully, to what my distinguished colleague has said. I just want to clarify what was your interpretation of what Judge Sofaer, counsel to the Secretary of State, said.

Mr. NUNN. I thank my friend from Virginia for asking for the clarification.

My understanding was that the Sofaer analysis of the negotiating record was to be released at 2 o'clock this afternoon with a declassified version.

Mr. WARNER. A portion of it is here and I intend to address it.

Mr. NUNN. That is correct. The whole record has not been declassified.

Mr. WARNER. That is right.

Mr. NUNN. If there is a Senator, and I have my own report which I will be asking for declassification on, if a Senator has a report as to their view on the ABM interpretation of the negotiation record—

Mr. WARNER. Or a portion.

Mr. NUNN. There is no reason you could not include the whole record if you needed clarification. There has been no limit. I do not know how you could say we are going to take parts of the Sofaer interpretation and declassify those but if you have other points they will be classified top secret and you cannot tell us about those.

The understanding I had was anything relevant to an opinion on the narrow or broad interpretation, if anyone felt strongly about it, would be declassified.

Mr. WARNER. I would add that the distinguished Senator from Georgia has stated that and I will proceed to clarify that for the benefit of other Members.

Mr. NUNN. That does not mean that any Senator has a right to declassify this. This has to go through the State Department proceedings. It would be the ultimate irony, and I do not attribute this to the administration, if they were to say, "We can declassify our part but you cannot declassify your part."

Mr. WARNER. I was not trying to separate what was ours and what was yours. I did not want to give the impression that the whole thing could be declassified.

Mr. NUNN. That has not been conveyed to me. No one has said that the whole record would be declassified. Frankly, I think the reason for classifying the record is the diplomatic reason of concern for the other country and concern about the negotiators, whether we are going to inhibit those negotiators in their own free advice, and so forth. I think that is a legitimate concern. But when the negotiators as in this case, as in the Nixon administration, have been essentially accused of coming back and being misleading, in a grossly negligent manner, misleading the President of the United States, the Congress of the United States, the Defense Department, misleading four different administrations up to 1983, it seems to me there is not very much in the way of protecting them or these negotiators when you inhibit the record from being known because these people are being accused of either gross negligence or deliberate misrepresentation, one or the other.

Mr. WARNER. I will say to my colleague there is also the other party in the negotiation. History has shown that there are certain advantages of keeping that portion.

Mr. NUNN. I think the Senator is correct on that. Far be it for me to plead for the Soviet Union on this, but is seems to me that so much of the record has already been made public. The most puzzling thing of all was that the negotiators who were in Moscow negotiating an ABM Treaty came back and presented it to then-President Nixon are now in my view being accused of gross negligence or intentionally misleading the presentation to the Senate. Those people have not been given access to the record. They have not been able to go back to their own notes and review. So they are being accused of this but they are being barred by classification from looking at the things they said back in 1971. That is sort of an irony.

But this is a step in the right direction in my view, to go ahead and declassify this. I am not sure it should be Presidential in terms of all other negotiations because you get into a very slippery slope on that one, too, about how much you are going to be able to win. But I do think in this unique case where we basically have a misinterpretation and negotiators intentionally accused of misinforming the Senate, it seems to me we have almost no choice but to declassify.

Mr. WARNER. Mr. President, a parliamentary inquiry. It is my understanding that this Senator still retains the floor.

The PRESIDING OFFICER. The Senator retains the floor.

Mr. WARNER. Before the distinguished chairman leaves, I would like to address, certainly in a period of time here which is foreseeable, one other point. The chairman and I had expressed a wish that members of the Senate Armed Services Committee in alternation could address their concerns about, hopefully, the issue before the Senate at the moment; namely, the motion to proceed on the bill as opposed by myself and others for the purpose of inclusion of the Levin-Nunn amendment. It would be my hope that I could proceed with a unanimous consent request at this time which would enable the distinguished author of the amendment, the Senator from Michigan, to proceed for perhaps 20 minutes. Would that be agreeable?

Mr. LEVIN. Yes.

Mr. WARNER. And immediately thereafter, the distinguished Senator from California to proceed for what period of time?

Mr. WILSON. Mr. President, approximately 20 minutes. The difficulty

I am facing is that I was under the impression that I would follow Senator NUNN.

Mr. WARNER. Mr. President, the Senator from California is correct. He would be next, using the alternating procedures, for 20 minutes.

Mr. LEVIN. Would the Senator include in his request that I would speak following Senator WILSON? That was my understanding.

Mr. WARNER. That is correct. And then Senator QUAYLE, the Senator from Indiana, would follow the Senator from Michigan.

I ask the distinguished Senator from Mississippi, would he like a period of time to make some opening comments on this motion to proceed?

Mr. STENNIS. Not at this time.

Mr. WARNER. Mr. President, I present the following unanimous-consent request: that without my losing the right to the floor, the Senator from California would proceed for not to exceed 20 minutes; that immediately thereafter the Chair would recognize the Senator from Michigan for a period not to exceed 20 minutes; that immediately thereafter the Chair would recognize the Senator from Indiana for a period not to exceed 20 minutes, and then the Senator from Virginia would regain his right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, is the unanimous-consent request in order to preserve your right under the two-speech rule?

Mr. WARNER. To reserve my right to retain the floor as I rose following the majority leader's request to proceed to this bill. I could retain the floor for a period of time, but I felt it very important that the issues surrounding the debate be framed at one place in the RECORD so that those who want to follow this could have a clear understanding why this Senator and others are objecting to the Senate proceeding to the consideration of this bill.

Mr. NUNN. If the Senator will yield, I have a friendly suggestion. The Senator, I think, is absolutely sincere in this allocation of time. But I think there will be serious objections to a management of time under essentially a filibuster with allocation being made by the person on the floor.

As just a friendly suggestion, I suggest one at a time and not a unanimous-consent listing. I think that is going to bring some problem before the day is over.

Mr. WARNER. Mr. President, I fully recognize I am proceeding on the midline, as someone said earlier today, that any time a Member of this body may object. I am doing it at the request of a Member on the other side since the next Senator I asked to be recognized would be followed by a Senator on the other side. We have only ordered three Senators at this time.

Mr. LEVIN. How about two at a time to avoid that problem?

Mr. NUNN. Can the Senator stipulate very clearly which of the Senators speaking are participating in the filibuster and which are presenting subsequent views?

Mr. WARNER. That I think we will leave to the discretion of the Senate once they have heard the remarks. But I am advised by my colleagues certainly on this side and I feel on that side that we will have constructive debate, and therefore I would ask the President to once again propound the unanimous-consent request.

The PRESIDING OFFICER. The request is for unanimous consent——

Mr. SPECTER. Mr. President, reserving the right to object, and I do not intend to object, I wonder if the distinguished ranking member would incorporate into his scheduling a period of presentation for this Senator. I know the Senator from Arizona also wants the floor, but if we are going to be scheduling matters at this time I would certainly appreciate that.

Mr. WARNER. Mr. President, I would have to do it in a sense of fairness by saying that the order I have stated thus far; namely, the Senator from California, followed by the Senator from Michigan, followed by the Senator from Indiana would have to be followed by a Senator in opposition to the position taken by the Senator from Virginia and then the Senator from Pennsylvania.

Mr. SPECTER. I understand that. If the Senator from the other side of the aisle comes, they would intersperse presentation by this side of the aisle, but if I may follow the Senator from Indiana. The Senator from Arizona is——

The PRESIDING OFFICER. We have a unanimous consent request as stated.

Mr. STENNIS. Mr. President, will the Senator yield to me for a moment? I want to reserve all rights that I have under the situation as it is now. I have been working on another bill. I expect to use some time to make some remarks. As I understand the Senator from Virginia is not trying to preclude anyone.

Mr. WARNER. Mr. President, certainly not in any way. I am trying to present a sense of order here to accommodate colleagues on both sides of the aisle. I assure whenever the Senator from Mississippi seeks recognition, this Senator would grant that and I am confident all other Senators would. So whenever the Senator from Mississippi——

Mr. STENNIS. Just so there is no confusion that I may use time.

The PRESIDING OFFICER. We have a unanimous consent request to allocate the time as stipulated. Is there any objection to that unanimous consent request?

Mr. SPECTER. Will the Chair restate the sequence?

The PRESIDING OFFICER. The sequence is 20 minutes for the Senator from California, 20 minutes for the Senator from Michigan, 20 minutes for the Senator from Indiana, and the Senator from Virginia retains his right to the floor throughout that process.

Mr. SPECTER. It is also my understanding that following the Senator from Indiana there will be 20 minutes for a Senator from the other side of the aisle.

The PRESIDING OFFICER. I would interpret the request to conclude as the Chair stated it. It would then be appropriate to receive other unanimous-consent requests.

Mr. WARNER. Mr. President, at this time in order to again accommodate Members present, could I amend my request to further stipulate that following the Senator from Indiana, a period not to exceed 20 minutes would be utilized by a Member in opposition to the Senator from Virginia, presumably from this side of the aisle, and that thereafter the Senator from Pennsylvania could proceed for a period not to exceed 20 minutes?

Mr. SPECTER. I thank the distinguished ranking member.

The PRESIDING OFFICER. Is the Senator offering that as an amendment to the original request?

Mr. SPECTER. Mr. President, I am at this time offering that as an amendment to the original request.

The PRESIDING OFFICER. There is an amendment to the original unanimous consent.

Mr. NUNN. addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, reserving the right to object, and I am afraid I will have to object, I do not disagree with any substantive delineating the Senator from Virginia makes, but I think we are in a very curious position if what we have basically is an extended debate on a motion to proceed and if we have one of the people leading that debate in a positon of allocating time all around the Chamber without losing his right to the floor. It just seems to me it is a very curious procedure. I would urge the Senator from Virginia to simply yield one at a time, because there may be some motions that the majority leader would like to make, and if you get unanimous consent on this—I hate to object, but I think I must object until the majority leader is present.

Mr. WARNER. At this time I wonder if the Senator from Georgia would allow me to propound my original request; namely, at this time the Chair would recognize the Senator from California, to be followed by the

Senator from Michigan, to be followed by the Senator from Indiana for a period not to exceed 20 minutes, and the Senator from Virginia thereby retaining his right to the floor at the conclusion of those three statements.

Mr. NUNN. Would the Senator advise, is that a total of 1 hour.

The PRESIDING OFFICER. That would be for a total of 1 hour.

Mr. WARNER. That would be correct.

Mr. NUNN. I would reluctantly have to object to that at this time unless and until the majority leader is on the floor——

Mr. LEVIN. May I make a suggestion?

Mr. LEVIN [continuing]. Under these circumstances.

The PRESIDING OFFICER. The Senator from Georgia objects.

Mr. LEVIN. Will the Senator from Virginia yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. WARNER. I yield.

Mr. LEVIN. May I suggest that the Senator ask unanimous consent to yield to the Senator from California and then he simply express his intent that after the Senator from California has completed, the Senator from Virginia would then ask unanimous consent to yield to whoever would be next without making that part of his unanimous-consent request now? In other words, just ask unanimous consent at this point to yield to the Senator from California and we know then what would be forthcoming, but we would not be approving it herein and thereby not allocating the floor for an hour. I would be satisfied with that although it does not give me as much protection as the other way did.

Mr. NUNN. I say to my friend from Virginia, as long as the time is within 1 hour, I would have no objection. So if the Senator wants to propound it——

Mr. WARNER. Therefore, Mr. President, I propound my original unanimous-consent request; namely, that at this time the Senator from California proceed for not to exceed 20 minutes, the Senator from Michigan to follow, to be followed by the Senator from Indiana, and the Senator from Virginia retains the right to the floor.

The PRESIDING OFFICER. We have a unanimous-consent request. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 20 minutes.

Mr. WILSON. Thank you, Mr. President. I thank my distinguished colleague from Virginia and my friends all around.

Mr. President, let us begin with a definition, a very simple one. Clearly others may see it differently, but we are here because of an amendment to the defense authorization bill. The amendment, the so-called Levin-Nunn amendment, is one that seeks to condition the funding for the strategic defense initiative, or as its critics term it, star wars, upon agreement by the United States, the executive branch, to a narrow interpretation of the ABM Treaty. A narrow interpretation, Mr. President, is one which under the Antiballistic Missile Treaty of 1972, part of the SALT I agreement, says that there can be no development, no testing of any other than a fixed ground based antiballistic missile defense; there can be only research.

Now, Mr. President, you have heard the distinguished Senator from Georgia, the chairman of the committee, outline in some detail a number of the desirable features of this fiscal year 1988 and 1989 defense authorization bill. He asked, do the Members of this body really wish to sacrifice to a debate upon this amendment all of those good things, the carriers, the tanks, the various lines of aircraft, the defense contracts, the military construction, the pay raise for the members of the armed services? Do we really want those things to be held hostage and perhaps sacrificed for this amendment? The answer to that is clearly no, because it is unnecessary.

A little history, Mr. President. For the first time in a very long time the members of the Senate Armed Services Committee voted to send the defense authorization bill to the floor not, as in the past, on a broadly bipartisan basis but on an almost straight party line vote, and I will state flatly that if the Levin-Nunn amendment had not been a part of that bill I think there would have been virtual unanimity, that every member would have voted to send that bill to the floor with an enthusiastic endorsement, because the underlying bill is a good one.

So why is it, Mr. President, that someone who feels strongly, as I do, about national security, who has never before voted against sending of the defense bill to the floor, who has never voted against it on the floor, who has never urged the President of the United States to veto it should it reach his desk, find himself in this distinctly uncomfortable and uncharacteric position? Why, Mr. President, is this bill, so long as it retains the Levin-Nunn amendment, dead on arrival? The answer is very serious as well as very simple. It is because this amendment is so important, it so thoroughly undermines the constitutional authority of the President of the United States, so thoroughly undermines the negotiating posture of our diplomatics Geneva working precisively on this topic.

And would so disable our ability to conduct our strategic defense intitiative program, that we would find that the United States under a very serious disability, one that could cost us billions of dollars in savings that could otherwise be accomplished and one that, perhaps even more important, will cost us years in achieving the ability to go forward, as indeed we contemplate, by research, by development, and by testing, with actual deployment of the kinds of antiballistic missile defenses that will one day greatly enhance the safety of all the people of the world, to a day when it will be a reality, that we have achieved the dream of which the President spoke when in 1983 he asked the question, rhetorically, "How much better that we save lives than eliminate them?"

Mr. President, to respond to my friend from Georgia and his first question, the rhetorical question, he asked, "Do they really want to sacrifice the ships, the planes, the pay raises?"—no, we do not, and in fact, we will not. There will be legislation that provides all those things.

The question is, when will it come; and will it not come, as indeed it should, on a bill unadorned by this amendment? This amendment is not germane to the rest of what the defense bill is all about. It has no business being there. It is an arms control amendment. If it is going to emanate from a committee, let the Senate Foreign Relations Committee to bring forward this ill-advised premise in a free-standing bill, fine. Let us debate it. The President will veto that as well. There is no doubt about that. There are sufficient signatures on a letter to the President of the United States advising him that this veto will be sustained. That is why this provision is dead on arrival, wherever it is, but it should not be on this bill. If it appears at all, it should be in another piece of legislation.

We are not willing to forego all those good things that this defense bill will bring, and we will not do so; but neither will we allow those things to be held hostage to the imposition of this unwise amendment on the President of the United States and the people of the United States.

So the first reason to oppose going forward until that is completely understood is that the Levin amendment has no business being on the defense authorization bill.

The second reason is that the Levin-Nunn amendment is unconstitutional. It seeks to usurp the authority of the President of the United States, assigned to him exclusively by the Constitution, for the conduct of foreign policy, with the single notable exception that, obviously, the Senate of the United States is charged under the Constitution with the ratification of treaties made by the executive.

Instead, this legislation imposes a one-House veto on actions of the Presi-

dent in the conduct of foreign policy in the realm which it seeks to circumscribe, and one of those Houses may very well be the House of Representatives, to which no role is assigned by the Constitution; and in its omission to do so, it is not accidental.

The framers assigned to the other House the responsibility for the origination of revenue bills. They assigned to the Senate the narrow, clearly defined, reserved power of ratification of treaties entered into by the executive. But the framers—and the language of the Constitution itself—make it clear that it is the President who has the ability to enter into the negotiations leading to a treaty, to consumate that treaty with his signature, and if he chooses to, without benefit of action by Congress, to abrogate a treaty when he sees it as in the best interests of the United States.

My friend from Georgia said that the framers of the Constitution did not intend that we in these United States be governed by a government of kings. Quite true. The President is not a king. But neither did the framers provide, nor did they ever expect, that we would come to the arrogant time in which Members of Congress would seek to foist upon the American people by an imperial Congress—one seeking to arrogate itself those powers not given by the Constitution to Congress but given, instead, by that document to the President of the United States.

This is not an academic debate. The enactment of this provision, the Levin-Nunn amendment, into law would create a constitutional precedent of such serious peril to the conduct of our foreign policy and such serious peril substantively to the defense of the United States that it is not just unwise—it is no exaggeration whatever to declare it as what it is. It poses a grave peril, one that must be rejected.

The third reason to reject this amendment, dealing with its substance, is that it seeks to impose upon the President and the people of the United States an interpretation of that treaty, the ABM Treaty of 1972, that is not in fact a legally correct interpretation. We can argue about that. We can conduct a lawyers' entertainment and amuse ourselves and watch the eyes of the audience glaze over. It is, unhappily, a serious debate, because, depending upon its outcome, depending upon whether we choose to saddle ourselves with an interpretation unilaterally that does not bind the Soviet Union but does bind us, so that we cannot develop and test defenses against antiballistic missiles, if we engage in that kind of folly, then the legality of the interpretation is not academic. It affects not just that constitutional precedent of which I just spoke, but also, it goes to the very heart of our ability to keep this world safe in the next century.

Mr. President, the legally correct interpretation of this treaty is the so-called broad interpretation. It is the one that does permit the development and testing of defenses against antiballistic missiles, the most destabilizing of weapons in the nuclear arsenal, those missiles that can leave the Soviet Union and reach the United States, without recall, within 26 minutes. It is the interpretation that this administration has announced to be the correct one, and they are correct in doing so; because if you have looked at the negotiating record, as I have, I will tell you that it leaves no doubt that despite the most steadfast, earnest, conviction-driven efforts of the United States negotiators, despite their zeal to get an agreement with the Soviets on the narrow interpretation, they just plain failed, because the Soviets consistently and emphatically and clearly rejected any effort to bind them with a prohibition against development and testing of any so-called future or exotic systems, stating, "Who knows what the future holds?"

"No, it would be unwise," said the Soviets, "were we to agree to the kind of blanket prohibition that would take into account the development of new technologies that we may not even now suspect."

The Soviets understood very clearly that events might overtake that agreement, as indeed they have, not just the events embodied in their violations of that portion of the treaty that is clear and unambiguous, but they foresaw, because they have been earnestly at work trying to develop these very new possibilities themselves, that new technology without legal constraint might very well bring an entirely new array of options in terms of defenses against antiballistic missiles, so they steadfastly refused to be bound.

We did not get the narrow interpretation even though the U.S. negotiators strove mightily to get it.

Mr. President, it is a basic matter of contract law that it is what the parties agreed upon, the bargain that they negotiated, that defines the terms of a contract. It is not what some third party understands it to be, whatever the obligations of that third party. It makes no difference if in fact the Soviet Union did not agree to the interpretation that we have thought to be the meaning of that treaty. They are bound instead by what was agreed upon and where the text of the treaty, like that of a contract, is ambiguous upon its face you look to the negotiating record to find out what bargain was actually negotiated.

That is why I differ so markedly with my friend from Georgia when he places emphasis upon the ratification record. It should be secondary because it is not the best evidence. The best evidence of the agreement you would think would be the four corners of the document itself. But where there are distinct ambiguities, where there is ambiguous language, that must be explained by resort to what the negotiators actually intended the language to mean.

We could go into great detail and should about the fact that the Soviet Union has already violated the clear and unambiguous parts of this agreement as well as other arms control agreements and the fact that we should insist upon compliance before we enter into new negotiations or continue under old ones, but the basic point is that you do not send negotiators to negotiate a bargain for you and then say, by the way, here are our cards and here, by the way, we are taking these aces out.

I think that the President, if this were to pass, if his veto were to be overridden, would have no recourse but to call home the negotiators that we have sent to Geneva. Happily they can stay there and continue to work for us because there are sufficient signatures on that letter to guarantee that we will sustain a Presidential veto.

I hope it does not come to that. I hope that this ill-advised, remarkably ill-advised, however, well-intended, amendment never reaches his desk.

We now have Judge Sofaer's memorandum. I am glad we have it. I urged that the entire negotiating record be made declassified and public. But at the very least we have this which liberally excerpts the record as a part of his analysis and makes clear that the Soviets did reject the narrow interpretation which the Levin-Nunn amendment seeks to impose upon us unilaterally.

Let me just say, and we will go into this in much greater length, this is not academic. What it means, if we are required to accept this imposed false construction, is that the United States will lose billions of dollars and years of time and it goes right to the heart of our ability to conduct the SDI program.

Finally, Mr. President, let me just say that at the very moment when United States negotiators are in Geneva as a working group engaged upon the interpretation, the very issue, the interpretation of the Antiballistic Missile Treaty what in the name of God are we doing in the Congress of the United States undermining their position and according to the Soviet Union concessions which they are unable to achieve at the bargaining table with our negotiators?

It would be much better that we end this confrontation here on the floor of the Senate, that we make clear those who seek a robust strategic defense ini-

tiative program and those for whatever reason well-intended seek to undermine it, those who for reasons however well-intended are willing to undermine the historic role given to the President by the Construction, and, on the other hand, the much narrower role given to the Senate, it is much better that we make clear and resolve on this floor that we are not going to engage in the kind of undermining of our negotiators that seriously threatens the security of the United States. That is what this debate is all about, Mr. President, and for those who wondered why it is that those like me who have steadfastly urged that we spend enough of money, of time, of human resources, to be certain that we achieve the first duty of a democracy which is to survive, find myself allied with so many others having to vote against a defense bill, a good bill otherwise that contains this provision.

Let us make clear that if this amendment passes on the floor, if there are sufficient votes to impose cloture upon the debate on this legislation, we will have seen only the beginning of what is going to be a fight that will not end until it is clear that, however well intended, this kind of legislation simply cannot become law.

That is why this is so important, Mr. President. It is because it is so dangerous in so many ways.

So, Mr. President, I will hope that as time goes on this good bill, this otherwise good bill, is given passage, without the Levin-Nunn amendment and that we take on another day the time that should be given to the very serious subject embraced in the Levin-Nunn amendment. But let it be clear that our first interest is the security interests of the United States. That is why we cannot support the Levin-Nunn amendment.

Mr. President, I thank the Chair, I yield time to my colleague.

The PRESIDING OFFICER. Under the previous order, 20 minutes are now yielded to the Senator from Michigan.

The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

Mr. President, I am very disappointed indeed that our colleagues are trying to block the Senate from debating the defense authorization bill. We worked many, many hours in committee to develop a solid defense program. This bill is designed to address some very serious deficiencies which the committee has investigated during the extensive hearings that we held this year.

I want to come back to some of the things that we did in this bill that are of critical importance to the security of this country. But, first, I am going to turn to what has been called the Levin-Nunn amendment, the language which is in the bill now. It is not an amendment. It is bill language, which the committee added, and the issue fundamentally here is whether the Congress of the United States will have a say in how SDI dollars are spent.

The issue is not which interpretation of the ABM Treaty is correct. We do not prejudge that in the Levin-Nunn language. Quite the opposite. The President has directed that a further analysis of the negotiating record and the ratification record be undertaken and will sometime in the future decide whether to apply a new, broad interpretation.

What the Levin-Nunn language in the bill does is preserve a congressional role, after the executive branch analysis and decisions are completed, in the expenditure of the billions of dollars that we are authorizing for SDI.

If we delete this language, we will be allowing the executive branch to decide unilaterally how to spend those SDI billions and we will be abdicating our responsibility relative thereto.

Many of us—I believe most of us—want to exercise the responsibility which the Constitution places upon us to decide how money is spent, not just how much money is spent. The bottom line is that the Levin-Nunn language preserves a congressional role without prejudging how we will exercise it, and, if we delete the language, we will be abdicating the responsibility which the Constitution places upon us to control the expenditure of funds, pursuant to the Constitution, the laws and treaties of the United States.

Will the President come along and say he wants to apply a broad interpretation of the ABM Treaty? We do not know. We do know this: the narrow interpretation has been in effect since the ABM Treaty was explained to the Senate in 1972 and ratified by the Senate.

Just as one example, here is an exchange which took place at the time that the Senate was told about this treaty and what it meant.

General Palmer was explaining to the Committee on Armed Services what this treaty meant. He specifically said at that time that futuristic systems could not be tested or developed in space.

Mr. WARNER. I do not want to interrupt, but I am quite interested. Would you give us the date in time?

Mr. LEVIN. I will submit that for the Record. I thought I had that.

Mr. WARNER. If you could give us the approximate time; I presume it is circa 1971, 1972.

Mr. LEVIN. It was during the Senate Armed Services Committee hearing on the ABM.

General Palmer, or June 19, 1972, precisely and very specifically, recommended to the Armed Services Committee the narrow interpretation, as we now call it, of the treaty and said that, in effect, the Joint Chiefs of Staff relied specifically on that approach to the treaty.

Subsequent to ratification, Mr. President, the arms control impact statements of both the Carter and the Reagan administrations repeatedly set forth the restrictive interpretation. For example, in 1985, the arms control impact statement expressly stated:

> * * * the Treaty allows development and testing of fixed land-based ABM systems and components based on other physical principles * * * The ABM Treaty prohibition on development, testing, and deployment of space-based ABM systems, or components for such systems, applies to directed energy technologies (or any other technology) used for this purpose.

Even the SDI office itself applied the narrow interpretation as late as 1985 in its report to the Congress.

Now some say we should simply give the President the untrammeled right to move to a new interpretation or not, as he sees fit.

Our Constitution provides for power sharing. But some argue we should give the President billions of dollars for SDI and let him decide on his own what to do with them.

Some say any congressional effort to exercise judgment on this issue would be tying the President's hands or pulling the rug out from under our negotiators. That rug and the rhetoric are threadbare. We have been told not to constrain the MX missile—that we would thereby pull the rug out from under our negotiators. We have been told not to cut the administration's annual SDI requests—that it would pull the rug out from under our negotiators. Well, we did both anyway and our negotiators are still standing firmly on a stable rug. Indeed, they are on the verge of entering into significant agreements with the Soviets and the administration admits we are powerful and strong.

Opponents say that the Levin-Nunn language gives the House of Representatives a one-House veto. It is not Levin-Nunn—it is the Constitution which requires both Houses of Congress to approve spending. The problem that some have is not really with the bill's language so much as with the Constitution which gives the Congress the responsibility to appropriate taxpayers' moneys. This Levin-Nunn language does not tie the President's hands or give the Congress any more authority than the Constitution provides: It preserves the congressional power to limit the way in which the President spends money. It is the Constitution which requires both Houses to approve not just how much is spent, but how Treasury funds are spent.

Some members of the administration are just panting to test ABM systems which violate the traditional interpretation of the ABM Treaty. Indeed, we recently read that Secretary Weinberger has sent President

Reagan a report proposing four new tests which would violate the traditional interpretation of the ABM Treaty. I ask unanimous consent that the article from the May 10, 1987 New York Times be printed in the RECORD.

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

NEW TESTS URGED ON MISSILE SHIELD

WEINBERGER REPORT CALLS FOR BROAD VIEW OF ABM TREATY

(By Michael R. Gordon

WASHINGTON, May 9—Defense Secretary Caspar W. Weinberger has sent President Reagan a report proposing four new tests that would violate the traditional interpretation of the 1972 Antiballistic Missile Treaty, Administration officials said today.

Building its case against a more restrictive view of the treaty, the Defense Department says in the report that the United States could save $3 billion by carrying out the four tests instead of holding to the current schedule of tests that seem to be clearly permitted in the treaty with the Soviet Union.

A TWO-YEAR DIFFERENCE

The report, which was not made public, also argues that information derived from the new tests would give policy makers more confidence in making decisions about whether to build anti-missile defenses. The report says the tests would cut by two years the time needed to develop President Reagan's Strategic Defense Initiative, known as "Star Wars," officials said.

The Pentagon study urges that the Administration adopt a plan to accelerate Star Wars deployment. One official who supports the defense initiative said the tests would allow the United States to begin deploying Star Wars in 1995 or 1996.

The President requested the Defense Department report on new tests that could be carried out, and new legal studies by the State Department, in February to help him decide whether the United States should stop observing the traditional interpretation of the ABM treaty and formally adopt a new broader view. The broader interpretation of the treaty would permit expansion of Star Wars to include new space-based tests.

Mr. Weinberger and other civilian Pentagon officials have been critical of the constraints imposed by the ABM treaty. The Pentagon report was expected to argue that there are benefits in abandoning the traditional interpretation.

Some Administration specialists disputed the Pentagon report and said its conclusions were not strongly supported by the analysis. They asserted that the traditional interpretation provided sufficient leeway for the development of Star Wars. They also questioned whether some of the new tests proposed by the Pentagon would be allowed even under the broader interpretation.

FOUR TESTS PROPOSED

The Pentagon study identifies four new tests, according to officials who have reviewed the study.

One of these is called THOR, which stands for Tiered Hierarchy Overlayed Research. THOR would be a series of experiments testing the United States' capability to intercept missiles and dummy warheads during the main stages of flight. Interceptions would be carried out using rockets that destroy their targets with the force of impact, rather than in an explosion. One Administration official, who supports the "Star Wars" program, said that the first of the experiments could take place as soon as next year.

In the second test proposed in the report, a submarine would fire a target missile carrying dummy warheads and possibly decoys. This experiment would test the use of space-based sensors and interceptor rockets. An official said that such a test could take place in 1989.

A third test is the Laser Integrated Space Experiment. In it, a space-based chemical laser would be tested in 1990, an official said.

In the fourth test, the sensor integrated discrimination experiment, a rocket would be fired from Vanderberg Air Force Base in California. A variety of space-based and other sensors would study whether warheads carried by this missile could be distinguished from decoys. Such a test could take place in 1990.

TREATY WITHDRAWAL POSSIBLE

Administration officials said the Pentagon report suggested that if the United States does not adopt the broad interpretation of the ABM treaty it would ultimately be forced to withdraw from the agreement to conducts its testing and development program.

"The basic message is that you have two choices: move to the broad interpretation now or withdraw from the treaty later," an official said.

Mr. LEVIN. Mr. President, we should understand that Weinberger has never particularly liked the ABM Treaty. On April 8, 1984, for example, he said on ABC television "I've never been a proponent of the ABM Treaty." As a matter of fact, he is in so much of a hurry to test in violation of the traditional interpretation that he is launching a program before the program managers are ready.

Just a few weeks ago, on April 1, 1987, the Defense Department official responsible for ensuring compliance of DOD programs with the treaty, Under Secretary of Defense for Acquisition Richard Godwin, told the Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence that "all of the experiments now planned conform to the narrow interpretation or the restrictive interpretation." He indicated that he had just started the process of determining what tests would be permitted under the broad interpretation. Godwin told us that he could not make the assessment until after a policy decision was made defining the term "other physical principles." At the same hearing, when asked how he could reach a judgment as to what tests would be permitted under the broad interpretation that were not permitted under the narrow interpretation in the absence of such policy guidance, General Abrahamson admitted that is "a fundamental problem." Well that guidance, as far as I know, has not been forthcoming since that hearing in early April and yet we have the Secretary of Defense already reaching conclusions that his program managers could not reach as of a few weeks ago. What he is saying is: Forget the policy guidance, we just can't wait, we're so hot to undermine this treaty.

Just last year, General Abrahamson said he could readily proceed to do SDI research under the traditional narrow interpretation. He told the Senate Armed Services Committee: "The entire test structure has been planned in accordance with the restrictive interpretation of the treaty."

Now we are told that unless the treaty is reinterpreted it will cost us billions of dollars. It is obvious we are seeing an effort to get Congress to throw in the towel and say to the administration: It's all your decision, we abdicate our responsibility.

Now, I am confident we are not going to do that, that we are not going to abdicate that responsibility. This bill language preserves it. It does not exercise it. It does not decide which interpretation is the correct one. It preserves the obligation in writing of the Congress to appropriate funds and to set limitations on those authorizations and appropriations.

The Constitution is the problem which the opponents of this language have because it is the Constitution which gives the Congress the responsibility—the sacred responsibility, because we all took an oath—to authorize and appropriate funds pursuant to the Constitution, laws, and treaties of the United States. We understand that we simply cannot abdicate that responsibility, and if we simply write a check to the SDI Program for $3 or $4 billion or whatever the final figure is without preserving a role on how that money is spent, then we will become a party—we, the Congress—to a possible violation of the law of the land, which the ABM Treaty became when it was ratified pursuant to our Constitution.

Mr. President, I indicated before that there were a number of important things which this bill did.

I ask the Chair about how much time I have left so I will know how to outline these provisions.

The PRESIDING OFFICER (Mr. CONRAD). Seven minutes and 18 seconds.

Mr. LEVIN. Mr. President, as I indicated, I am disappointed by the position of some opponents of this bill language to block the entire defense authorization bill from being debated because of this language. I indicated that this bill provides the solution to many serious deficiencies which exist in the Defense Establishment and which are necessary to the security of the United States.

My colleagues on both sides of the aisle joined me on the Conventional Forces Subcommittee, for instance, to reject the plan of the Department of Defense which prematurely terminat-

ed the major component of the Army's modernization program.

The Chief of Staff of the Army testified that only a third of the Army has been modernized, yet the budget proposes termination of the most important weapons that make up that modernization program.

This modernization program is all the more important in light of recent proposals to remove short- and medium-range ballistic missiles from Europe. And while we should welcome that program that INF proposes, it does increase the requirement to address conventional imbalances. Our bill, which is jeopardized by this filibuster, makes a major step in addressing some of those conventional imbalances by keeping the Army's modernization program on track.

Yet this key initiative is being threatened by this filibuster.

Another example of deficiencies concerns Navy aircraft, and especially the modification accounts. The Navy's budget request seriously underfunds several key programs.

For example, the most important aircraft in a battlegroup is the E-2 early warning aircraft. It is the airborne eyes and ears for the fleet. Last year the Navy found wing cracks in the E-2. The problem is so serious that a fourth of the fleet is currently grounded.

Incredibly, there is not a penny in the budget request to start a rewinging program for the E-2. Our bill starts that rewinging program.

Another example is the A-6 rewinging modification program. Right now a third of the A-6 medium attack aircraft are grounded or are on restricted flight status because of wing cracks. Last January the wings literally fell off an A-6 while in flight, killing the pilot and navigator. The Navy negotiated a multiyear contract to install new wings. But the budget as submitted underfunded this account so severely that it would terminate the multiyear contract.

Our bill corrects this critical oversight and provides sufficient funds to carry forward the A-6 rewinging program at the maximum rate specified in the contract.

Let me give you another example. Last year the Congress provided sufficient funds to buy 12 EA-6B jammer aircraft for the Navy, at an average cost of $37 million. This year the Navy cut back the production rate from 12 to 6 aircraft, and the unit cost increased from $37 million to $60 million. That is a 62-percent increase in cost because of the stretchout. Our committee decided to add an additional six aircraft. The extra six aircraft cost an average of $25 millon each. By correcting this stretchout we save hundreds of millions of dollars.

And all of this is being threatened by the filibuster. These actions illustrate the way our bill addresses serious conventional deficiencies in our defense program. We did not solve all of the problems, but we made several important first steps.

And this filibuster places all of this in jeopardy. I do not know of an instance when fear of debating a single issue has led the minority to deny the entire Senate the right to consider a very constructive defense bill.

Our colleagues are not protecting anything by this action because the provision that they dislike will continue to be raised. This issue is going to continue to be raised until the issue is fairly debated and resolved. Rather, what they are denying is the much larger number of critical reforms and corrective actions that we have incorporated in this bill. I know that they wil say they are not against the bill. Rather, they support it except for this one provision.

Mr. President, there are a lot of items in the bill that I personally object to. Frankly, I felt very deeply about some of these items, including some of the nuclear items where I felt we were putting too much emphasis on more and more redundant nuclear systems at the expense of our conventional capability and readiness. I tried to do something about that in committee markup. On some issues I won, and on some issues I lost. That is the legislative process. But to deny the Senate the right to debate and consider the provision just because we object to one or more of those provisions is a very different kettle of fish.

Mr. President, finally, it has been said here that parts of the negotiating record are being made available today; other parts of the negotiating record may be available and may be declassified by the State Department at some later date.

I am glad that is going to happen. I think the entire negotiating record is going to have to be declassified here if parts of it are going to be, and that is going to lead to all kinds of problems for future negotiations for reasons which Senator NUNN has stated.

But one final point, Mr. President, that I would hope that my friends on the other side of the aisle would understand.

Our negotiators, who represented this country in good faith—represented a Republican administration as it happens, but it could have been a Democratic administration as well—are now being accused of misrepresenting what they achieved, or of being incompetent. Fifteen years later serious allegations are being made as to what those negotiators said then, and have consistently said about those negotiations.

I have asked Judge Sofaer to invite those negotiators to review the negotiating record. Give them a chance to defend themselves. Challenge them as to how they reached the conclusions that they did. Do not just say 15 years later that these neogitators did not achieve what they thought they did, and that they misrepresented to the Senate and the country in the 15 years since what they accomplished. Give them a chance to defend themselves. Invite them in.

The PRESIDING OFFICER. The Senator has spoken for his time.

Mr. LEVIN. I thank the Chair.

I ask unanimous consent that I be allowed to proceed for 1 additional minute.

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

Mr. LEVIN. Mr. President, I asked Judge Sofaer in my office whether he would do that. He finally said he would. I do not think he has. I do not know that for sure. But I do not think he has, because as recently as today when I talked to one of the negotiators, he had not yet been invited. I would urge my colleagues on both sides of the aisle that we should be united in this. When we send negotiators out there to negotiate an agreement, we ought to stand behind them at least to the extent that, when we challenge their conclusions 15 years later, we give them an opportunity to answer the questions, to see the record, to walk through it, and to explain how they reached the conclusions they did. I think we owe them a lot more. I think we owe the people who negotiate for this country a lot. But the least we owe them is that. I do not think that has yet been done. The strategic subcommittee has indicated it would ask Judge Sofaer to do this. I have asked Judge Sofaer to do this, and he agreed to in my office. I would hope, as much as we disagree here on this language, that we would be united in urging this administration to bring in these negotiators.

The PRESIDING OFFICER. The Senator has spoken for his additional minute.

Mr. LEVIN. I thank the Chair.

I yield the floor.

Mr. WARNER. Mr. President, my understanding under the unanimous-consent order is that the Senator from Indiana will now be recognized. Mr. President, I wonder if I might direct a statement to the Senator in the form of a question so that we can stay within the unanimous consent request. I would first say, Mr. President, I think we all agree that the distinguished Senator from Michigan has made a very valuable contribution in helping to frame this debate today. And I commend him although I disagree in some areas.

Mr. President, I want to encourage other Members of the Senate to come forward this afternoon such as we can put together a composite record and frame for others to follow on the

nature of this debate. It would be my hope that others would come, and seek recognition this afternoon. This Senator to the extent I can will certainly convenience other Members here to state their point.

Mr. LEVIN. Mr. President, I wonder if my friend from Virginia would yield for 30 additional seconds so I can read into the record that portion of the ratification proceeding that I did not have at hand before. It would take me 30 seconds to do that.

Mr. WARNER. Mr. President, I do not have the floor.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the Senator be allowed to read that into the record, and that I also be allowed to be recognized for the full 20 minutes.

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

Mr. LEVIN. The portion of the ratification proceeding was the following.

General Palmer representing the Joint Chiefs, said:

> We can look at futuristic systems as long as they are fixed and land-based.
>
> Senator JACKSON. I understand.
>
> General PALMER. The chiefs were aware of that and had agreed to do that and that was a fundamental part of the final agreement.

I thank my friend from Indiana.

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana is recognized for 20 minutes.

Mr. QUAYLE. Mr. President, first let me say that the authors of this amendment, Senator NUNN and Senator LEVIN, are two people I have a deep respect and appreciation for, for their hard work, candor, and endurance in the Senate Armed Services Committee. I have worked with them over the course of the years and have come to appreciate their understandings, insights, and capabilities.

However, I think it is important that we point out where we are right now, how we are going to proceed, and to get into some of the significant issues in dispute.

Unfortunately, in the Senate Armed Services Committee, the vote on the defense authorization bill was almost along party lines, Democrats voting in favor and the Republicans, with the exception of one, voting against it. That is the first time in the almost 7 years that I have been in the Senate that I have seen that committee, which operates in a very bipartisan manner, be so divided on a fundamental issue.

I think that division in the committee was pretty well reflected on the floor earlier today when we got into a very protracted parliamentary situation, with a number of votes on procedures. Those on this side felt that the majority, in this particular case, was trying to run roughshod over minority rights. Now we are debating this bill on a motion to proceed, on which there will be extended debate, which is the right of the minority.

I think this is unfortunate because at times I am sure that tempers will get short, emotions will run high, and that we will have a rather spirited and contentious debate on this issue, and it is probably not going to end this week or next week, but it is probably going to run all summer, probably into this fall because there is a very earnest desire on this side to give the President some breathing room on negotiating arms control.

I think on these prickly arms control issues, it's going to be a very long and hot summer for the Senate.

Because this is where we find ourselves now, it is important that we address the issues that are confronted in this piece of legislation, in the Nunn-Levin amendment.

I believe I can accurately describe the emotional concerns each side has with this amendment.

The concern of the proponents of this amendment is that the Senate in 1972 heard some statements that gave some support to the so-called narrow interpretation; that not the negotiators, but some in the Department of Defense, came forward and in response to a couple of Senators, two at the most, answered their questions in such a way that would lead one to perhaps conclude that there was, in fact, a narrow interpretation in testing and development of futuristic systems and restricting these activities to fixed land-based systems.

So the emotional concern of the proponents focuses on the Senate ratification hearing record.

There are some, like myself, who dispute that these hearing statements are all that conclusive. I do not think they prove as much as the proponents would argue.

The other emotional concern, I think, of the proponents is subsequent practice. They have cited that the Nixon administration, the Ford administration, and the Carter administration all complied with the so-called narrow interpretation, and, that therefore, this administration is the one that is changing course.

I think they are saying that they do not want to change course and, that therefore, they are willing to go into what I think are untested waters to force their interpretation of a treaty that was passed in 1972.

On the other side, Mr. President, I think the opponents of this legislation also have very strong concerns as well. They are opposed very strongly and strenuously to this legislation because of its impact on the executive branch and on the executive branch in its negotiations with the Soviet Union.

It is felt very, very deeply, Mr. President, that this issue that is before us, that this amendment if passed, if it becomes law, would, in fact, be very harmful and detrimental to our negotiators.

I do not believe any of the proponents will stand up and say this amendment is going to help our negotiations. I think at best they could say is that perhaps it will not have that much impact. But I can tell you those in the administration and those who have to sit down and go eyeball to eyeball with the Soviet Union day in and day out feel very strongly about this and feel that this would be an impediment and would be harmful to our negotiations.

The other reason I and other opponents will go to such lengths to extend debate on this defense bill, and even to put ourselves in the unenviable position of having to vote against a defense bill is that this legislation would allow 51 percent of one House and, perhaps not even the Senate, to reinterpret a ratified treaty even though the authority to interpret and implement a ratified treaty clearly resides in the executive branch.

I believe that we are, in fact, treading on constitutional waters that we have never explored before. I am sure that constitutional lawyers, esteemed constitutional lawyers, will disagree, perhaps, on whether this amendment in fact is an infringement upon the constitutional powers of the executive branch's executive power to interpret and execute treaties.

Clearly, the Congress of the United States has the power of the purse, and clearly the Congress of the United States can, by line item, say we are not going to spend money for this or that particular program.

This amendment does not do that. This amendment is predicated and based upon a single interpretation of the ABM Treaty and how that treaty is going to be implemented. It assumes that Congress can block the Executive from implementing any other interpretation with no more than a 51-percent vote of either the House or the Senate.

I would think from an institutional point of view that some Senators might think once or twice or maybe even three times before they casually support and vote for this kind of amendment, because what we will be doing will be inviting, in future debates upon treaties and the implementation of the treaties, or perhaps even the ratification of treaties, the House of Representatives to be somehow an equal partner in such business. I think the Constitution clearly vests the responsibility and the constitutional authority with the U.S. Senate. This is something that many of us feel very strongly about.

Also, the opponents of the Nunn-Levin amendment feel very strongly about going back and looking at that negotiating record, because they be-

lieve it is quite clear that although the United States position in negotiating was to try to get the so-called narrow interpretation we failed to get it because the Soviets rejected that narrow interpretation. That is why Agreed Statement D was put into the treaty, as a compromise. The Soviets did not want anything. The United States wanted the narrow interpetation and we come with Agreed Statement D that allows testing and development but does not allow deployment of strategic missile defenses based on other physical principles.

These are the general concerns and over these next few days we will be getting down to many of the particulars and do so at length of course, many will be standing up in these next days saying, "Gee, let's get on with the defense bill, we are paying for the Army, the Navy, the Air Force, and Marines." They may even mention Grissom Air Force Base in Indiana or Fort Benjamin Harrison or a few other things that might be of concern to the Senator from Indiana.

I do not know but they could be brought up. Why would I be interested in stopping something that is going to be going back home? I am not interested in stopping things going back home but there is a very, very fundamental disagreement on how this defense bill ought to be going forward.

Let us look at our arms control negotiations. Many of us ask, particularly at this particular time, why do we want to say to our negotiators, who are currently negotiating over the interpretation of the ABM Treaty, what the Congress thinks it is in binding law. Many of us feel at this particular time that this is not pulling the rug out from under our negotiators; it is basically sticking a knife in their back. They are over there confronting the Soviet Union in negotiations, in the space and defense area, dealing with what, in fact, the ABM Treaty interpretation is going to be now and what the interpretation of the ABM Treaty is going to be in the future.

Now, I realize that there is a perception perhaps inside the beltway and even outside the beltway that this President and the executive branch has been weakened over the course of the last several months, with the revelations of the Iran and Contra affairs. We have a special prosecutor, we have a special committee investigation ongoing. There is no doubt that the executive branch has not been strengthened. How much it has been weakened, we will have to wait to see, but I think it is clearly the perception certainly in the Halls of Congress that the executive branch has been weakened. At a time when the executive branch has been weakened, I think it is natural that a coequal branch of Government, in this case the Congress, might in fact want to try to change a careful balance of power that our Founding Fathers instituted and be able to usurp some of that power from the executive branch.

I think it is probably far more tempting to tie the President's hands or to see an erosion of his latitude and flexibility as the President negotiates with the Soviet Union when he is weaker rather than when he is stronger. But I can tell you that if, in fact, these types of amendments persist—and we just heard the chairman of the Senate Armed Services Committee state very forthrightly—and I think he is right—this issue is not going to be concluded in May. It is going to be on bills in June and July and August and September and October and November, probably December. We may be here Christmas debating that. We may not.

But clearly, if the President is going to have to continue these negotiations with the Congress on what he can and cannot do in Geneva, at some point we are going to have to have some sort of resolution. It probably is not out of the question that the President may have to consider bringing home our negotiators to sit down with those in Congress who would like to be the negotiators and perhaps would like to be President and have a meeting of the minds because it is going to be very difficult to continue to proceed. But I think as we look at this issue there is no doubt that the negotiations and our negotiators suffer.

The question of congressional encroachment upon an executive responsibility goes to the interpretation and the implementation of a treaty. The way this amendment is crafted, what we, in fact, are doing is basically having the Congress of the United States saying here is what the interpretation of the ABM Treaty is, and if you are going to change that, your funding is going to be subject to a denial by a one-House veto. Either the House or the Senate on a vote could deny the President the right to interpret and to move on that treaty.

Now, there is no doubt that the Congress of the United States has the power of the purse. The Congress of the United States, if it wants to take its line and say, "No funds are going to be spent for a program that the administration has requested," so be it. That is the normal legislative procedure.

We have heard a lot of discussion by many Senators and Congressmen and our allies saying, "What we need is consultation. We need to have consultation before we decide to move from what has been the narrow interpretation to a broad interpretation." And the administration, to its credit, said, "OK, we will have consultation. We will have elaborate consultation. We will be willing to sit down with you and go through this item by item if, in fact, we decide to move to a broad, or the legally correct interpretation. We will consult with you."

And now all of a sudden this amendment is saying, "We don't need any consultation. Our minds are made up. We know what that interpretation is. Forget about consultation."

So on the one hand people are saying, "Let us consult with the administration." The administration says, "Fine, we will in fact consult." And then all of a sudden we do a 180-degree turn and say, "No, we don't need to consult. We are just going to unilaterally interpret what the treaty is going to be."

Well, that is fine. If that is the way you want to proceed, let us not hear any more cries of consultation. Let us not hear, "Let's get together, we have to consult on this." And if, in fact, we are going to make a decision to move from that narrow interpretation of what we think is the legally correct interpretation, we will have extensive consultations.

But unfortunately, the way it stands now, the Senate—in fact, if there are 51 votes for this amendment, there is no use to consult. I think that in and of itself is a breach of faith. I do not think we can have it both ways, Mr. President. So I hope we do not hear any more cries for consultation when the Congress has apparently decided that they do not need any more consultation.

Mr. President, as we look at this issue, underneath it, deep down, the question is how are we going to proceed with the strategic defense initiative. Now, there are some in this body who I am sure are opposed to the strategic defense initiative. I am not. I am very much in support of it. And I believe that sometime, someday, despite what this Congress may or may not do this year, we will see the deployment of a strategic defense system in the world. In the future, Mr. President, I think you will see a reduction of offensive forces, a reduction of strategic offensive force, and a rather significant basis put forth in our START proposal and the beginning and the introduction of strategic defenses. Strategic defenses coupled with offensive reductions, I think, are what we will see in the future.

Mr. President, if, in fact, Congress is going to unilaterally interpret the treaty and say that we are going to have the narrow interpretation instead of the legally correct interpretation, I can guarantee that you are forcing a decision upon the President.

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

Mr. QUAYLE. Mr. President, I ask to proceed for 2 additional minutes.

Mr. WARNER. I would have no objection. I want to make certain that at

the expiration of that time, I continue to retain the floor.

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

Mr. QUAYLE. Mr. President, the orderly process in going forward with the strategic defense initiative is to have research, to have testing, to have development, and then you are going to deploy. At what time are we going to have deployment? I cannot answer that question. I think it is going to be earlier rather than later. The Secretary of Defense thinks he can have it as early as 1994.

However, if we insist upon a narrow interpretation, I can tell you that the President, whether it is this President or the next President, will have to make a very fundamental decision on the withdrawal of the ABM Treaty much earlier than if we had the legally correct interpretation.

I am not so sure that some of those who support the Nunn-Levin amendment really want the President to be put in the position of withdrawing from that treaty. Some attach a lot of importance to the treaty. Frankly, I think the treaty has served a useful purpose, and that useful purpose has simply been overtaken by technology. But that is the natural evolution of proceeding with this strategic defense initiative.

Mr. President, in the coming days, we will be outlining particulars of what the negotiating record did and did not say, what the ratification record did or did not say. I think we will have a very spirited debate. It will be a very lengthy debate. But make no mistake about it: This issue is important to many of us, important enough that we will take time and spend our energies to make sure that a defense authorization bill does not reach the President's desk with these types of amendments, which we think are injurious to national security and injurious to the President of the United States.

Mr. WARNER. Mr. President, I see that we are joined on the floor by a distinguished member of the Armed Services Committee, the Senator from Illinois [Mr. DIXON]. I think it would be our mutual hope that many of our colleagues, possibly members of our committee, on both sides of the aisle, could join in this very important debate, even though it is in the nature of a debate on opposing the bringing up of the bill.

However, we have been joined this afternoon by the distinguished Senator from Pennsylvania [Mr. SPECTER], and therefore, I again propound a unanimous consent request, that the Senator from Pennsylvania be granted 20 minutes, at the conclusion of which I would continue, as before, to retain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, as I had discussed with the distinguished ranking Member, I may want more than 20 minutes. I am the only Senator on the floor seeking recognition. I would like not to be bound by that time. Say, 30 minutes.

Mr. WARNER. Mr. President, I am quite anxious that we be equitable about the time allocation on both sides of this issue. I wonder if the Senator from Pennsylvania would be agreeable to the unanimous consent request, and then, at the expiration of the period stipulated in the unanimous consent agreement, we will ascertain what other Senators wish to speak and how much additional time the Senator from Pennsylvania might desire, and see if we can arrange an equitable solution.

Mr. SPECTER. Rather than take 10 minutes in this dialog, I would agree to proceed for a few minutes more, if that is acceptable.

Mr. WARNER. If the Senator would agree to the unanimous consent request I have just propounded, I think we have reached that conclusion.

Mr. SPECTER. That is satisfactory to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the motion to proceed because I believe that the Senate is not yet ready to proceed to the consideration of the Department of Defense authorization bill. There are material questions outstanding that we need answers to before we can proceed to this issue.

The distinguished ranking member of the Armed Services Committee has referred to his committee as having the dominant role. That may be so in a sense, since we are today considering the authorization bill reported by the committee. But there are other committees having a very significant interest in this amendment, and one of those committees is the Judiciary Committee, on which I serve, and the Constitutional Law Subcommittee, of which I am ranking member. There have been a series of hearings before the Judiciary Committee and the Foreign Relations Committee, sitting jointly, which are not yet concluded. We are in midstream. Another hearing is scheduled for Tuesday, May 19. Doubtless, additional hearings will follow.

This is a very complicated subject, and I believe that we are not yet ready to consider the Department of Defense authorization bill, which has as an integral part this issue raised by the Levin-Nunn amendment, which relates to ABM testing in outer space.

Earlier today, this body saw a rather unusual proceeding. I have seen none like it in the 6 years plus that I have been here. But I submit that it was an important proceeding, because the issue that is paramount is whether we should proceed at this time, and it may be that this body will decide that we are not yet ready to proceed.

That sequence this morning, I think, was a perfect illustration of the old adage that there are two things you do not want to see made—sausage and legislation. I think that, especially with televised Senate debates, that was a proceeding not to be observed, from many reasons. But it was pressed on this side of the aisle because there are many of us who believe that whether we should proceed or not, is the critical issue at this time and should be decided first.

Mr. President, not only are there hearings in progress on this issue before the Judiciary Committee and the Foreign Relations Committee, but also, there are Senators who have participated as principals in this debate who have not yet filed papers that document their positions. I refer to the distinguished Senator from Georgia, the chairman of the Armed Services Committee, who, about 2 months ago, made a presentation on the Senate floor in three parts: the ratification record; the negotiating record; the subsequent practices of the parties.

As to the negotiating record, Senator NUNN said that he would file a detailed statement of analysis, but that statement has not yet been filed. I have asked Senator NUNN about that matter repeatedly over the course of the past 2 months and again on the floor today. He has not been able to complete that work because of the press of other business, and I think in part because of the complexity of the issue on the negotiating record.

Senator NUNN advised that he would have it filed by Friday of this week, or Monday at the latest. I am anxious to see Senator NUNN's detailed analysis, because the negotiating record, which is available in S-407—a secret room where deliberations cannot be overheard—is a long record. This Senator has taken some time to study that record. It takes a long time to study it in detail.

Senator NUNN has not yet filed his paper on the negotiating record. I believe that ought to be available to Senators before we are called upon to decide issues comprehended within the Department of Defense authorization bill.

There is also a voluminous analysis which has just been made available today by Judge Sofaer with the release time of 2 p.m. It is a document of several hundred pages analyzing the treaty and the negotiating record and also analyzing the ratification record.

There has not been time to evaluate that document.

Mr. President, there is also a substantial body of additional information which has not been made available to the Senate on subsequent practices of the parties. Senator NUNN, who as of this moment has filed the most detailed analysis of this issue, has stated in his second paper, which was very short, that the subsequent practices of the parties could not be ascertained reliably because so may of the records have not yet been made available.

What has been referred to in the debate today about the declarations of the parties since 1972 are very brief, very cursory statements in agency reports concerning their interpretation of the ABM Treaty. But the real documents which bear on subsequent practices of the parties involve the interaction between the United States and the Soviet Union, and those records are not yet available.

This Senator, as well as other Senators, has been pressing the administration to make those records available.

I would say candidly that I personally am not satisfied with the speed of the administration in making records available. I have had assurances that very important records on subsequent practices of the parties will be made available shortly in S-407 and, according to the representations which have been made to me, they will shed considerable light on the correct interpretation of the ABM Treaty.

So for all those reasons, Mr. President, I would suggest that the Senate is not ready at this moment to consider the important issues which have been debated here today, preliminarily.

The distinguished Senator from Michigan, Senator LEVIN, made a reference to the ratification record, and I do believe that there are portions of the ratification record which lean toward the narrow interpretation of the ABM Treaty.

But I would caution that no firm conclusion be reached on the basis of what we have heard about the ratification record for a number of reasons. One reason is that the ratification record involves a relatively limited number of Senators. The ratification record also has some problems which this Senator is trying to analyze regarding its integrity. In reviewing the ratification record, I find that there were some portions which were not transcribed in a verbatim manner but were edited to incorporate subsequent additions. I believe it is very important, Mr. President. This proceeding is a good time to focus on the issue of the integrity of records in our hearings. They ought not to be edited; they ought to be transcribed exactly as the words are spoken.

Recently, I sought to obtain a record of a hearing on April 26 containing my questioning of Mr. Graybeal. When I finally got the transcript 2 days ago, I got only the portion with my questions. I then made the inquiry about the questions of other Senators and was told that no one can have access to another Senator's questions until that Senator has had an opportunity to review the record.

If that raises an inference of modification of the record, I will say that it is a very serious matter. We all do recognize that from our presentations on the floor of the Senate are subject to some modification, but, as I understand it, only as to grammar—should any Senator make any grammatical mistake or perhaps as to syntax or sentence construction. But those of us who utilize that opportunity ought not to make any substantive change.

But I would suggest, however, that where we have a hearing transcript there ought to be no change at all because that is not what a Senator is saying. But there ought not to be any change. It is like a court record. A court record is inviolate and has to have integrity. Thus, the stenographer transcribes it just as said and it is reproduced.

I am not suggesting the integrity of the ratification record is substantially impaired, but that it is something that has to be analyzed carefully before firm conclusions are drawn.

Mr. President, the principal issue that arises from the ratification record is that it is not conclusive. At most, it represents what the Senate acted on that is very important but it is not determinative. When a treaty is entered into between the United States and the Soviet Union, it is a text of the treaty and the intent of the parties that governs. Where you have the executive branch, for the United States, and Soviet Union officials for the U.S.S.R., entering into a treaty after negotiation, that is the paramount document. After that treaty is signed as the ABM Treaty was, then the matter comes to the Senate for ratification.

The suggestion has been made, and I am not prepared today to say one way or another whether it is right because my study is not completed, that the materials presented to the United States Senate were different from the agreement made between the United States, with the executive branch acting for the United States, and the Soviet Union.

It is an issue of substantial constitutional importance if the executive branch entered into a treaty with the Soviet Union which differs from what the Senate ratified.

This was the subject of an extended hearing before the Judiciary Committee and Foreign Relations Committee. We had three professors who testified on the subject. Senator NUNN also testified, and this Senator and Senator NUNN had an extended discussion as to what the import would be.

But I think it is plain that for the ABM Treaty to be binding on the United States, it has to be binding on the Soviet Union. If the United States, with the executive branch acting, and the Soviet Union agreed on treaty A and B was submitted to the United States Senate for ratification, treaty B would not be the operative treaty.

Certainly, the Soviet Union would not be bound by something to which it was not a party, if something different was submitted to the United States Senate. If the Soviet Union is not bound, then can the United States of America be bound? Probably not. But that is a question which is going to have to be analyzed.

It may turn on the specific facts and precisely what review of the negotiating record will show.

I would suggest, Mr. President, that there is a great deal of material which has to be analyzed with considerable care before this body would be prepared to make a decision on this issue.

Having been a practicing lawyer for some 31 years and having spent a considerable amount of time on constitutional questions, including work on the Judiciary Committee for the past 6½ years, I say these matters are really of tremendous importance.

Mr. President, I think that it is critical to focus on the context of this issue because of the tremendous practical importance of what we are considering here today. The strategic defense initiative and the Antiballistic Missile Treaty may well prove to be the cornerstone of congressional action for 1987 on defense.

If we are bound by the ABM Treaty not to test in outer space, so be it; if that is our obligation, then the United States ought to observe it.

I agree with those who have spoken here today that it would not be wise for the United States to abrogate the ABM Treaty. But before we reach a conclusion that we are bound by the ABM Treaty not to test in outer space, we ought to be sure that we know what we are talking about. It may well be that those tests are necessary if there is to be a meaningful evaluation of the strategic defense initiative.

I agree with the distinguished chairman of the committee, Senator NUNN, and the distinguished Senator from Michigan, Senator LEVIN, when they say that Congress has a vital role on how much to spend and how to spend the money, and it may be that the strategic defense initiative is unrealistic.

I am inclined to think that it is worth pursuing, but it would be well within the power of the Senate and the House to consider the issue as to

what tests can usefully be performed. Some have contended as has been reported in the media that the strategic defense initiative is impractical. My own thought on the subject is that SDI is worth exploring for two fundamental reasons: One, it may prove to be a success, and second, it has had a powerful influence for the good on negotiations with the Soviet Union.

I believe, Mr. President, that it may turn out to be possible, although it is difficult to fathom a total defense system for the United States, but it is possible. I think back to 1945 and the statement of Vanevar Buch, the leading scientist of his day, that it was not possible to have intercontinental ballistic missiles. That it what Vanevar Buch said in 1945, and now we know how many ICBM's there are.

In 1965, 20 years later, Secretary of Defense McNamara said that the United States was so far ahead of the Soviet Union on ICBM's, they could never catch up with us. We know what has happened. The Soviet Union not only caught the United States, but has surpassed the United States.

Then there is the story, perhaps accurate, perhaps apocryphal, about the man in the Patent Office around 1870 who quit because there was nothing new to be discovered.

Scientific technology has wonderous reaches. If it is possible to create a strategic defense system which works, then I think we ought to be exploring that.

In cautioning the U.S. Senate not to rush to judgment on this legal issue today, I do so as one of the Senators who did not vote for maximum expenditures for SDI in the 99th Congress. I am not sure where my vote will be cast when we finally get around to deciding what the new level of expenditure ought to be. The administration has asked for $5.7 billion. This committee has reported $4.5 billion. The House yesterday voted with $3.1 billion, acknowledging in the House that this was a negotiated figure.

But I have grave reservations about $4.5 billion, frankly, as the committee reported to the floor. But I do not think the issue is how much money are we going to spend. But I do approach this issue with the predilection for unlimited expenditures by the Department of Defense on SDI.

If this body wishes to take up the question of whether SDI is realistic, I think that is a very important issue to be debated on this floor. Whether we ought to invest in it and debate the scientific issues and evaluate that, that is an area where I am not an expert. Constitutional law, I think I do have some experience in.

When Senator NUNN and Senator LEVIN say this body has a role to decide how much money should be spent and how it should be spent, I agree with those assertions. But I do not believe that we should artificially limit the expenditures in a way if we are not bound to. I think that is precisely what has to be decided here.

I am very much concerned about expending billions of dollars on the strategic defense initiatives if the reports are true that a great deal of money will be wasted by adhering to the narrow interpretation. Now, again, if the narrow interpretation is mandated by the ABM Treaty, so be it. But if it is not, this Senator does not want to waste $1 on tests which are unduly restricted and not required by our legal obligations.

I have seen the reports that, if we stick with the narrow interpretation, there will be great delays on the development of the strategic defense initiative. Now, if they are mandated by our legal obligations, then so be it. We will accept those limitations. But if they are not, I do not think we ought to assume those limitations.

Mr. President, I have spent considerable time in the review of the negotiating record and I believe it is very complicated. I have spent considerable time on the ratification proceedings, and, again, it is complicated. With respect to the subsequent practices of the parties, we are going to have to see more documents on that matter.

But I do believe that there is a significant practical effect of what this body does on what may be happening in Geneva. On February 28, March 1 and 2, I was part of a Senate delegation, along with the distinguished ranking member from Virginia, Senator WARNER, attending the Geneva talks. There is no question that the United States negotiators in Geneva—and Senator WARNER can confirm this—are very much concerned about their negotiating posture if the Congress mandates a narrow interpretation of the Antiballistic Missile Treaty.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Pennsylvania has used all the time that has been yielded to him.

Mr. SPECTER. Mr. President, with a hand signal from the coach, Senator WARNER, I ask unanimous consent to proceed for 5 more minutes.

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

Mr. SPECTER. The negotiators at Geneva were very emphatic about their concerns that their power not be short-circuited.

Mr. President, I think there can be no doubt that the whole context of international negotiations on arms control has changed materially since the strategic defense initiative came into the picture. I attended the sessions at Geneva in 1982 and 1983, the talk was on INF and the talk was on START and those arms talks were going nowhere.

A great deal happened in late 1983. The Soviets walked out and finally the Europeans deployed. And now the whole tone has changed because of the strategic defense initiative and there is real interest on the part of the Soviet Union now for arms agreements.

Mr. President, I think we have to be very wary as we approach the Soviet Union. We do not know of their motivations. But I think we have to proceed with arms talks to see if we can find an arrangement which makes sense from the point of view of the United States and which is subject to verification.

I think the American people have confidence in our President. He is not going to make a bad deal just to make a deal. And I know that this body will not ratify a treaty just to have an arms deal. It is going to have to be an arrangement which makes sense for the United States.

But I am concerned about public opinion polls that the Europeans have more confidence in Mr. Gorbachev than they have in our own President. So that I think that it is important for the United States to proceed as we are now in what I think are good-faith efforts to have arms reduction. But there is no doubt that the Soviets are being motivated by the presence of the strategic defense initiative, and unless we are obligated to follow the narrow interpretation, we should not do so.

The arms negotiators who represent the Soviet Union are markedly different today from 1982 and 1983. Ambassador Vorontsov poses a very different picture from Ambassador Karpov in terms of approach. And when the Soviet officials in Geneva talk about arms, they are not talking about narrow versus broad. We brought up the subject in a free-wheeling exchange because Senators do not bind the executive branch, and can talk more freely. When we talk about the narrow intepretation versus the broad interpretation, the Soviet negotiators slough it off. They are not interested.

I have just had additional time yielded to me.

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

Mr. SPECTER. I thank the Chair and I thank the distinguished ranking member.

The Soviet negotiators expressed concern about the kind of development and testing which could put up 100 space stations, test them one day, and make them operational the next day.

On March 1, General Secretary Gorbachev issued a statement focused on deployment of the strategic defense initiative by the United States and not on testing. There were discussions as to whether laboratory testing meant something more expansive than a

room with four walls and a ceiling. From the Soviet point of view, there is not this concern on narrow versus broad, at least as it was portrayed during the limited period of the presence of the seven Senator observation team in Geneva at the end of February and the beginning of March.

Mr. President, that is the essence of what I have to say.

In brief summary, it is my concern that the dominant issue on the Department of Defense authorization bill is how the strategic defense initiative testing is interpreted under the Anti-Ballistic Missile Treaty. We ought not to proceed to this bill until there is an opportunity for Senator NUNN to file his paper on the negotiating record, until there is an opportunity to finish the hearings which have been undertaken by the Judiciary Committee and the Foreign Relations Committee, an opportunity to review the new Sofaer document, and an opportunity to review the records relating to the subsequent practices of the parties.

If, as, and when we get to the substantive matter here, Mr. President, I would suggest that the debate will be one of historic importance. It is going to be a very involved debate. It is my hope that there will be sufficient declassifications so that on the floor of this body we can get right into the details of the "airgrams" and "Memcons" from Geneva to Washington and Helsinki to Washington, and get right down into the details as to what is the negotiating record shows, and what are the subsequent practices of the parties. It may be, as Senator NUNN pointed out, that there is going to be a new era in ratification proceedings. I think the genie is already out of the bottle, whatever happens on this issue today. The next treaty which comes before the U.S. Senate will receive a piercing inquiry on the negotiating record, beyond any question. This issue focused with precision on the enormous difficulty posed by having the United States with the executive branch and the Soviet officials agreed on treaty A, perhaps the Senate having ratified treaty B—where are we then as a matter of law?

As a matter of international law there is no question but that the agreement is made between the parties, albeit it is the executive branch representing the U.S. Government. But as a matter of constitutional law in the United States, may not have a valid ratification if the Senate has not the same treaty, and the same evidence on intent as was negotiated by our executive branch. So the next treaty which comes to this body I think will be treated very differently from the way any treaty has been treated in the past.

But because of the importance of these measures, Mr. President, I urge my colleagues to oppose this motion to proceed so we can have all the facts before us and have a comprehensive analysis of the law before deciding this very important question.

I thank the Chair. I want to thank my good friend from Virginia, the ranking member, for affording me the extra courtesy and the extra time here this afternoon.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I think all Senators have agreed that this has been a very constructive contribution to this debate. While some of us have focused on certain constitutional aspects, procedural aspects and the like, the Senator from Pennsylvania has pointed out that there are two other committees of the U.S. Senate diligently pursuing their own analysis, and hopefully eventually a determination of many of the same issues that control the outcome of the consideration of this particular amendment known as the Levin-Nunn amendment on this bill; and that those committees as yet have not completed their work; that the committees and indeed the individual members intend to press on to complete additional research and hearings.

Mr. SPECTER. If I might add, it may be, that perhaps some expertise could be lodged in the Judiciary Committee when you have an issue of constitutional importance. Our Subcommittee on Constitutional Law deals with it all the time and the committee deals with it all the time.

It ought to be noted that there is a resolution which the distinguished chairman of the Judiciary Committee, and second ranking member on Foreign Relations, Senator BIDEN, has proposed on this issue precisely. So that this issue is certainly going to be before the Senate. It does not have to be taken up in this bill. This bill can proceed without the issue on interpretation of testing in outer space, reserving that issue until other committees have finished their work.

Mr. WARNER. Mr. President, if the Senator from Pennsylvania will just remain a few more minutes, I and others on the Armed Services Committee tried very respectfully to persuade our other colleagues not to include this amendment for many of the very reasons stated by the Senator from Pennsylvania, namely that the work of the Senate, and other committees, and indeed the work of the President, the Secretary of State, and other members of the administration had not been completed. Indeed, the consultations process, should we say, that was requested by a number of Senators and others is incomplete.

I do hope that perhaps at some point in this debate we can look on the advantages of taking this amendment off without prejudice—perhaps it could be made into a freestanding bill—and let the Senate then consider it at a time when work by other committees, other Senators, and indeed, the administration, has been completed. To me, that would be the most desirable and beneficial course of action. I shall not press that matter further because my distinguished chairman is not here, and I know not the views of my colleague from Illinois. But he, of course, could express them for himself.

In conclusion, I thank again the Senator from Pennsylvania.

Mr. President, I encourage, for the balance of time the leadership desires to have devoted to this particular procedure today, other Members to come forward so that today's RECORD can again put together in one place as a composite of views that will be helpful to others examining this issue.

Unless there are other Senators seeking recognition—I see none at this time, Mr. President—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 hope that any Senators who wish to discuss the motion to proceed to take up the defense authorization bill will come to the floor.

Of course, we will be in as long as Senators wish to speak. But when there are no more speakers, I will attempt to go over until tomorrow.

Mr. WARNER. Mr. President, I see our distinguished colleague from South Carolina in the Chamber. Before I yield the floor, I wonder if I might just mention to the distinguished majority leader the last speaker was the Senator from Pennsylvania, a member of the Judiciary Committee, and, indeed, the ranking member of that committee. He brought to the attention of the Senate the fact that the Foreign Relations Committee, the Judiciary Committee, and a number of individual Senators are working on this particular issue of the ABM Treaty that is framed by the Levin-Nunn amendment.

I brought to the attention of the Senate that the President, the Secretary of State, and the legal adviser to the Secretary, are continuing the consultation process with the Congress. At some point in time I would hope that the leadership of the Senate, together with the chairmen of the respective committees which have an interest in this issue, would look at the option of perhaps the Levin-Nunn amendment being removed from this bill so that the bill could go forward,

recognizing that other committees of the Senate have some jurisdiction over these issues and that their work is incomplete; to consider the possibility of having it as a freestanding bill and then schedule it at an appropriate time for debate, presumably at a time after the other committees have concluded their hearings. In a respectful way I bring that to the attention of the majority leader as one option to be considered as we proceed.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I am sure that as we get into the debate a little further, various options may occur to Senators. I think that is the benefit of going forward with the debate. I am sure that there are items in this bill, as there are in almost every bill, certainly in a bill of this size that comes to the Senate, which are contentious and on which Senators will not agree. It is through that medium of debate whereby we focus on the issues, sort them out, and often reach compromises in that regard.

I am confident that as we go forward we will probably find areas like that which will lend themselves to agreement.

I would not want to attempt to pass one way or another on what the distinguished Senator from Virginia has just mentioned with respect to the ABM Treaty, the Levin-Nunn amendment with regard to the interpretation of that treaty. I would think that only through the process of debate can we hopefully reach agreement.

Mr. WARNER. Mr. President, I thank the distinguished majority leader for having an open mind on that and entertaining the suggestion I made.

I see the distinguished minority leader here. I wonder if he might wish to address the issue of the advantages of having the Levin-Nunn amendment as a freestanding issue before the Senate, and that a debate on that amendment—well, it would no longer be an amendment but it would be a freestanding bill—could be scheduled at a time following the conclusion of the work of the Judiciary Committee and the Foreign Relations Committee, which I understand are having hearings on this issue.

Mr. SPECTER. On next Tuesday, the Judiciary Committee will have a session at which Judge Sofaer will testify. It may be of some interest that I wrote today to Senator BIDEN and Senator PELL, the chairmen of the two committees, stating that it might be useful if some could appear from the other side. I suggested Senator PELL and his staff. That would perhaps close the issue on the negotiating record. Those of us who have had the chance to read the negotiating record know that it is extremely complicated and there are strong positions on both sides. If you have two witnesses that go to the points head-to-head, it can provide a lot of clarification. I think it could develop facts which may be material.

CLOTURE MOTION

Mr. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XX, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration S. 1174, a bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Senators Wendell Ford, J.J. Exon, Bill Bradley, Daniel K. Inouye, Alan J. Dixon, Barbara Mikulski, Sam Nunn, Quentin Burdick, George J. Mitchell, Terry Sanford, David Pryor, Kent Conrad, John Melcher, Dale Bumpers, John Breaux, Edward Kennedy, Frank Lautenberg, Howard Metzenbaum, John D. Rockefeller, Alan Cranston, and Jim Sasser.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, I will just take 1 minute. I hope our friends on the other side of the aisle would be willing to let the Senate proceed to the consideration of the defense authorization bill prior to a vote on cloture. A vote on cloture will occur on Friday. I hope that in the meantime our friends will agree to let us take up this bill.

I am not sure that there will be any vote on it, for that matter. But I still hope that we can get the bill up, debate it, air it well, and let us see if we might come to an agreement on it.

Mr. NUNN. Will the Senator yield?

Mr. BYRD. I yield the floor.

Mr. NUNN. Mr. President.

Mr. DOLE. Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I will comment briefly on what was said earlier and I will be happy to yield the floor.

I am perfectly willing, as I indicated earlier, that if we could separate this one amendment out, we would have a freestanding vote. There may be some with a different strategy to require the President to veto the whole bill, or maybe others who feel he will not veto the whole bill if this is in it. But that is not an accurate assessment of the President's position. This is a matter of great significance and one that we intend to make a record on. It may take a while, but that is what the Senate is for. When you have a matter of national significance, I think we ought to be heard.

So if we can be heard just as well on a freestanding agreement of some kind on the so-called Levin-Nunn amendment, that could go to the President and we could go ahead with the DOD authorization bill, which will be difficult enough to pass.

I can attest to that having been the majority leader and spending a couple of weeks, I think, last year, and 7 or 8 days the year before. There is a lot of work to do. I have made it the practice this year to do all I can to cooperate with the majority leader. I do not want to play games. It seems to me we have a lot of work to do. It is piling up and it is going to pile up even higher. I want to help the majority leader leave this place by October 1 this year, with maybe a 1 week slippage.

Mr. McCLURE. Or earlier.

Mr. DOLE. Or earlier, yes, if possible.

If we can work it out, that would be fine. I certainly do not want to frustrate the efforts of the distinguished chairman, who does an outstanding job, or the majority leader or the Senator from Virginia, but there is a fairly strong feeling on this side about this one issue. Aside from that, as I understand, the bill would not take all that much time. If we can work it out, we are willing, and, if not, we will have to go through whatever we have to go through, but not with the intent of anybody on this side that I know of to frustrate the leadership or frustrate the committee which has done such an outstanding job on this legislation.

Mr. NUNN. Mr. President, while the Senator from Kansas is here, let me make a couple of alternative suggestions.

One suggestion is that if the Senator from Kansas and the Senator from Virginia feel strongly about this issue, and I am sure they do, and would like to separate it out, I think that could be done. The only thing we have to do with it, though, is to also separate out the defense initiative funding because the two go together. Otherwise, you are giving the President $4.5 billion and you are saying to the President, "Here it is. Do whatever you want to with it. We will find out, I guess, when we read the papers."

If some want to separate it out, that is easy to do. But the problem is, it is the exact equivalent of giving the President money for the MX missile and saying, "You go out and base it any way you want to and let us know."

We cannot do that. That is abdication of our responsibilities. If Senators say they want to separate it out, I would say that is easy, we can take out the SDI provision and this provision

and set them aside and when we get ready to deal with them, we can deal with them, and go ahead with the defense bill and go into conference. That is one suggestion.

Of course, if the first one was to be acceptable, then we would not have to worry about the second one. But instead of debating the motion to proceed, after a reasonable time—I do not mind spending whatever time you want to spend on this issue. It is an important issue and deserves debate, 1 day, 2 days, 3 days, 4. But let us not hold up this whole bill. It has everything in it so important to our Nation's security, men and women who serve in the services. Let us go ahead with the bill and try to complete it. The Foreign Relations Committee will have had hearings. These hearings have been going on for some time. They can maybe complete them. We can hear from Judge Sofaer. Normally a defense bill takes 4, 5, 6, 7 days. There are going to be a number of amendments. Let us get to the end of the bill and then Senators have every right to hold it up. That is debatable. You can hold up a bill. We know you have enough votes to keep the filibuster going for quite a while. That is not the contest.

But also, if you have enough votes for that, you have enough votes to sustain the veto. I just do not understand why prolonging the bill after reasonable debate makes any sense. It does not have a conclusion. It does not do anything for security. It does not do anything for the strategic defense program. In fact, it works in exact opposite to the best interests of those who are in favor of the strategic defense initiative.

So I suggest we go ahead with the bill, take it up, debate just as long as the Senators would like, go ahead to the other amendments and debate those. If we get down to the end, we have not heard from Judge Sofaer adequately, you can still filibuster. You can filibuster the conference report. There is nothing to keep you from filibustering the conference report. It just does not make sense.

What we are going to end up doing, you get to a certain point and you will not have a defense bill. If you do not have a defense bill, you will have a continuing resolution. I recognize that he can veto a continuing resolution. But I know the mood and I believe most other people do. We saw what the House did yesterday. They now have $3.1 billion for SDI. We have $4.5 billion. I know the mood and the more it gets vetoed, the more the filibuster goes on, the more the SDI Program is going to go down in the final analysis.

So it seems to me that those who in all sincerity are pursuing this avenue are indeed taking a position that is going to erode the very support that they seek. The only hope we have of having a strategic defense initiative at all is if we have some bipartisan consensus. And those of us who support it on this side do feel strongly it is a blank check; the President just cannot go out and do whatever he wants to do. He told us what his program is going to be. It is supposed to be within the traditional interpretation. That is what they have testified to. We cannot sit back and have the Department of Defense in unilateral announcements saying the President can change any time he wants to and go to the interpretation—tests in the different manner than the tests he has laid out in front of our committee. He cannot do that. So that position is going to remain firm whether it is May or whether it is October.

I hope that we could take one of those two avenues. Either one of them would be satisfactory. Set aside the SDI funding and this provision, move on with the bill. We all know that at some point we will come back and put them together. Or an alternative is to go ahead, take up the bill, take everything else up, reserve the right to have extended debate at the end of the bill. That way we will not be losing time. The Senate will not be sitting here hour after hour of wasted time. We will be moving forward.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I do not quarrel with anything the distinguished Senator from Georgia has said, but I think that we should not get too nervous around here, until we have a filibuster. I tried day after day after day to get something moving in this body and nothing ever happened. Somebody would stand up and say, "You are not going to do that today," and I said, "Yes, sir," because generally if one, two, three, four, five Members decide you are not going to make much progress that can be achieved. So I think until somebody has laid down the gauntlet, I am not too concerned about option one, two, three, or four. But I do think that there is an important issue here and obviously there is a lot of leverage on the other side, because if they do not have their way then they will reduce SDI funding. It is not the very genius to figure that out. I am not certain whether the President can win in either event.

But I think there is some bipartisan support for SDI at some reasonable level. I hope there is. It may be that if we get at loggerheads sometime later on maybe there can be some accommodation to help keep things moving, because again I state I do not believe that I have intentionally frustrated the efforts of the majority leader yet this year. Sometimes we just cannot do things. Sometimes the leader is powerless to do what he would like to do.

We are going to continue to try to work out many of these proposals. But then I would not say we had reached the end of the road on this one.

Mr. DIXON. Will the minority leader yield for a moment, Mr. President, for a question?

I think what my distinguished colleague, the chairman of the committee, has said merits a lot of serious consideration on the other side. I see many of my colleagues from the committee. I think I can represent in a public place that every member of the committee expressed satisfaction at the conclusion of all of our hearings that everyone had been fairly treated and that we had a bill with which everybody was satisfied. Most of us would have liked a little higher number than we ended up with, but we did the job we had to do to end up with zero real growth. I think all of us are satisfied that we have a good bill. We have an honest difference of opinion between the two sides on the question of a narrow or a broad interpretation of the ABM Treaty. We have had a lot of good debate in the committtee, incidentially, and on the floor, may I say to the leader, on this subject matter. I think it has been a benefit to all of us.

However, is it not about time we had some serious conversations on both sides about what we can do to get to the merits of this bill and pass this important piece of legislation? I think there ought to be some areas of agreement, may I say, by virtue of which both sides could come to an understanding that we can move along with this very important legislation. There is a salary increase for our military personnel. There are a lot of things in this legislation that many Members who are on the floor hold dear. I think that between now and Friday a lot of good conversations between the leaders on both sides and the ranking member and the chairman could result in some very fruitful understandings.

Mr. DOLE. Since the Senator directed the question to me, I would hope we are always going to try to be constructive. It seems to me this should be a bipartisan effort. Defense is a bipartisan effort. So I do not know of anybody on this side who says, "No, never." But we may not have quite reached that point yet. There has not been a single quorum that I remember. Maybe one brief quorum call all afternoon, so Members have been debating. It is frustrating when they put in quorum calls and nobody does anything. So there has been some good debate. It is called to my attention that a number of Senators, particularly the Senator from Pennsylvania, made particularly well-reasoned statements. The Senator from South Carolina is ready to speak. We are getting debate out which would come in any

event. So I hope we are not yet judged to be dragging our feet on the bill. I know the Senator did not mean that.

Mr. BYRD. Mr. President, will the distinguished Republican leader yield?

Mr. DOLE. I will be happy to yield.

Mr. BYRD. Mr. President, I think the Republican leader would be the first to say that this Senator has supported SDI, and I assume there are some Senators on the minority leader's side who have not. I supported it last year when twice it survived by one vote. Now, a Senator can say it was his vote. Another Senator can say it was his vote. I can say it was my vote. But it was certainly bipartisan.

I am interested in getting a bill. As the distinguished Senator from Georgia has pointed out, the Republican leader has the votes over there, on this side, to stop cloture. We cannot invoke cloture. We cannot produce 60 votes on this side. We have only 54. We cannot produce 60 votes to invoke cloture. We cannot override the President's veto on this side.

I would hope that our friends on that side, who showed this morning that they could muster a solid phalanx of votes on procedural questions, would at least let the Senate take up the bill. We cannot break the filibuster on this bill as long as the Senators on that side stand against voting for cloture.

At the moment, we have before the Senate a motion to proceed, a motion to take up. Why do we not take it up and get on the bill and then debate?

Mr. WARNER. I say to the distinguished leader that there is equal desire on this side to take up the bill and get on with the Nation's business in terms of national defense.

The Levin-Nunn amendment is only tangentially related to this bill. In a technical sense, it constrains the money, but in a broader sense, it raises a very serious constitutional issue, which is now being examined by the Judiciary Committee, and a foreign policy issue—namely, the treaty and the broad versus narrow.

I ask the distinguished majority leader to consult the chairmen of those two committees, who are diligently working to reach some of the same conclusions forced by the debate on this amendment, and see whether or not we can break off the amendment from the bill—not break it off, but take it off and make it a freestanding measure.

I ask the distinguished Senator from Georgia: What is the necessity of incorporating the money from SDI? The bill, having the Levin-Nunn amendment, when acted upon by the Senate, could be drawn up in such a way as to be amended. What Congress does one day, it can undo the next day.

Mr. NUNN. The Senator from Virginia is eminently correct. The Senator knows the answer to his question. If you separate the SDI funding from this amendment, you are telling the President: "Here is your money, Mr. President."

We are saying to those who would like to filibuster, "Filibuster the next bill."

If you give him the money, he can do anything he wants to do with the money. There would be no congressional say so with unilateral interpretation.

If he wants that, he can take the position he advocated in the committee, through his spokesmen, and restructure them. He could have the testing. He could break the ABM Treaty through that method. Congress would have nothing to say about it.

The Senator says, "Send him a blank check and let him do what he wants."

I say that if you want to take this amendment out, take the funding out, and we will address them both at the same time, and we will at least have a chance to say something about the adherence or nonadherence to the treaty.

Mr. WARNER. The money we are about to give the President under the bill does not go to his authority to spend until the first of October. That is a long time, during which the Judiciary Committee will have completed its work, the Foreign Relations Committee will have completed its work, and our negotiators will be further along; and on the eve of the release of the funds, Congress could act, if it is the will of Congress, in some way to restrict.

Mr. NUNN. Will the Senator agree to an expedited procedure; that there would be no filibuster; that once that bill came up, it would be expedited here, with no holdup, so that we would make sure that we have the same right to vote on that measure on the floor as we would otherwise?

Mr. WARNER. As the Senator well knows, that is a matter to be considered by all Senators and the leadership. Far be it from one Senator to make a statement to confirm that request.

Mr. NUNN. I understand that, and I think the Senator understands the answer to his question.

The reason we have to have the money at the same time you do this is that otherwise you are giving the President authority to do whatever he wants to do with this money. That is not the way Congress operates under the Constitution. We did not devise the Constitution so that Congress would have nothing to do with the way defense money is spent. That is the constitutional responsibility of Congress.

Mr. THURMOND. Mr. President, I rise to commend the distinguished chairman of the Senate Armed Services Committee, Senator NUNN, and the distinguished ranking Republican, Senator WARNER, for their extraordinary efforts in bringing the most important bill to the floor in such a timely fashion. The funding recommendations included in this bill represent an appropriate balance, although at lower overall levels than I would have preferred, between our national security objectives and the need to balance the Federal budget.

I would also like to congratulate the distinguished chairman of the Strategic Forces and Nuclear Deterrence Subcommittee, Senator EXON, with whom it has been my distinct honor and pleasure to work. Under Senator EXON's leadership, the Strategic Subcommittee held at least one hearing on each of the major issues and achieved remarkable bipartisan consensus on a broad range of funding issues in the important and often controversial strategic and space programs arena.

Mr. President, the bill strongly supports ICBM modernization, recognizing that the final outcome of this issue will be decided in our conference with the House.

It contains strong support for the continued development of the Miniature Homing Vehicle Asat Program, recognizing the essential contribution of the Asat program both to deter actions by the Soviets that might impede, damage or destroy our important space assets, and to deny Soviet space-based capabilities that could threaten our terrestrial forces in time of war.

It contains funding for the strategic defense initiative that permits the continuation of a robust program, although at a funding level that will slow significantly major experiments that were planned to support an early 1990's decision to develop and deploy a strategic defense system.

It contains strong support for the continued modernization of our strategic forces and their command, control, and communications, including the Trident submarine and Trident II missile, and the advanced technology bomber.

It contains strong support for our space launch recovery efforts, and for both chemical weapons defensive measures and the modernization of chemical offensive capabilities through safe, binary munitions.

Mr. President, this bill also contains an important initiative with respect to the Department of Energy's weapons program. The committee has recommended that the N-reactor at Richland, WA, be put in a standby status, and that the Department use some of the savings to initiate work on a new production reactor on an urgent basis. The committee's action deals with a mounting budgetary crisis precipitated by the need to modernize the decades-

old production complex and to take remedial actions with respect to environmental issues. More importantly, the committee's action addresses the national security imperative to assure a source of critical nuclear materials for the long term. The committee deliberated at length in arriving at this recommendation. We made it recognizing that shutting down the N-reactor increases the risks in the short term that we will be unable to meet the critical material needs of our weapon's stockpile. There are, however, no easy choices open to us if we are to deal decisively with preserving the infrastructure on which our deterrence strategy depends.

Mr. President, let me turn for a moment to an item that is also at the heart of our overall military strength. For the past several years, the Senate Armed Services Committee has added funding for priority items for the Guard and Reserve. This year the committee approved a total of $300 million of additional purchases for elements of our Reserve components.

In a continuing effort to retire aging C-130 A model aircraft, the committee has recommended procurement of eight C-130 H model aircraft for the Air National Guard.

The committee also recommended that $150 million be allocated to the various Reserve components to procure miscellaneous unspecified equipment. This continues a program started several years ago by my distinguished colleague from Mississippi, Senator JOHN STENNIS and myself.

Additionally, the committee recommends that nine of the AH-64 attack helicopters authorized in this bill be designated for the Army National Guard.

Mr. President, while these expenditures may seem modest when compared to the entire defense budget, they will go a long way toward modernization efforts for the Guard and Reserve.

Mr. President, notwithstanding the strong reasons to support this bill, which I have just outlined, I must regrettably indicate that I cannot support this bill in its present form. This is entirely due to the inclusion of a provision known as the Levin-Nunn amendment, which I believe is detrimental to our national security interests.

It is not in our national security interests to require by statute that the President follow the more restrictive of two plausible interpretations of the ABM Treaty, when the Soviet Union is seeking an even more restrictive interpretation at the negotiating table. The Levin-Nunn amendment would have that effect.

It is not in our national security interests to seek to bind the United States to an interpretation under the ABM Treaty to which the Soviet Union is not bound. The Levin-Nunn amendment would have that effect.

It is not in the national security interests to grant statutorily to the House of Representatives the unilateral ability to compel the United States to follow for the next 2 years a particular foreign policy regarding our relations with the Soviet Union. The Levin-Nunn amendment would have that effect.

Such matters are constitutionally reserved to the President, and shared only with the Senate by virtue of treaty ratification procedures.

In short, Mr. President, at a time when the United States and the Soviet Union are engaged in negotiations involving the very matter addressed by the amendment, the Levin-Nunn amendment jeopardizes the prospects for reaching the best possible outcome for our long-term national security.

Mr. President, there will be considerable discussion of the issues raised by the Levin-Nunn amendment. I urge my colleagues who have not followed these issues closely to do so during consideration of this bill. Finally, I urge my colleagues to support an amendment that will be offered to strike the Levin-Nunn provision.

Mr. President, I cannot imagine a more detrimental step that this Congress could take than an attempt, at the very moment that the President of the United States is negotiating with the Soviets, to tie his hands on this matter.

In the negotiations, originally, before the adoption of this treaty, the Soviets took the broad interpretation. Now they are taking a more restrictive position than the narrow interpretation at the negotiating table. And so certainly, according to the negotiation procedures, according to the negotiating record—any Senator can get it and look it up—there is certainly ambiguity there where you can support either interpretation. And why do we want to tie the hands of the President now to a narrow interpretation, which will hurt him in negotiating to get the best agreement for the United States?

I cannot imagine anyone in the Congress, Senate or House, at this particular moment when we are negotiating with the Soviets attempting to take a position here that is going to tie the hands of the President or greatly handicap him in getting the agreement we might get if this action is not taken.

There is no question about it. Anyone who has studied this situation will realize that if we pass the Levin-Nunn amendment right now, we are giving the Soviets something that they cannot get at the negotiating table. Why should we do that?

I hope that public sentiment will express itself on this matter and that the Congress will realize what they are doing if they adopt the Levin-Nunn amendment at this particular moment when we are trying to get an agreement with the Soviets. Adoption of this amendment will hurt the President in arriving at an agreement which will be helpful to this country and if we do that, the American people will suffer.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator form Arizona.

Mr. McCAIN. Mr. President, I would like to make a few remarks. First of all, I would like to associate myself with the very compelling and cogent remarks made by the distinguished Senator from South Carolina, Senator THURMOND, who has always lent a great deal to this very important debate.

Mr. President, I think we are talking about three things here. First, we are talking about the process as we know it here in the U.S. Senate. Second, we are talking about SDI itself and third, we are talking about a constitutional issue: Presidential prerogatives in the conduct of foreign policy, and in interpreting treaties and in carrying them out.

I paid close attention to the distinguished chairman of the committee in his remarks and, as always, they were very important.

Let me point out that the chairman said to those of us who oppose this portion of the bill, are you saying you are willing to sacrifice the new ships, the new airplanes, the research and development, the pay raise, the hard work that this committee did. Are you ready to sacrifice all that, as our chairman stated, because of this amendment? I see one of my distinguished subcommittee chairmen here, Senator DIXON. I appreciate the hard work he did on the subcommittee on which I am proud to serve.

I think that the reverse should be asked. I think I would ask the other members of this committee: Are you willing to sacrifice all this hard work, knowing full well that this President is going to veto this bill if it has that amendment attached to it and that we can probably muster at least 34 votes to sustain a veto? Is that the track we want to go down? Do we want to make the authorizing process irrelevant? Do we want to again consign the authority and indeed the responsibilities for this Nation's defense to the Appropriations Committee and end up with a continuing resolution in which the members of the committee will play a very small role?

I think that question should also be asked because it is clear that without the Nunn-Levin amendment this bill would have been unanimously supported by all members of the committee. We would have come here to the floor with a united front, and I would suggest that as a united committee we

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probably could have beat back efforts to further reduce the defense authorization.

Now we come here to the floor of this body with the acrimony that existed this morning exacerbated by now "extended debate." Unfortunately we are, divided across the board, making it very difficult for us to concede to one another in order to present a united front, on the floor of this body and in the conference.

So I have to ask the distinguished chairman and with deep respect, Is he willing to sacrifice the hard work that he and the other members of the committee have devoted to this task? There have been literally thousands of hours invested by members and our outstanding staffs in order to craft what many of us believe is an outstanding document, with the exception of the Nunn-Levin amendment. This document can indeed insure U.S. national security interests throughout the world.

Also the distinguished chairman stated that the administration chose to simply do "whatever they wanted with $5.7 billion." I do not think that is the case. In fact, in the report language which is now part of the defense authorization bill, I would like to read something which I think is important. It says:

> As a result of hearings before this and other committees in the Senate and House of Representatives, serious questions have been raised about the validity of the proposed reinterpretation of the ABM Treaty. To its credit, the Administration has acknowledged deficiencies in its review of issues pertaining to interpretation of the ABM Treaty, and has pledged to consult carefully with the Congress before undertaking any further action contrary to the original meaning of the Treaty as presented to this Committee and the Congress in 1972.

Mr. President, those are not my words, those are the words of the report language concerning their interpretation, and indeed it is mine also. This administration will not advance or leave the so-called narrow interpretation of the ABM Treaty without full consultation with the Congress.

Now, that does not mean, obviously, that they will be bound by that, but at least there will certainly be consultation. I would suggest, as the chairman did, there would have to be a majority bipartisan support of a departure from the narrow interpretation of the treaty before they could possibly proceed, because this body still controls the purse strings and this body, on almost any amendment, on almost any bill, could propose an amendment which could prevent a departure from the narrow version of the treaty.

So I have to draw a conclusion, Mr. President, that this whole debate on the so-called Nunn-Levin amendment is to some degree symbolic. Unfortunately, we are dealing with such a serious issue that I do not think that it is really appropriate at this time, particularly given what is at stake.

Let me also talk for a second about SDI itself. There are people all across America who do not support SDI. I think that is very clear. But it is also clear that about 60-some percent of the American people support the concept of SDI. I think that is very understandable, because a majority of the American people are in favor of an experiment or testing to see whether we can arrive at a nonnuclear defensive shield in space as opposed to the uninterrupted buildup of nuclear offensive weapons on the ground.

I also believe as most Americans do, that we have an obligation—to defend ourselves, our citizenry and country. We must find a way to defend our citizens as opposed to holding them hostage as called for today by a doctrine of mutual assured deterrence. This is not only repugnant but, unfortunately, may no longer be viable for various reasons. I do not think it is in our interest to choke SDI in it cradle.

I also would suggest that we will reach a time, perhaps not this year, perhaps not next year, where we will have to make a decision to test this equipment, to see whether actually we can erect some sort of a shield which could, at a minimum, protect us from the threat of nuclear blackmail.

Let me talk just a second about negotiations. We are at a point, according to the media, and according to all the briefings that I have received where we may have achieved or are about to achieve a signifiant arms control breakthrough with the Soviet Union. Why are we at this point? Mr. President, I am not positive that we are going to reach this agreement, but all the signs are leading in that direction.

How did we get to the point where we are today? I think you will find that SDI and a change of leadership in the Soviet Union are the two major factors which contributed to the position we are in, in the negotiations today. In 1983, the Soviet Union left the Geneva arms conference stating that they would never return as long as Pershing and cruise missiles were in Western Europe.

I might remind you, Mr. President, that the reason why the Pershing and cruise missiles were in place in Western Europe was a direct response to the buildup of intermediate nuclear forces by the Soviet Union. The statement was there; it was credible. No one believed that the Soviet Union was ready to return and, indeed there was an invariable agony, as far as our European allies are concerned, as to how they should handle the bleak prospect of the unabated arms race.

Then, of course, SDI came on the scene. Then, for whatever reason—we can talk about credibility, or the lack of credibility SDI had within the Soviet Union—I think they are clear indicators that the Soviet Union gives great credibility to SDI. Look at the enormous amounts of money that they are devoting to their own SDI Program.

Although I have enormous and total faith in our technology and in our way of life, we will always be able to maintain a technological lead in SDI over the Soviet Union. I believe the Soviet Union also understands that. That is why Mr. Gorbachev made it his No. 1 priority and continues to be the No. 1 priority either to reduce dramatically our SDI prospects or to do away with all SDI, as proposed at Reykjavik when the bargaining reached the 11th hour.

So, SDI has made a major contribution to the arms control process and I hope we can appreciate that. I hope we appreciate that when we consider this amendment and what it will do in arms control, in both Geneva and here in the United States. I think our President is in a tough situation. I think President Reagan has to negotiate with two groups. At least Mr. Gorbachev has to negotiate only with the United States. Our President has to negotiate with the Congress and with the Soviets. But be that as it may. That is one of the symptoms of democracy which we will all accept. But I hope that this body would understand how critical SDI is to that process at this time.

Finally, I also want to reiterate, if we do not remove the Nunn-Levin language from this bill, we will doom this bill to failure. I do not think there is any doubt about that. If we do not remove the Nunn-Levin language, we will cripple or, indeed, severely impair the ability of our negotiators to continue at Geneva. We may deprive the American people of the prospect, the hope, that is sparked in the minds and hearts of many people across America that somehow we could get out of this terrible grip of mutual terror which has been brought upon us, which has been wreaked upon us by the continued incessant buildup of offensive nuclear weapons which threaten to incinerate this planet.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, may I just make these comments concerning this debate on the question of moving to the DOD authorization bill? I think that all of the remarks that have been made by my distinguished colleagues on the other side are very informative and very sincere. There is obviously a very considerable difference of opinion between this side and the other side

about the interpretation of the ABM Treaty.

But I think the point is also clear that a vote was held in the committee and a majority voted for the narrow interpretation of the ABM Treaty and that is part of the DOD authorization bill.

Now, it is very clear that it is going to take us a long time to pass this DOD authorization bill in my case; a number of days at least. There will be a good many amendments that will be considered by the U.S. Senate during the time that we debate this bill.

I would hope that my colleagues, between now and tomorrow morning, might have a change of heart about going to the issues in the DOD authorization bill. If they do not, we are going to waste all of tomorrow and probably a good deal of Friday discussing going to the bill itself, and I suspect that this side does not have the necessary 60 votes for cloture. So, in effect, we will waste all of this week in connection with this debate.

And, in the final analysis, some kind of an understanding will have to be achieved between the two sides so that we can go on with the business of the Senate, because I feel confident that my colleagues on the other side do really want to pass a Department of Defense authorization bill shortly. In any event, the President can veto the bill if he really takes exception to the language in the bill. And I think it is very clear that they have more than the necessary 34 votes on their side to sustain the veto. So I think that we are wasting a lot of time that could be used usefully in considering the DOD authorization bill.

Now, why should we consider this bill? I think the reason we ought to consider the bill is that there is unanimous opinion among the members of the committee that this is the very best bill that we could achieve, given the fiscal constraints that we face this year. Now, I see a number of members of the committee on the floor right now. I can say that my subcommittee, the Subcommittee on Readiness, Sustainability, and Support, had about 36 or 37 percent of the total amount of money that was authorized in this DOD authorization bill.

I believe I can say that every member of the subcommittee was satisfied with the treatment accorded them. The majority staff worked diligently with the minority staff. The end work product, Mr. President, may I say, was adopted in my subcommittee on a unanimous vote. I think that was generally true of the other subcommittees as well.

I remember very well before the final vote on the question of a narrow or broad interpretation, everyone on the committee expressed absolute satisfaction with the overall work product within the fiscal constraints that we were facing in the committee.

In other words, essentially we have before us a bill that probably has more support in the U.S. Senate than any DOD authorization bill in the 7 years that I have been serving in the U.S. Senate. We are divided on one question. It seems to me in due course we can resolve our differences somehow on that issue. But we ought to be trying to resolve that by conversations between the leaders, and between the distinguished ranking members and the chairman, my good friend from Virginia, who may I say publicly was an outstanding force in the committee for the excellent bill that we passed out of the committee. I know he has unlimited respect and affection for the distinguished chairman of the committee, the senior Senator from Georgia, who I am sure has the respect and affection of every Member of this body, and who has worked diligently to produce this excellent work product of the committee.

I appreciate the fact that everybody wants to make their speeches and there have been some very good ones. I want to congratulate all my colleagues, Madam President, who have made these fine speeches. But I would like to suggest it is 6 o'clock in the afternoon, and that we are going to waste this entire week talking about this issue if we do not shortly begin the DOD authorization bill. I hope we do not have to go through the whole procedure and vote on cloture. I think it is eminently clear that the votes are not here, may I say to my friend, the ranking member, the distinguished senior Senator from Virginia. The votes are not here for cloture. If we do not obtain cloture we will have wasted the whole week. We will not be in Monday. We will get back next week, and it will be a considerable amount of time before we can actually get to the many important issues in this very important bill.

There is probably, may I say, a strong feeling on the other side that we ought to go to this bill, with the exception of their reservations about the Levin-Nunn amendment that provides for the narrow interpretation of the ABM Treaty.

So I would like to entreat my colleague, the ranking member, and the Republican leader and others on the other side, to begin to have some earnest conversations with our side about some way we can resolve this difference of opinion and get on with the important business at hand without wasting this entire week.

I hope, may I say to my friend from Virginia, that perhaps he would spend a little time with his friend from Georgia, and the Senator from Kansas would spend a little time with the Senator from West Virginia, and we would have some nice conversations that would result by perhaps noon tomorrow in going to the DOD authorization bill.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Virginia.

Mr. WARNER. Madam President, I thank my distinguished colleague from Illinois. It is a pleasure to serve with him on this committee, and indeed in the Senate. He is the Senator that we all recognize—and I think he is speaking from the heart at this moment, but we must recognize—and I take issue with two points today. First a technical point. He said the Armed Services Committee voted on the narrow versus the broad interpretation. I believe the authors of this amendment have tried very carefully to point out we did not do that. We indirectly may have framed the debate for that, but in a sense, all we did was to put in the technical restriction on the expenditure of funds, thereby limiting the President's option at some future time if he so desired to make a shift in the direction of the program. So much for that.

But my second point is disagreement that time has not been wasted. Today has been a good exchange, and very substantive. I am now going over remarks made by others carefully, and learning some things which I, no matter how much time I spent, recognize for the first time.

I ask my distinguished colleague, as I did the majority leader, to think in terms of the work being done by other committees in the Senate on the very issues that are framed by the Levin-Nunn amendment, and whether or not in fairness to them—in fairness to our President who is now completing work, the first section of the work having arrived here in the Senate today—more time is needed for the deliberations of the issues framed by the Levin-Nunn amendment, to give that time to other Members of the Senate, and to proceed on with the bill.

Let us look at the means by which we can take this amendment, and have it set aside as a freestanding measure to be considered by the Senate at a future time.

Mr. DIXON. I thank my colleague from Virginia. He has always been so very dedicated to the work of the committee. I appreciate his comments very much. I did not mean to imply, of course, that this very excellent debate that took place today was a waste of the time either of the Senate, or the country. But I meant to state very forcefully that I believe that in short order we ought to proceed to the bill. If my colleagues wish to continue this debate on the merits of the legislation, I think that is entirely in order. But I think we have a lot of work ahead of us on the bill.

I would hope that before this week is ended, we can begin work on the DOD authorization bill.

I thank my friend from Virginia for his excellent comments.

Mr. WARNER. Madam President, at this time, I see no other Senator seeking recognition, and it is our practice now to allow the leadership to determine the future course of the Senate. I would suggest we put in a quorum call until such time as the Senate receives direction from the leaders. I suggest the absence of a quorum.

The PRESIDING OFFICER. There is no Senator seeking recognition. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there be a brief period for morning business, that it not extend beyond 10 minutes, and Senators may speak therein out of order.

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

SENATOR DOLE'S BICENTENNIAL MINUTE

SENATE PASSES "TARIFF OF ABOMINATIONS"

Mr. DOLE. Mr. President, 159 years ago today, on May 13, 1828, the Senate passed the "tariff of abomination," a high-protective tariff that inflamed sectional passions and triggered a major constitutional crisis.

Tariff rates were tricky business. Manufacturing interests generally favored a higher tariff to raise the cost of imports and promote American manufactured goods; agricultural interests favored a lower tariff to promote overseas sales of their produce and cheaper imports. Those representing agrarian interest in Congress thought they found an ingenious solution. They would vote for the highest possible tariff rates—exactly the opposite of what they wanted. They believed President John Quincy Adams, who was sympathetic to the manufacturers, would be forced to veto the high tariff. He would then carry that stigma in his election campaign against Andrew Jackson.

But the high tariff passed and Adams signed it. The South was outraged and some Southerners began to talk of secession. It was the "tariff of abominations," as they called it, that prompted Vice President John C. Calhoun to write an anonymous pamphlet denouncing the tariff as unconstitutional and unjust, and declaring that the State legislatures had the power to refuse to enforce—or nullify—a Federal law. When South Carolina adopted Calhoun's proposal, President Jackson hotly denied the right of nullification, and threatened to send troops to uphold the tariff. The crisis was at last averted when Senator Henry Clay devised the compromise tariff of 1833, to remove some duties immediately, and gradually lower the rest. But the sectional angers thus aroused never completely disappeared in those tense decades before the Civil War.

The moral to this story, I suppose, is that Senators should be careful of what they vote for, because they might actually get it.

INDIAN FISHING RIGHTS

Mr. BYRD. Madam President, I would inquire of the distinguished Republican leader if Calendar Order No. 113, S. 727, has been cleared on that side.

Mr. DOLE. It has been cleared on this side.

Mr. BYRD. I thank the leader.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 113, S. 727.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 727) to clarify Indian treaties and Executive orders with respect to fishing rights.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill which has been reported from the Select Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. Section 2079 of the Revised Statutes (25 U.S.C. 71) is amended by striking out the period at the end thereof and inserting in lieu thereof the following proviso: ": Provided, That such treaties, and any Executive orders and Acts of Congress under which the rights of any Indian tribe to fish are secured, shall be construed to prohibit the imposition, under Federal law or under any law of a State or political subdivision thereof, of any tax on any income derived by an Indian from the exercise of rights to fish secured by such treaty, Executive order, or Act of Congress.".

SEC. 2. The provisions of this Act shall apply to any period for which the statute of limitations or any other bar to assessing tax has not expired.

Mr. INOUYE. Madam President, I rise today in support of S. 727, a bill to clarify Indian treaties, executive orders, and acts of Congress which secure rights to fish to Indian tribes.

Madam President, the genesis of this legislation is the recent efforts of the Internal Revenue Service to impose taxes on income of Indian treaty fishermen for income derived from the harvesting of this trust resource. This effort has been the subject of disagreement between the Department of the Interior and the Internal Revenue Service which was finally resolved within the administration when the Department of Justice declined to adopt the legal views of the Solicitor of the Department of the Interior and opted, instead, to accept the legal views of the Internal Revenue Service.

The exchange of views of the Department of the Interior and the Department of Justice are set forth in full in the report filed by the Select Committee on Indian Affairs to accompany this bill. It is sufficient, here, to say that the disagreement between the Department of the Interior and IRS hinges on the interpretation of a major Supreme Court decision in this area of taxation of Indian trust resources: *Squire* v. *Capoeman*, 351 U.S. 1 (1956). The Internal Revenue Service has insisted that in the absence of express language in the treaty, executive order or act of Congress establishing an exemption from taxation, the general revenue acts of the Congress should govern and no exemption should be found. The Interior Department argues that most of the fishing rights in question, and particularly those established by treaty, were secured as much as 50 years before the first Federal income tax laws were enacted. It is unreasonable to expect language in such a treaty or other document expressly addressing an issue of Federal taxation. Instead, I firmly believe that the policies underlying the establishment of the right should be controlling.

Madam President, it is the view of the Select Committee that income derived by an Indian exercising his or her right to take fish should enjoy the same tax treatment as income derived by an Indian farming his trust allotment, raising cattle on his trust allotment, harvesting timber from his trust land, or obtaining income from mineral resources on his trust land. On the basis of the Squire case, the Internal Revenue Service has recognized exemptions from taxation derived directly from the utilization of such trust resources. To those Indians deriving a living from the harvest of fish the right to which is secured by treaty, executive order or act of Congress, the fish swimming in the stream or ocean is as much a trust resource as are the lands being worked by these other Indians.

The faith required of the United States to honor its commitments to the fishing Indians cannot be less than that faith owed to the land-based Indian. The purpose of this legislation is to honor that commitment and provide the necessary language to enable the treaties, executive orders or acts of Congress which secured the right to fish in the first instance to be interpreted in the same fashion as those

treaties, executive orders or acts of Congress which secured tribal and individual Indian rights in land.

Madam President, I urge my colleagues to join in supporting this important legislation.

Mr. EVANS. Madam President, I rise today in support of S. 727, a bill to clarify the tax-exempt status of income derived by Indians from the exercise of fishing rights secured by treaty, executive order, or act of Congress. The bill is similar to an amendment to the debt ceiling bill accepted by the Senate during the last Congress. For reasons unrelated to the merits of the amendment, however, it did not survive conference of debt ceiling bill.

S. 727 was reported by the Select Committee on Indian Affairs without opposition. During the committee's hearing on this legislation, Assistant Secretary of Interior for Indian Affairs Ross Swimmer testified in support of the bill. Mr. Swimmer made it quite clear that he was testifying on behalf of all the agencies in the executive branch of the Federal Government, including the Office of Management and Budget, the Department of Justice, and the Department of the Treasury.

Madam President, many Indians have relied heavily, some exclusively, on fishing for their food and economic wellbeing. Consistent with the importance of fishing to their way of life, the Indians often retained their traditional fishing rights when they signed treaties with the U.S. Government. Leaders of Indian tribes are generally thought to have understood that they would be able to continue fishing and trading fish without, in any way, having to turn over to the Federal Government a portion of their catch.

I am grateful to my colleagues Senators BRADLEY, DECONCINI, ADAMS, MCCAIN and HATFIELD, and especially to my good friend and colleague Indian Affairs Committee Chairman INOUYE, for their support and their assistance in bringing this bill before the Senate. I urge other Members of the Senate to support our efforts.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

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

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill [S. 727] was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to clarify Indian treaties, Executive orders, and acts of Congress with respect to Indian fishing rights."

Mr. BYRD. Madam President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

NEW G.I. BILL CONTINUATION ACT

Mr. BYRD. Madam President, on behalf of Mr. CRANSTON, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1085

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1085) entitled "An act to amend title 38, United States Code, to make permanent the new GI bill educational assistance programs established by chapter 30 of such title, and for other purposes", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "New GI Bill Continuation Act".

SEC. 2. SHORT TITLE OF THE NEW G.I. BILL.

Section 701 of the department of Defense Authorization Act, 1985 (Public Law 98-525; 38 U.S.C. 101 note) is amended to read as follows:

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Montgomery G.I. Bill Act of 1984'.".

SEC. 3. CONTINUATION OF ALL-VOLUNTEER FORCE VETERANS' EDUCATIONAL ASSISTANCE UNDER THE NEW GI BILL PROGRAM.

(a) ACTIVE DUTY PROGRAM.—Section 1411(a)(1)(A) of title 38, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988," and inserting in lieu thereof "after June 30, 1985,".

(b) ACTIVE DUTY AND SELECTIVE RESERVE PROGRAM.—Section 1411(a)(1)(A) of title 38, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988," and inserting in lieu thereof "after June 30, 1985,".

SEC. 4 CONTINUATION OF EDUCATION ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE UNDER THE NEW GI BILL.

Section 2132(a)(1) of title 10, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988," and inserting in lieu thereof "after June 30, 1985,".

SEC. 5. REVISION OF DECLARED PURPOSES.

Section 1401 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (2) and redesignating clauses (2) and (3) as clauses (4) and (5), respectively;

(2) by inserting after clause (1) the following new clauses:

"(2) to extend the benefits of a higher education to qualifying men and women who might not otherwise be able to afford such an education;

"(3) to provide for vocational readjustment and to restore lost educational opportunities to those service men and women who served on active duty after June 30, 1985;";

(3) by striking out the period at the end of clause (5), as redesignated by clause (1) of this section, and inserting in lieu theeof "; and"; and

(4) by inserting at the end the following new clause:

"(6) to enhance our Nation's competitiveness through the development of a more highly educated and productive work force.".

Mr. BYRD. Madam President, on behalf of Mr. CRANSTON, I ask that the Senate concur in the amendment of the House to the amendment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

REPRESENTATION OF SENATE OFFICERS

Mr. BYRD. Madam President, on behalf of Mr. DOLE and myself, I send to the desk a Senate resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 215) to direct the Senate legal counsel to represent the President of the Senate and the President pro tempore in the case of McWherter v. Bush, et al.

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, the Vice President, in his capacity as President of the Senate, and Senator STENNIS, in his capacity as President pro tempore, have been named as defendants in an action filed by the Governor of Tennessee in the U.S. District Court for the District of Columbia. The Governor has also named the Speaker of the House as a defendant.

The Congress, in the Nuclear Waste Policy Act of 1982, established a program for the selection of one or more sites for the permanent deep geologic disposal of high-level radioactive wastes and spent nuclear fuel. The act requires the President to submit to the Congress a recommended site for a repository, but it allows any State to object to the location of a permanent repository within its borders by submitting a notice of disapproval to the Congress within 60 days of the President's recommendation. If a State submits a notice of disapproval the Secretary of Energy may not apply to the Nuclear Regulatory Commission for a construction authorization unless the

Congress passes a joint resolution approving the site within a prescribed period after receiving the State's objection.

The statute provides that a State's notice of disapproval shall be considered to be submitted to the Congress on the date of its transmittal to the Speaker and to the President pro tempore. In the Senate, a notice of disapproval is to be referred to committee and the chairman of the committee shall introduce a resolution to approve the site recommended by the President.

When the Congress decided in 1982 that one or more permanent repositories should be developed, it also conceived of, but did not authorize, an interim facility for the monitored retrievable storage of nuclear wastes pending their shipment to permanent repositories. As required by the act, the Secretary of Energy has submitted to the Congress a proposal for legislative authorization of the construction of a monitored retrievable storage facility. The Department of Energy's proposal, which was submitted on March 30, 1987, has been referred to committee. The Department recommended that the facility be constructed in Tennessee.

Section 141(h) of the 1982 act provides that a monitored retrievable facility authorized pursuant to the act shall also be subject to the act's provisions that enable a State to disapprove a site for a permanent repository. The question which Tennessee is raising in this lawsuit is whether the Department of Energy's March 30, 1987, proposal to the Congress triggers the State's opportunity to submit to the Congress a notice of disapproval. The purpose of Tennessee's declaratory judgment action is to obtain a judicial ruling which will determine when Tennessee may utilize its statutory opportunity to disapprove a decision to locate a monitored retrievable storage facility in that State.

The following resolution would authorize the Senate Legal Counsel to represent the President of the Senate and the President pro tempore in this action. There is no actual controversy between Tennessee and either the President of the Senate or the President pro tempore. Neither has taken or will take, in their capacity as officers of the Senate, any action which is adverse to Tennessee. If Tennessee submits a notice of disapproval, it will be referred, absent a directive to the contrary by the Senate, to the appropriate committee. The committee will then decide whether to propose any legislative action to the Senate.

The district court has expedited the case at Tennessee's request. The defendants' opposition to Tennessee's motion for a summary declaratory judgment is due May 14. The court will hear argument on May 20.

The memorandum is as follows:

U.S. SENATE,
OFFICE OF SENATE LEGAL COUNSEL,
Washington, DC, May 12, 1987.

MEMORANDUM

Re: *McWherter* v. *Bush.*

To: The Joint Leadership Group; Hon. ROBERT C. BYRD, Hon. ROBERT DOLE, Hon. JOHN C. STENNIS, Hon. JOSEPH R. BIDEN, Jr., Hon. STROM THURMOND, Hon. WENDELL H. FORD, Hon. TED STEVENS.

From: Michael Davidson, Ken U. Benjamin, Jr.

The Vice President, in his capacity as President of the Senate, and Senator Stennis, in his capacity as President pro tempore, have been named as defendants in an action filed by the Governor of Tennessee in the United States District Court for the District of Columbia. The other original defendant is the Speaker of the House.

The Congress, in the Nuclear Waste Policy Act of 1982, established a program for the selection of one or more sites for the permanent deep geologic disposal of high-level radioactive wastes and spent nuclear fuel. The Act requires the President to submit to the Congress a recommended site for a repository, 42 U.S.C. § 10134(a)(2)(A), but any state may object to the location of a permanent repository in the state by submitting a notice of disapproval to the Congress within 60 days of the President's recommendation, id., § 10136(b). If a state submits a notice of disapproval the Secretary of Energy may not apply to the Nuclear Regulatory Commission for a construction authorization unless the Congress passes a joint resolution approving the site within a prescribed period after receiving a state's objection. Id. § 10135(c).

The statute provides that a state's notice of disapproval shall be considered to be submitted to the Congress on the date of its transmittal to the Speaker and to the President pro tempore. Id. § 10136(b)(2). In the Senate, notice of disapproval is to be referred to a committee[1] and the chairman of that committee shall introduce a resolution to approve the site recommended by the President. Id., § 10135(d)(2)(A). No role is assigned in these initial steps to the President of the Senate, although he might preside over subsequent debate in the Senate on a joint resolution to approve the recommended site.

When the Congress decided in 1982 that one or more permanent repositories should be developed, it also conceived of, but did not authorize, an interim facility for the monitored retrievable storage (MRS) of nuclear wastes pending their shipment to permanent repositories. ID. § 10161. In accordance with section 10161, the Secretary of Energy, on March 30, 1987, submitted to the Congress a proposal for legislative authorization of the construction of an MRS. DOE recommended that the facility be constructed in Tennessee.

42 U.S.C. §§ 10161(h) provides that an MRS facility authorized pursuant to section 10161 shall be subject to the provisions of the Nuclear Waste Policy Act that enable a state to disapprove a site for a permanent repository. The question which Tennessee is raising in this lawsuit is whether DOE's March 30, 1987 proposal to the Congress triggers the state's opportunity to submit to the Congress a notice of disapproval. The purpose of Tennessee's declaratory judgment action is to obtain a judicial ruling which will determine when Tennessee may utilize its statutory opportunity to disapprove a decision to locate an MRS in Tennessee.

We will be coordinating our handling of this case with the Department of Justice and the Department of Energy. The Department of Energy is planning to intervene in the case to present to the court the executive branch's interpretation of the Act. Our principal contention on behalf of the Senate defendants would be that there is no justifiable controversy between Tennessee and either the President of the Senate or the President pro tempore. Neither has taken or will take, in their capacity as officers of the Senate, any action which is adverse to Tennessee. If Tennessee submits a notice of disapproval it will be referred, absent a directive to the contrary by the Senate, to the appropriate committee. The committee will then decide whether to propose any legislative action to the Senate.

District Judge Joyce Hens Green has expedited, the case at Tennessee's request. Our opposition to Tennessee's motion for summary judgment is due the morning of May 14; the court will hear argument on May 20. The court has expedited the case because Tennessee's notice of disapproval must be filed on or before May 29 if DOE's March 30 proposal is determined to have triggered the procedure for State disapproval.

U.S. SENATE,
OFFICE OF SENATE LEGAL COUNSEL,
Washington, DC, May 12, 1987.

To: Charles Kinney, Rich Belas.

From: Mike.

We have reviewed the draft floor statement and the position that we propose to take in this case with the staff on both the Committee on Environment and Public Works and the Committee on Energy and Natural Resources. I have also sent an explanation of the case to the Vice President's office and to Senator STENNIS's office.

The Court has expedited the case. Our brief is due Thursday morning, May 14, at 9:00 a.m.

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

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 215

Whereas, in the case of *Ned Ray McWherter* v. *George Bush, et al.*, Case No. 87-1184-JHG, pending in the United States District Court for the District of Columbia, the plaintiff has named George Bush, in his capacity as President of the Senate, and John C. Stennis, in his capacity as President pro tempore of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288(a)(1)(1982), the Senate may direct its counsel to represent Members and officers of the Senate in civil actions relating to their official responsibilities; Now, therefore be it

[1] The Committee on Energy and Natural Resources has jurisdiction over the "[n]onmilitary development of nuclear energy." Standing Rule 25(g)(1)(12). The Committee on Environment and Public Works has jurisdiction over the "[n]onmilitary environmental regulation and control of nuclear energy." Standing Rule 25(h)(1)(10).

Resolved, That the Senate Legal Counsel is directed to represent the President of the Senate and the President pro tempore of the Senate in the case of *McWherter* v. *Bush, et al.*

MEASURE PLACED ON CALENDAR

Mr. BYRD. Madam President, I ask unanimous consent that H.R. 2360, an act to provide for a temporary increase in the public debt limit, be placed on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. No objection.

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

S. 912—RURAL ELECTRIFICATION ACT AMENDMENT

Mr. BINGAMAN. Madam President, today I rise to cosponsor S. 912, a bill to amend the Rural Electrification Act of 1936, legislation that is critically important to this Nation's rural citizens. The distance that many Americans live from urban centers makes the power and benefit of electrification difficult to provide. It was for this reason that the Rural Electrification Administration was established in 1936 to alleviate the burden of electrifying America's rural communities. Rural electric systems serve over 25 million citizens at an average of only 5 customers per mile of line. Even in providing electric and telephone service to such sparse populations, the REA has enabled rural America to become economically viable.

However, this Nation's rural areas are presently in a state of economic crisis. Our agriculture industry continues to be mired in low commodity prices combined with high costs of production. It is obvious that, given the current state of affairs, rural communities can not withstand additional economic set backs. Consequently, I am pleased to add my name to the distinguished group of cosponsors of S. 912, to allow rural electric and telephone borrowers to prepay and refinance their long term high interest loans held by the Federal financing bank with private capital at 100 cents on the dollar. I believe that this legislation will assure that electricity costs in rural communities remain stable and competitive.

Current rural electric and telephone systems operate on loans from the Federal Financing Bank. Many of those loans are locked into long-term interest rates as high as 15 percent. It seems only fair to allow the prepayment and refinancing of these loans without substantial penalties.

Not only does REA loan refinancing make sense in terms of policy, it has a positive effect on the 1988 Federal budget. Loan repayments bring a dollar-for-dollar outlay reduction. In addition, by reducing the debt burden on REA generation and transmission facilities, we lower the risk of possible future nonpayment of these loans. Unlike loan asset sales, the Federal Treasury receives 100 cents on the dollar for prepaid loans.

I believe that the merit in this legislation lies in relieving rural electric and telephone generating stations from the burdens of long-term, high interest loans. Realistic refinancing alternatives are a step in the right direction toward stabilizing rural economies while positively effecting the Federal budget. I strongly encourage my colleagues to support this important legislation.

HARRY LLOYD HOPKINS DEFENDER OF DEMOCRACY

Mr. HARKIN. Madam President, I would like to take a few minutes from the press of national business to pause for reflection on the achievements of a remarkable man from my State, Harry Hopkins. Today, while American leaders work on the great challenges facing our Nation: deficit reduction, international competiveness in trade, nuclear armament reductions, and a sensible foreign policy in Central America, we would do well to take a few moments to reflect upon the challenges facing our Nation 40 and 50 years ago: the Great Depression with its hunger, fear, and unemployment, and World War II with its great challenges to Americans at home and abroad.

History professor George McJimsey, of Iowa State University has recently brought a key figure from that era of hard times, Harry Hopkins, into the spotlight again. Professor McJimsey's new book, "Harry Hopkins: Ally of the Poor and Defender of Democracy" brings new perspective to the Hopkin's remarkable career.

Hopkins was born in Sioux City, IA on August 17, 1890. His father David was a harness-maker and his mother Anna was a deeply religious woman, very active in the affairs of the Methodist Church. He was the last of five children and one of the four sons of David and Anna Hopkins.

Shortly after Hopkins was born, his folks moved successively from Sioux City to Council Bluffs to Kearney, NE. Then to Hastings, NE, and Chicago, IL before settling in Grinnell, IA.

Harry L. Hopkins, who described himself as an Iowa country boy, was the man President Roosevelt chose to implement his New Deal policies. Working closely with the President, Hopkins helped shape and then administer a series of programs to revitalize a nation dying of economic blight.

To him fell the task of putting to useful work the millions of unemployed Americans during the Great Depression. These unfortunate victims of a colossal economic collapse they did not understand or control, shuffled in endless breadlines, sold pencils on street corners, huddled cold and hungry in hovels they fashioned out of corrugated iron sheets or stared with resentful frustration at the locked gates of factories where machinery lay idle and rusting.

Harry Hopkins went into action as soon as he was appointed Administrator of the Federal Emergency Relief Agency on the afternoon of May 22, 1933. In his first 2 hours in office, he galvanized the Nation by disbursing $5 million to a half dozen States to be used immediately to put the unemployed to work. He paid their wages in cash instead of food stamps or scrip, so they could see the rewards of their labor and spend it as they wished. During the next 5 years, he employed nearly 18 million men and women on projects that rebuilt and strengthened the economic framework of America. As head of the FERA, then the Civil Works Administration and finally the massive Works Progress Administration, he embarked on a multitude of projects designed primarily to give jobs swiftly to as many people as possible in keeping with their individual talents and the needs of the Nation. They built and improved highways, constructed schools, hospitals, Federal, State and municipal buildings, libraries, bridges and flood control levees. They taught 200,000 illiterates to read and write. The WPA Federal Writers' project employed authors to write books on the States and cities of the Nation, simultaneously providing jobs for editors, printers, and bookbinders. The American Guide Series stands today as a monument to that effort. Actors, stagehands, playwrights and scenic designers found their niche in the Federal Theater project which brought plays to virtually every city and town in America and brought black actors to Broadway with its production of "The Mikado" with an all-black cast.

Never in history had so much been accomplished in such a short time. Gone was the indignity of the dole which left men poor and idle. Their self-respect restored, they could and still do, look with satisfaction and pride at what they accomplished with their own hands and talents. The effort, which exceeded in magnitude the building of the great temples of ancient Egypt, primed the economic pump of the Nation, permitting private industry and enterprise to resume its proper role.

Hopkins managed all this. He spent $9 billion in public funds, more than any other person had handled up until that time. Not a penny of it stuck to his fingers. Even his detractors attested to his honesty. His example

prompted the same kind of integrity from his subordinates and, although frequent accusations of improprieties were made, no member of his Washington staff or regional and State administrators was ever found guilty of misappropriation of public funds.

In his book "Four Presidents as I Saw Them" Admiral Wilson Brown, who served Presidents Coolidge, Hoover, Roosevelt, and Truman remarked that Hopkins was not always deeply trusted by Roosevelt but grew into this relationship.

In those anxious years (the war years) Roosevelt trusted Hopkins' judgment more than that of any other person in the Cabinet, in the Congress, or in his own Staff. It was not so in the beginning of the administration, however. There were times then when Harry's standing in the presidential favor was very insecure. On week-end cruises on the *Sequoia*, during the days of the W.P.A., I heard the President and Louis Howe berate Hopkins more roughly than I ever heard them talk to anyone else. Harry smartly took the wind out of their sails by admitting that he knew nothing about their complaint, that he should have known about it, and that he had been just plain dumb. Although he disarmed further attack by pleading stupidity, we will knew he was not stupid.

From the beginning Hopkins worked with others to prepare the President's speeches, but I think he might have never gained the position of chief counsellor, had he not gone along on the 1935 cruise aboard the *Houston*. During that month aboard ship he was amusing and not too talkative; we could see that he was wearing well. In that brief association, Franklin Roosevelt found in Hopkins a man after his own heart, one who paid little attention to precedent and red tape and kept the goal always in mind; who was courageous, even audacious, in accepting the gravest responsibilities.

By September 1938, Hopkins shared President Roosevelt's concerns about the threat of war in Europe and the sad state of America's defenses. WPA projects were shifted to include military as well as civilian installations. Barracks and airfields were built, and factories were erected that would soon be used to manufacture aircraft and weapons.

At this point, Harry Hopkins' health, which had never been good, deteriorated rapidly. Unable to absorb proteins in his food, his body wasted away and he spent much of his time in bed or in the hospital. It was not until the early part of 1940 that he felt well enough to go out of doors for walks.

On the 10th of May, the President invited him to the White House for dinner to discuss the implications of Hitler's invasion of the Lowlands. He went, although he felt really ill that evening. At Roosevelt's insistence, he stayed overnight. Here he was to remain for 3½ years as guest of the President. The stimuli of swirling events in Europe and the third term political campaign restored Hopkins to action as no medicine could.

He worked closely with the President on all phases of domestic and foreign affairs. He managed Roosevelt's third re-election campaign and acted as personal envoy for the President between Churchill and Stalin. Hopkins was instrumental in forging the Grand Alliance which brought together the big three powers of the United States, Great Britain, and the Soviet Union.

He was appointed Lend-Lease Administrator and ensured the flow of war materials to our allies. By Stalin's own admission, Russia would have lost the war without Lend-Lease aid. Had Russia lost, the entire might of the Nazi forces would have been thrust at the Armed Forces of Great Britain and the United States. Hopkins organized the conferences abroad which brought Roosevelt, Churchill, and Stalin together to deliberate the strategies of war and peace—conferences in which Hopkins, himself, played an important part. When Roosevelt died, Hopkins retired from Government, but he was recalled by President Truman when the deliberations at the San Francisco Conference broke down due to Russian intransigence, threatening the very existence of the United Nations. Truman sent Hopkins to Moscow where, in lengthy conversations with Stalin, he broke the deadlock.

Truman spoke to Hopkins on the day of Roosevelt's funeral. Truman later reflected on this incident in an interview with journalist Merle Miller.

Well I asked him to come in. I told you how bad he looked, and I apologized for calling him in, but I said I wanted as best he could to tell me about our relations with Russia. He'd been to all those conferences with Roosevelt, to Yalta and the ones at Casablanca and Tehran and I believe Cairo, and he filled me in. He told me everything that he could and it was very helpful indeed.

. . . he really understood Stalin. He told me that afternoon that Stalin . . . he said you could talk to him, and I knew he could, and so in May, when we were having trouble with Stalin—Molotov was threatening not to sign the United Nations Charter. I called Hopkins in again, and I said, "Harry, are you physically able to go to Moscow? If you are, I want you to go over there and tell Stalin to make Molotov sign this Charter."

And he got in a plane and went. He had a three-hour conference with Stalin, and about an hour and a half after that Molotov signed the Charter.

When asked why Hopkins was so successful, Truman responded:

I don't know. I don't know, but he knew exactly how to do it. He talked tough to them all the time. I don't know how he did it, but he got it done. That was the main thing. He always did whatever he promised to do.

And when he got back from Russia, he made a report to me, and he said, "Old Stalin seemed to be very happy to see me, and he said to give his best regards to the President of the United States."

"Well," I said, "I'm exceedingly obliged to you for what you did and I want to thank you for it."

Although President Truman asked Hopkins to remain in Government, he decided to return to private life. In 1942 Hopkins had married Louise Macy and they had moved to New York. Here, in retirement, he planned to write his memoirs, but his health failed rapidly. Sadly, on January 29, 1946, little more than 6 months after serving President Truman, Hopkins died penniless and in relative obscurity in New York City at age 55. Winston Churchill, in his memoirs, said about Harry Hopkins:

He was a true leader of men, and alike in ardour and wisdom in times of crises he has rarely been excelled. His love for the causes of the weak and poor was matched by his passion against tyranny, especially when tyranny was, for the time, triumphant.

Even though more than 40 years have passed since his death, Harry Hopkins deserves recognition as the great American that he was. Appropriately, an effort is under way to have the U.S. Postal Service issue a commemorative stamp in honor of the 100th anniversary of Hopkins' birth in 1990. I happily support this effort and urge my colleagues to do the same. Mr. Hopkins and his high standard of public service deserve this honor.

Additionally, I would like to ask unanimous consent that an article on Mr. Hopkins written by John Hyde of the Des Moines Register be inserted in the RECORD.

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

[From the Des Moines Register, Mar. 31, 1987]

NEW DEAL GIANT HOPKINS RISES FROM HISTORY'S GRAVEYARD

(By John Hyde)

WASHINGTON, D.C.—Among the world's famous figures, few have been more quickly and completly forgotten than Harry Hopkins, the son of an Iowa harness maker who gained immense influence during the presidency of Franklin Delano Roosevelt.

But a group of well-known public figures is attempting to rectify history's error. They have formed the Harry Hopkins Public Service Institute in an effort to restore his historic standing and hold him as an example of selfless service to the country.

Among their efforts is a drive to have the U.S. Postal Service issue a commemorative stamp in his name. In Iowa Monday, the Senate approved a resolution calling for such a stamp.

Hopkins was only 56 at the time of his death in 1946. Some 3,000 people packed his funeral, to remember a man that Winston Churchill had once described as unquestionably the second most powerful man in the United States, perhaps the sixth most powerful in the entire world.

"The country will never even vaguely appreciate the service he rendered," commented Gen. George C. Marshall.

ASHES UNCLAIMED

Having thus paid tribute to Hopkins, the world turned on its heel and never looked back. In the New York City church where his funeral was held, Hopkins' ashes lay un-

claimed for 27 years. His name, when mentioned at all, was usually uttered in connection with a notorious quote—"We're going to tax and tax, spend and spend, elect and elect"—which Hopkins never said.

"This man was truly a great and outstanding human being and public servant," says economist Robert Nathan, who worked under Hopkins at the Commerce Department during the 1930s. "I've seldom had the privilege of being around anyone as astute and direct and truthful as Hopkins. He had unbelieveable commitment to his work, and his integrity was absolute.

"It's a great tragedy to see one of the most important figures of the New Deal forgotten. . . .

"I do believe we're living in a stage when, regretably, there is a tendency to belittle public service. We're driving competent people out of government and I'm afraid we're discouraging good young people from going into public service. . . . We're trying to restore some respect for competence and integrity in public service."

DOCUMENTARY FILM

Among the institute's first projects is preparation of a documentary film on Hopkins, for use by public television and schools.

The institute is also working with officials at Grinnell College, where Hopkins was graduated, to create an annual lecture series on the value of public service.

A book on Hopkins' life, written by George McJimsey, an Iowa State University professor of history, is being published by Harvard Press and is scheduled for release in April.

Nathan serves as chairman of the institute's board of directors, and a "Friends of Harry Hopkins" group has been set up that includes Iowa's congressional delegation, Gov. Terry Branstad, banker John Chrystal and New York Gov. Mario Cuomo—who will be giving the commencement address at Grinnell this spring.

All the attention means the U.S. Postal Service probably will be taking a look at Hopkins as a candidate for a stamp to be issued in 1990, the 100th anniversary of Hopkins birth, a Postal Service administrator said Monday.

The Iowa Senate's resolution, which is expected to also be approved by the Iowa House, will be considered he said.

BRAINCHILD

The Hopkins institute is largely the brainchild of Verne Newton, a native of Humboldt, IA., who served as executive secretary at the Agency for International Development during the Carter administration.

Newton, now an author, was reading some World War II era documents at the National Archives about 18 months ago when he stumbled across a riveting account of a heroic-diplomatic mission conducted by Hopkins in 1941.

Hopkins was desperately ill at the time, the result of a still mysterious ailment that prevented him from receiving nourishment from food. He was kept alive only by continual injections and transfusions.

Though he no longer held an official government position, Hopkins continued to be Roosevelt's closest aide and confidant. "He was deputy president, chief of staff and national security adviser all rolled into one," says Newton. So it was that F.D.R. dispatched him to meet with Joseph Stalin in Moscow and Churchill in London on the eve of America's entrance into World War II.

"The trip was brutal," says Newton. "The plane was very cold, and Hopkins was very frail. . . . When they left Moscow, his medicine was left behind, but he refused to let them return because he was overdue for Churchill. When they arrived in England, the seas were so rough they couldn't land. Hopkins finally ordered them to put the plane down anyway, but he was so weak he couldn't climb off. They had to build a cable to the plane and take him off on a stretcher."

The RAF pilot who flew Hopkins on the mission concluded his account with these words: "As he waved us farewell we could not help feeling that very few persons could have taken what he had endured since we met at Invergarden. . . . We wondered if there was ever any rest for a man so ill and yet showing such unbelievable courage, determination and appreciation for the service of others. His was a noteworthy example of unparalleled devotion to duty."

The pilot's account "struck a chord in me," says Newton. He began to research Hopkins' life and came to the conclusion that it was "an important example of courageous service and was something Americans, particularly since Watergate, should know something about."

Hopkins died "virtually penniless" in New York City.

The paltry nature of Hopkins' estate stands in sharp contrast to the current Washington atmosphere, Newton adds, where Michael Deaver and other White House aides have used their public positions as springboards to enormous wealth.

"The whole notion of public service has changed a lot in this country," says Representative Tom Tauke (Rep., IA.), one of those serving on the Friends of Harry Hopkins board. "One has the impression there were people in earlier generations who were devoted to the idea of public service without the idea of personal return. We need that now."

HAS NUCLEAR WINTER REALLY MELTED DOWN?

Mr. PROXMIRE. Madam President, the time has come to take another hard, long look at nuclear winter. Over the past few years, this Senator has held hearings on nuclear winter. I have expressed my concern here that the climatic effect—the nuclear winter—consequence of nuclear war seriously threatens the continued existence of mankind as a species on this planet. From what this Senator has recently learned, I may have strongly overstated the prospects that a nuclear exchange and particularly a superpower nuclear war would result in a catastrophic change in the Earth's climate. Such a result was alleged by a number of scientists and advanced by this Senator as a drop in the Earth's temperature that could kill much of the Earth's vegetation and cause widespread starvation. A Harvard scholar named Russell Seitz has written a powerful rebuttal of this thesis. In his rebuttal, Seitz quotes a number of authorities to support his position. One of the most impressive is Prof. George Rathjens of MIT. Rathjens is president of the Council for a Livable World. He is a past executive of SANE. Rathjens is quoted as saying: "Nuclear Winter is the worst example of the misrepresentation of science to the public in my memory."

Seitz vigorously attacks the highly influential TTAPS study of nuclear winter. The acronym TTAPS represents the initials of the five respected scientists who authored the study: Richard Turco, Owen Toon, Thomas Ackerman, James Pollack, and Carl Sagan. He charges that the study was based on the assumption that planet Earth was without continents or oceans. He alleges these scholars assumed the Earth to be a "bone-dry billiard ball." As Seitz described it:

> Instead of nights and days, it postulated 24 hour sunlight at one-third strength. Instead of realistic smoke emissions (from the fires ignited by massive nuclear attacks on cities), it simply dumped a 10-mile thick soot cloud into the atmosphere instantly * * * One factor alone, the moderating effect of the oceans—turned out to be the source of a 200 percent error.

Several years ago, this Senator asked representatives of the Defense Department to testify before a subcommittee of the Joint Economic Committee that this Senator chaired. The Defense Department was fully cooperative with the committee. Their witnesses agreed that the nuclear winter threat merited careful study. They also agreed that a study of this possible consequence of nuclear war together with the Soviet Union could provide useful information. In view of the vigor and strength of Russell Seitz' criticism of the widely accepted nuclear winter scenario by the TTAPS scientists, isn't it time for a competent, objective study? This Senator thinks so.

It is imperative that the Congress and the American people understand the full truth about the consequences of nuclear war. If there has ever been any phenomenon which was less in need of myth and exaggeration than the consequences of nuclear war, this Senator cannot imagine it. The United States and the Soviet Union each have more than 10,000 strategic nuclear warheads. Each superpower has additional thousands or tactical nuclear warheads. Both countries are busily adding more warheads to their stockpiles each day. Both France and the United Kingdom have substantial nuclear arsenals. The Chinese also have impressive nuclear strength. We know of the cruel and total devastation of the city of Hiroshima which ensued from the explosion of a single, small, primitive nuclear bomb. We are aware of the similar leveling of Nagasaki from one small nuclear device.

These events occurred more than 40 years ago. We know how much more devastating the tens of thousands of nuclear warheads are today. We know a superpower nuclear war now could mean the destruction of the cities in both countries in a matter of a few hours with the death of a large pro-

portion of the population of both nations. Why do we need the vision of the Earth plunged into months of darkness and years of frigid cold? Why do we need such an additional nightmare to understand the simple fact that a nuclear war would be a total catastrophe? Don't we understand that nuclear winter or no nuclear winter there could be no winners only losers, only the dead, the dying, and the pathetic remnant of two great nations after a nuclear war?

On this nuclear war issue—we need only and only one thing. That is the truth. We need the truth plain. We need it direct. We need no exaggeration. We need no apocalypse. We can live in this nuclear world using deterrence and arms control buttressed by the truth, and only the truth, to prevent the catastrophe of nuclear war. Or like our ancestors throughout history we can blunder into war. But this time war will be different. This time it will be a nuclear war. This time it will be a catastrophe beyond imagination.

Madam President, I ask unanimous consent that the paper by Russel Seitz to which I have referred be printed in the RECORD.

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

IN FROM THE COLD: NUCLEAR WINTER MELTS DOWN

(Russell Seitz)

The end of the world isn't what it used to be. "Nuclear Winter," the theory that a nuclear exchange as small as 100 megatons, in addition to its lethal primary effects, would usher in a life-extinguishing arctic night, has been laid to rest in the semantic potter's field alongside the "Energy Crisis" and the "Population Bomb." Cause of death: notorious lack of scientific integrity. Like those other once-vaunted theories, "Nuclear Winter" has unraveled under scrutiny. Yet not so long ago policy analysts took it so seriously that there is reason to examine its brief life more closely. What emerges from such an examination is a politicization of science sufficient to result in the advertising of mere conjecture as hard fact.

In 1982 a question arose within the inner circle of the world's disarmament activists: Could the moral force of Jonathan Schell's eloquent call to lay down arms, *The Fate of the Earth*, be transformed into a scientific imperative? Psychological strategists of the peace movement were not content with the fearsome carnage of a nuclear holocaust. They had identified "psychic numbing" and "denial" as impediments to mass demands for disarmament, and needed something new to dramatize the horrors of nuclear war. (Dr. Robert Jay Lifton, of the Nobel Prize-winning peace group Physicians for Social Responsibility, originally characterized the "Nuclear Winter" hypothesis as "an imaginative resource.")

A 1982 special issue of the Swedish environmental science journal *Ambio*, inspired, according to its editor, by the work of the Stockholm International Peace Research Institute (SIPRI), considered the broad range of environmental consequences of nuclear war. The preamble to that issue stated, "There is a considerable fear for the continued existence of man on Earth: in the end that fear, as it gains momentum, may well lead to more effective measures for the prevention of a nuclear catastrophe." Ralph K. White put it more succinctly in his book *The Fearful Warriors:* "Horror is needed. The peace movement cannot do without it."

The *Ambio* special issue focused the attention of several foundation executives and concerned peace activists on the environmental consequences of nuclear war, but its limited circulation and scholarly tone did little to evoke a mass reponse of the sort needed to effect a major change in strategic doctrine. One of its articles, however, "Twilight at Noon" by Drs. Paul Crützen and Stephen Birks, contained the seed of what would become "Nuclear Winter."

Russell Peterson, president of the Audubon Society and husband of the editor of the *Ambio* special issue, brought the subject to the attention of Robert Scrivner of the Rockefeller Family Fund. Scrivner, together with Henry P. Kendall Foundation vice president Robert Allen, convened an ad hoc consortium of foundations seeking to promote disarmament as well as scientific organizations with a bend for political activism. Cornell astrophysicist and media personality Carl Sagan began organizing a scientific advisory board that drew heavily on the existing network of activists heading such organizations as the Union of Concerned Scientists (USC), Physicians for Social Responsibility (PSR), and the Federation of American Scientists (FAS). Two dozen foundations and over a hundred scientists were recruited for the project.[1]

While the foundations assembled funding and laid the groundwork for a major public relations and television production campaign, Sagan seized upon the work of Crützen and Birks, who had considered the hypothetical potential for a climatic catastrophe were the fires ignited by a nuclear holocaust to convert much of the fuel in both woodlands and cities into a globe-enshrouding pall of soot. Theirs was a subjunctive disaster, but in the hands of others it would be transformed into an exhortation. Several of Sagan's colleagues and former graduate students had already created computer software to simulate the interaction of sunlight with dust in a postwar environment; now Sagan asked them to augment this less apocalyptic scenario by loading the existing software's "atmosphere" with the hypothetical soot of Crützen and Birks. The paper that eventually resulted came to be known as TTAPS, after the initials of its authors: Richard Turco, Owen Toon, Thomas Ackerman, James Pollack, and Carl Sagan.

Because so much depended on them, the assumptions embodied in the TTAPS software merit a closer look. Instead of a planet with continents and oceans, the TTAPS model postulated a featureless bone-dry billiard ball. Instead of nights and days, it postulated twenty-four hour sunlight at one-third strength. Instead of realistic smoke emissions, it simply dumped a ten-mile thick soot cloud into the atmosphere instantly. The model dealt with such complications as east, west, winds, sunrise, sunset, and patchy clouds in a stunningly elegant manner—they were ignored. When later computer models incorporated these real-world elements, the flat black sky of TTAPS fell apart into a pale, broken shadow that traveled less far and dissipated more quickly. One factor alone—the moderating effect of the oceans—turned out to be the source of a 200 percent error.

One way to see the TTAPS model is as a long series of conjectures: if this much smoke goes up, if it is this dense, if it moves like this, and so on. This series of coin tosses was represented to laymen and scientists alike as a "sophisticated one-dimensional model"—a usage that is oxymoronic, unless applied to Twiggy. For while there might be a "clear possibility" of a dire outcome on any single one of the model's forty elements, the improbability of so long a string of coin tosses all coming up heads is astronomical.

To the limitations of the software were added those of the data. It was an unknown and very complex topic, the hard data was scant, and the rush to publication did not allow time to clarify the true values of the many variables involved.[2] There was no certain knowledge on which to depend, so guesstimates prevailed. Not only were these educated guesses rampant throughout the process, but it was deemed prudent, given the gravity of the subject, to lean toward the worst-case end of the spectrum for dozens of the numbers involved. Political subliminally skewed the model away from natural history; in restrospect, the politics in question can be seen as those of the nuclear freeze movement. No one who is familiar with the malleability of computer projections can be surprised at the result: For an apparently "robust" range of variations, the projected odds on the end of the world ensuring from the scenario in question came out to be, better than even money, when it should have been as much of a longshot as being dealt a straight flush in poker.[3] It was thus, by worst-case analysis run amok, that researchers arrived at the theory presented to the policy community as a hard scientific fact—something so portentous as to militate for a profound revision in strategic doctrine and a transformation of global politics.

BEHIND CLOSED DOORS

"The question of peer review is essential. That is why we have delayed so long in the publication of these dire results," said Carl Sagan in the fall of 1983. But instead of going through the ordinary peer-review process, the mathematical results of the TTAPS study had been conveyed by Sagan and his colleagues to a chosen few at a closed meeting convened in April 1983. Despite Sagan's Claim of responsible delay, before this peculiar review process had even begun a public relations firm had been hired to publicize the results. The Kendall Foundation paid an $80,000 retainer to Porter-Novelli Associates of Washington, D.C., in advance of the meeting and half a year before any scientific publication of the concept. More money was spent in the 1984 fiscal year on video and advertising than on doing the science.

The meeting did not go as Sagan presumably had hoped; most participants interviewed by this author do not describe the reception accorded the "Nuclear Winter" theory as cordial or consensual, and Sagan himself has repeatedly refused to release the meeting's transcript. (The meeting's organizers have said it was closed to the press to avoid sensationalism and premature disclosure.) According to Professor Kosta Tsipis of MIT, even one of the Russian scientists at the meeting said, "You guys are fools. You can't use mathematical models like these to model perturbed states of the atmosphere. You're playing with toys."

[1] Footnote at end of article.

With funding for popularizing assured, however, the show went on, with a $100,000 conference on The World after Nuclear War in Washington, D.C., at the end of October.[4] Simultaneous with the conference came the public premiere of the "Nuclear Winter" hypothesis—an October 30, 1983, article by Carl Sagan in the Sunday supplement Parade. The peer review process at Parade presumably consisted in the contributing editor conversing with the writer, perhaps while shaving—Sagan is both.

Over a month later, the TTAPS results at last appeared, as the leader in Science magazine (December 23, 1983). This is the very apex of scholarly publication, a place and format customarily reserved for a review article expounding a mature addition to an existing scientific discipline—one that has withstood the testing of its data and hypotheses by reproducible experiments recorded in the peer-reviewed literature. Yet the many complex variables necessary to operate the model and the uncertainty associated with the value of each element operated upon by the software were not explicitly set forth in the text of that article. They were instead reduced to one line amongst pages of footnotes accompanying the text—a line that said, simply, "In preparation." Which is where the critical details have remained, languishing in unpublished obscurity ever since. The TTAPS "Nuclear Winter" business, from its inception until the transfer of the computer codes into the custody of the Pentagon in 1986, remained a closed shop, one that tended to dismiss any criticism, however, valid, as envelope-back nitpicking by the insufficiently informed. It is no small irony that the TTAPS software became accessible to the scientific community at large only be viture of its arrival in the assist secretary of defense's office; the government, unlike scientists, is obligated by the Freedom of Information Act to turn over the software to all comers.

One week after the publication of the TTAPS article in Science another trade—"Nuclear War and Climatic Catastrophe"—appeared under Sagan's name, in Foreign Affairs (Winter 1983-84). This opened the policy debate, with Sagan arguing that, because of the TTAPS results, "What is urgently required is a coherent, mutually agreed upon, long-term policy for dramatic reductions in nuclear armaments. . . ." Scientists at large had one Yuletide week in which to chase down over 100 references and to consider what would become the received wisdom in policy circles.

In seeking to maximize the impact of the TTAPS work by publishing almost simultaneously in Science and Foreign Affairs, Sagan made mistakes attributable to haste; his Foreign Affairs article cities several passages from a companion piece in Science,[5] passages that did not actually appear in the published version of the later article. One of the passages quoted, for example, runs as follows: "*In almost any realistic case* involving nuclear exchanges between the superpowers, global environmental changes sufficient to cause *an extinction event equal to or more severe than that at the close of the Cretaceous when the dinosaurs and many other species died out are likely* [emphasis added]." The ominous rhetoric italicized in this passage failed to pass peer review and never appeared in the scientific literature. Yet, having appeared in Foreign Affairs, it has been repeatedly cited in the literature of strategic doctrine as evidence.[6]

Sagan's Foreign Affairs article begins: "Apocalyptic predictions require, to be taken seriously, higher standards of evidence than do assertions on other matters where the stakes are not as great." The editor of Foreign Affairs at the time, William P. Bundy, remarked in the note that prefaced the issue, ". . . we were initially skeptical. We were presuaded otherwise by [Sagan's] extraordinary effort not only to set down his own conclusions but also to get comment on them from a large number of experts approaching the subject from many standpoint."

Rather than "higher standards of evidence," Sagan provided testimonials. He had sent return-mail, Federal Express questionnaires to the nearly 100 participants at the April meeting, and from the replies he culled his favorite two dozen quotations. What became of the hard copy of the less enthusiastic reports remains a mystery, but it is evident from the subsequent comments on the record of many of those whose opinions were solicited that something less than the unanimous endorsement of "a large number of scientists" (Sagan's phrase) is closer to the truth. Professor Victor Weisskopf of MIT, one of the first to hear Sagan's presentation firsthand, presciently sized up the matter in early 1984: "Ah! Nuclear Winter! The science is terrible, but—perhaps the psychology is good."

From the start, respected scientists in the field have remained skeptical, if not derisive, of the claims made by the "Nuclear Winter" theorists. These critical voices were not heard, however, because—like studios releasing a movie without prior screenings to avoid negative reviews—Sagan and his colleagues took their case over the heads of their fellow scientists, directly to the public at large. When the research was criticized, it was not in public forums and television studios, but in scientific journals and private discussions. Many scientists were reluctant to speak out, perhaps for fear of being labeled reactionaries, hawks, or closet Strangeloves—acolytes of "nuclearism," the new cult that Dr. Lifton claims to have discovered. For example, Nobel laureate physicist Freeman Dyson was critical in early 1984, but elected to keep his views off the record (they were subsequently made known by a congressional aide). As he put it, "It's [TTAPS] an absolutely atrocious piece of science but I quite despair of setting the public record straight. I think I'm going to chicken out on this one: Who wants to be accused of being in favor of nuclear war?"

Any atmospheric scientist daring to rock the boat three years ago faced both the formidable uncertainties of the science and the social pressure of his peers: It was the Oppenheimer-Teller confrontation revisited. Nuclear ethics had transcended doing the science. Most of the intellectual tools and computational power necessary to demolish TTAPS's bleak vision were already around in 1983; the will, and perhaps the courage, to utilize them was lacking. From leading scientists one heard something of a refrain: "You know, I really don't think these guys know what they're talking bout" (Nobel laureate physicist Richard Feynman, Cal. Tech.); "They stacked the deck" (Professor Michael McElroy, Harvard); and, after a journalist's caution against four-letter words, "'Humbug' is six" (Professor Jonathan Katz, George Washington University). But while all this was going on behind the cordial and collegial marble facade of the National Academy of Sciences, quite different trends were evident in print and on television.

PHYSICS MEET ADVERTISING

From 1984 to the present, despite the appearance of four generations of more realistic calculations, the unrevised time/temperature curves of the "Nuclear Winter," as originally set forth in Science and Foreign Affairs, have been widely reprinted, often with Sagan's complete text, and usually without strong caveats about uncertainty. These artifacts of calculation are cited as the final word on the subject in volumes dealing with everything from the philosophy of deterrence to climate change. No fewer than six books in the "Nuclear Winter" genre have appeared, often to lavish reviews in international foreign policy journals and the press. A popular review of The Cold and the Dark in the San Francisco Chronical went so far as to claim that it could be "the most important book ever published," with greater effect on human history than "the Odyssey, the Bible, the Koran, or the collected works of William Shakespeare."

"Nuclear Winter" has proved a boon to commercial artists as well as to publishers. With funds aplenty at their disposal, "Nuclear Winter's" publicists commissioned serveral renditions of The End. An example of this environmental surrealism may be seen on the dust jacket of The Cold and the Dark. The artistic technique is forthright: first, paint a rendition of the earth as seen from deep space; second, fill your airbursh with acrylic flat black and obliterate the northern hemisphere; finally, deposit squiggles of the darkest hue on whatever nations of the southern hemisphere your fancy dictates or your patron requests. Another airbrushed vision for nature lovers shows a dead whale belly-up in a charcoal sea. The works of this atelier, rendered as color slides, were distributed to every television station that would have them. In consequence, upwards of a hundred million viewers had seen these new icons of the Apocalypse before the scant hundred thousand readers of Science had read of "Nuclear Winter."

The visual aids that accompanied the "Nuclear Winter" media campaign are no trivial matter; in many ways, the iconography is more important than the research it illustrated. Science is not generally identified with semiotics, the creation and manipulation of symbols. Yet the perceived need for emblems that would motivate popular concern about disarmament certainly antedates the technical controversy over "Nuclear Winter," and it is as a symbol that "Nuclear Winter" would seem most likely to survive. Behold the glacial darkness of the movie Threads (the British equivalent of The Day After), and scientifically obsolete docudramas like On the Eighth Day. Such lurid videotapes, as eschatological as anything televangelists have to offer, continue to be used by activists around the world in an unrelenting effort to impress this new Day of Judgment on the popular imagination. Activists asked scientists for a consciousness-raising tool and were given a secular Apocalypse with which to preach for our deliverance from nuclear folly.[7]

While its effect on both policy studies and popular culture was comparatively ephemeral in the United States, "Nuclear Winter" proved enormously potent elsewhere in the world. In India and Brazil, Canada and Greece, Sweden and Tanzania, Sri Lanka and New Zealand, statesmen declared that a new era of global interdependence was at hand. The dissemination of videos, graphics,

and pamphlets throughout the world by the Center for the Consequences of Nuclear War, Britain's Scientist Against Nuclear Arms (SANA) and the group European Nuclear Disarmament (END) was combined with a lobbying effort at international conferences on four continents. A "Peacelink" satellite conference spread the word to physicians in Tuvalu, Vanuatu, Kiribati, Nauru, Samoa, Fiji, and Tonga (countries that have since declared the South Pacific a "nuclear free zone"). In the Delhi Declaration of January 28, 1985, six nations pronounced that the use, "even on a limited scale," of nuclear weapons "would trigger an arctic Nuclear Winter" and "transform the Earth into a darkened frozen planet." New Zealand's Prime Minister Lange was not silent: "We in New Zealand like to think of ourselves as living in a sort of antipodean Noah's Ark. But with the coming of the Nuclear Winter we know we will freeze with the rest of you."

A DEAF EAR TO GOOD NEWS

If there was a ready audience for the initial TTAPS results, scant attention was paid to the scientific work that followed. While the apocalyptic scenario played to audiences worldwide, a series of unheralded and completely unpublicized studies started to appear at scientific conferences and in the learned journals—studies that, piece by piece, started to fill in the blanks in the climate modeling process that had previously been patched over with "educated" guesses.[8]

The result was straightforward: As the science progressed and more authentic sophistication was achieved in other models, the postulated baseline effects headed downhill. By 1986, these effects had undergone a devolution from hundreds of days of thirty-below temperatures in pitch darkness throughout this hemisphere to a few weeks of patchy and barely autumnal inclemency; the once global hard frost had retreated from the tropics to the tundra of Labrador and northeastern Siberia. Sagan's elaborate conjecture had fallen prey to Murphy's lesser known Second Law: If *everything* must go wrong, don't bet on it.

By June 1986 it was over: In the Summer 1986 *Foreign Affairs*, National Center for Atmospheric Research (NCAR) scientists Starley Thompson and Stephen Schneider declared, "On scientific grounds the global apocalyptic conclusions of the initial nuclear winter hypothesis can now be relegated to a vanishingly low level of probability."

While a new paradigm of chiaroscuro clouds and cool spells on a local scale was forming within the tiny community of atmospheric scientists, the larger world of the international scientific establishment began to announce the results of the first generations of interdisciplinary ecological and climatological studies that had followed the TTAPS results. These were eagerly awaited by the press, which was not to be disappointed.

Fed journalists examined critically these ecological meta-models. Most merely perused the media materials that *preceded* publication. Science journalists (especially those who had been lobbied by the subject's advocates)[9] proceeded to inform the public that things were looking worse than ever. Bold headlines carried casualty estimates that ran into the proverbial "billions and billions." The process culminated in the reception afforded to both the reports of the National Academy of Sciences (NAS) and the Scientific Committee on Problems of the Environment (SCOPE).[10] Both reports stressed the uncertainties that plagued the calculations then and now. The NAS report, "The Effects on the Atmosphere of a Major Nuclear Exchange," while depending on calculations performed by Turco et al., scrupulously excluded the expression "Nuclear Winter" from its 193 pages of sober text, but the report's press release was prefaced "Nuclear Winter . . . Clear Possibility.' "[11] Sagan construed the reports to constitute an endorsement of the theory. The response of television and most major newspapers seemed to validate his reading: In September 1985 the *Washington Post* carried a front-page story on the 728-page SCOPE report headlined "Scientists Estimate 2.5 Billion Could Perish in Nuclear Winter Famine."

The gap between the public vindication and scientific evisceration of the "Nuclear Winter" conjecture is illustrated by the experience of NCAR's Dr. Stephen Schnieder. In February 1986 he quietly informed a gathering at the NASA-Ames Laboratory that, after five generations of ever more sophisticated models, "Nuclear Winter" had succumbed to scientific progress and that, at worst, "The Day After" might witness July temperatures upwards of +50° in mid-America. The depths of "Nuclear Winter," in other words, could no longer be distinguished from the coolest days of summer. On March 5, however, Schneider appeared on the nationally televised PBS/NAS series *Planet Earth*. The scene, videotaped two years earlier, showed him at the display screen of a Cray supercomputer. On the screen was the output of a climate model emulating TTAPS in its original form. Only one temperature appeared, smack atop Kansas on the computer graphics map: −51° C. The series' producers had overruled a NAS advisory panel member who had requested the deletion of the "Nuclear Winter" segment. Instead, the final episode, "The Fate of the Earth," featured it on an equal footing with the "Greenhouse Effect."

In 1985, within and away from the United States word spread on the scientific grapevine: TTAPS was not the final word on the subject. As the truth slowly emerged, private skepticism turned to public outrage in many quarters, and not just among the "hawks." Attesting to a deep-seated revulsion among scientists against false or selective citation and suppression of evidence in defense of a desired conclusion, Professor George Rathjens of MIT, president of the Council for a Livable World and past executive of SANE, offered this judgment: "Nuclear Winter is the worst example of the misrepresentation of science to the public in my memory."

The following incident is illustrative: The early review copies of the SCOPE report contain a discussion of the usefulness of comparing smoke injected into the atmosphere by the huge 1915 Siberian wildfires with the amount that would be injected by a nuclear war. The review copy cites the area burned as "several hundred million hectares" (several million square kilometers). The failure of such a massive smoke injection to provoke a "Nuclear Winter"-type catastrophe casts some doubt on the claims of the "Nuclear Winter" researchers. When this author pointed this out to Dr. Turco (the first "T" in TTAPS) in 1985, he had the size of the fires reduced in the published text to only "some ten million hectares." If history could be rewritten to reduce radically the area burned, the fact that no catastrophe resulted would be less damaging to the TTAPS thesis. Unfortunately for Turco, the computing center of the USSR Academy of Sciences, citing contemporary sources,[12] had already referred to these "gigantic" fires as having an area of 1.4 million square kilometers. The final version of the SCOPE report thus consigned a million square kilometers of real estate to oblivion.

The misrepresentation culminated in the equation of the climatic effects of a nuclear war and those of the putative asteriod impact that "killed" the dinosaurs. The model used in TTAPS was indeed used to reconstruct the effects of such an asteriod impact after the hypothesis became fashionable in 1980, and did show horrendous results. "Like Nuclear Winter?" asked Ted Koppel on a 1985 Nightline; "Exactly!" replied Sagan. What Sagan neglected to point out, however, was that the understandably catastrophic results of a 10-kilometer sphere of rocky iron striking the earth would have been the product of a blast estimated at over one hundred million megatons—20,000 times more than the 5000-megaton "baseline" scenario of TTAPS and worse than its 100-megaton baseline by a factor of a cool million. In other words, comparable to a nuclear war only if every man, woman, and child on earth were to explode his own Hiroshima-sized bomb.

On January 23, 1986, the leading British scientific journal Nature pronounced on the political erosion of the objectivity vital to the scientific endeavor: "Nowhere is this more evident than in the recent literature on 'Nuclear Winter,' research which has become notorious for its lack of scientific integrity." Yet months later the New York Times reported as the last word on the subject the conclusion of Sir Frederick Warner, the treasurer of SCOPE, that there would be four billion deaths from the synergy of "Nuclear Winter's" effects on our environment. When, in light of the new evidence, Thompson and Schneider published their change of mind on Sagan's conjecture in Foreign Affairs, the silence was deafening—no new movies appeared to publicize its demise. Without a determined media counteroffensive, the climate modelers' conditional surrender will unfortunately do little to shake the hold of the concept on the public's imagination. Given the durability of videotape and the activists' access to the airwaves, the retrograde popular perception of "Nuclear Winter" may endure into the next century.

THE WAY IT WORKS

The easy acceptance of a shaky scientific conjecture by large portions of the media as well as significant portions of the foreign policy establishment requires no conspiracy theory. In fact, in some respects, the successful marketing of the "Nuclear Winter" concept has been remarkable for its openness. One can find an explanation, rather, by examining the sociology of the scientific establishment, its patrons, and its claim on the attention of both the media and policymakers.

Opinion polls indicate and common sense suggests that the public regards the scientific profession as a bulwark of objectivity and credibility in an othewise untrustworthy world. But as William Broad and Nicholas Wade conclude in Betrayers of the Truth, "Science bears little resemblance to its conventional portrait. . . . In the acquisition of new knowledge, scientists are not guided by logic and objectivity alone, but also by such non-rational factors as rhetoric, propaganda and personal prejudice." The scientific com-

munity is not that much different form other groups whose ethical constitutions are thought to be less demanding. But the notion of a special social responsibility of science, which arose in large measure from the Manhattan Project and its aftermath, has been cultivated for two generations by the politically active. By the very fact of their activism, politically motivated scientists—and more recently physicians, engineers, educators, and computer professionals, each gathered separately under the rubric "for social responsibility"—have achieved an easy dominance in matters of science and public policy.

This dominion over a variety of organizations and journals has accelerated in its extent and impact in recent years, gaining momentum from the anitwar movement of the 1960s and the environmental concern of the 1970s. At present, for example, the Federation of American Scientists (FAS) and Union of Concerned Scientists (UCS) exercise an almost unopposed and largely invisible role as a coherent force for political action and editorial direction in a broad coalition of organizations and foundations—educational, scientific, and journalistic.[13] Through historians of science have long been familiar with the role of "Invisible Colleges" in the advancement of new theories and disciplines, the powerful synergy operating between this coalition of politically concerned scientists and policymakers, and media eager to report trends in scientific fashion, has gone remarkably unnoticed. Political and ideological motivation have kept pace with the exponential growth of science. If they occasionally threaten to overwhelm the integrity of scientific endeavor, it is nearly always with the best of intentions—in this instance, saving the world.

When the president of the American Association for the Advancement of Science (AAAS), which publishes *Science*, acts also as the publisher of *Scientific American*, while both he and the president of the American Physical Society serve on the interlocking boards of the FAS, the UCS, the Arms Control Association and the Pugwash movement, one would be surprised if those organizations' politics were not reflected in the content of scientific journals.[14] Nor would one be surprised that science journalism in print and on television takes its lead from those primary sources. In the case of *Scientific American* this has long been evident in the alternation of purely scientific lead articles and ones that are concerned with public policy or the conduct of diplomacy.[15]

When a decisive number of the scientific advisers of the MacArthur Foundation, to take just one example, are drawn from the board of the FAS and the masthead of the Bulletin of the Atomic Scientists, it should surprise no one that political and scientific agendas merge into a single fabric—and benefit from an integrated cash flow. (Despite the fall from grace of the "Nuclear Winter" scenario, the author of the phrase, Dr. Turco, recently received a MacArthur "genius" award.) If the resources of major scientific organizations cannot be brought to bear on a subject, another level of direct action on specific projects exists. The UCS chairman is Professor Henry Kendall, scion of the family whose foundation the reader may recall. It was a Kendall Foundation executive who handed over the check in 1983 which retained Porter-Novelli Associates and inaugurated the media campaign on "Nuclear Winter."

Even the National Academy of Sciences, an institution whose credibility depends on congressional perceptions of its neutrality, has been politically transformed in recent decades by the election of a series of officers closely identified with the Office of the Presidential Science Adviser under Presidents Kennedy, Johnson, and Carter. (The Academy first deviated from its customarily strict outward neutrality with an extraordinary 1982 manifesto on arms control.) With their tenure has come a change in the staff that interacts with Congress (via the Office of Technology Assessment) and the media, as well as the emergence of a significant group of personnel linked via fellowships and internships to the orbit of the FAS and the UCS. This phenomenon seems to be a stable and perhaps permanent one; certainly, the ascendancy of the broad movement encompassing Physicians for Social Responsibility and the Federation of American Scientists (which styles itself "the conscience of American science") does not bode well for a return to the era when scientists regarded political endeavor by those within their ranks as barely deserving of even extracurricular sanction. The tendency away from objectivity has reached alarming and notorious dimensions in the overselling and subsequent stonewalling that have characterized the "Nuclear Winter" episode.

But it is by no means solely within the halls of science that responsibility lies or where redress and the prevention of a recurrence must be sought. Policy analysts have demonstrated themselves to be chronically incapable of distinguishing where science leaves off and the polemical abuse of global systems models begins. Non-scientists tend to regard mainframe computers as engines of seraphic power and complexity in comparison with the puny word processors at which they sit. Their confusion is compounded by a naive belief that mathematical models of complex dynamic systems are something more than models. The interdisciplinary software that embodies the "Nuclear Winter" hypothesis is complex to an intimidating degree, and the indistinct boundary between the often hallucinatory world of computer simulations and the rigor of hard science scarcely exists in the minds of the marginally computer literate. The results of this confusion can indeed be serious, and in this context it may be useful to recall a previous example of the "Garbage In, Gospel Out" phenomenon—the "Energy Crisis."

When the fashionable resource depletion curves of the Limits to Growth models, and notably Jay Forrester's econometric model, were linked via television with the gas station lines produced by the 1973 Arab oil embargo, the public became convinced that we were doomed to global energy scarcity amidst Malthusian population growth. Forrester's model gained almost universal credence. As with "Nuclear Winter," the appearance of consensus was easily assembled. Independent international corroboration? The Club of Rome, OPEC, and the London School of Economics were swift to concur. (As was the Soviet computer jockey who recently hastened to "corroborate" "Nuclear Winter": It was the same Dr. Moise'ev of the Moscow State Center for Computer Science who had emulated Forrester's software a decade previously.) Forrester's software was supposedly every bit as robust as that of the "Nuclear Winter" model, and was just as broadly endorsed.

The consensus seemed real enough. An orgy of spending, lending, economic dislocation and subsequent political instability ensued, justified by a fervant belief in the "scientific" vailidity of a linear econometric program run on an IBM-360 and its projection of $50-a-barrel oil forever. By 1978, the energy crisis had become a major intellectual industry as well as an industrial phenomenon. Yet despite its indisputable, indeed dominant, political significance in the 1970s, it was largely devoid of economic meaning.

Just as the political significance of "Nuclear Winter" resides, inviolable, in the videotapes produced by its partisan activists, immune to the stripping away of its scientific meaning by progress in atmospheric physics, so all the changes wrought by perceptions of the "Energy Crisis" are past being undone by the mere fact that we are now in the midst of an "oil glut." Factoids, be they scientific or economic, have a strange life of their own; woe to the polity that ignores the interaction of science, myth, and the popular imagination in the age of the electronic media.

PROPHETS NEW AND OLD

Throughout history, the most eminent practitioners of the ancient profession of predicting the end of the world have been reluctant to reveal to the uninitiated the interior mysteries of their revelations, preferring instead to present their audiences only with the final word. If we consider the Comet Halley scare of 1758, for example, we can see that Carl Sagan is but following in the footsteps of a master.

As that year approached, European savants began to consider the prospect of the confirmation of Newton's laws of motion by the return of the Great Comet of 1682. It also caught the attention of the Rev. John Wesley, who exhorted his listeners that, upon meeting the comet's fiery tail, "The earth would be set afire and burnt to a coal." He offered his audiences a simple prescription: repent and join the Great Revival. A Mr. Paul Gemsege, who in those pre-Freudian days was innocent of the gravity of "psychic numbing" and "denial," was swift to reply to Wesley in a letter to the *Gentleman's Magazine* on the "cruelty of terrifying weak minds with groundless pains." Gemsege observed that Wesley was invoking not merely Holy Writ but a member of the Royal Society, "the excellent and accurate Dr. Halley," and that the founder of Methodism had simply (or conveniently) confused the predictable comet of 1682 that bears Halley's name with the trajectory of another comet—the erratic celestrial visitor of 1680 (which will not return until around 2250).

Gemsege's rejoinder doubtless gave rise to a sigh of relief among the Georgian establishment, just as the recantation by the NCAR researchers in *Foreign Affairs* put the policy establishment back on firm ground after three years in the wilderness. But how could Gemsege reach the populace of rural Britain, where Wesley continued to preach? Likewise, Thompson and Schneider's candid revisionism can do nothing to erase the apocalyptic vision which troubles the minds of viewers in the southern hemisphere who are aware of "Nuclear Winter" only through the televised versions of Sagan's scenario.

Very little seems to have changed since Gemsege wrote, in 1756, what may be the last word on the present hazards of nuclear polemics:

"Authors who throw out such important particulars as these, though it be done with

the best design in the world, should be very sure of their hand, before they alarm us with their notices, lest the subjecting of weak minds to groundless panics, should contribute to embitter their lives, which has in it something most very cruel, and even criminal.

". . . *As the tree falls, so it must lie.* A reflection, if it is considered withal, to how many real disasters, without having recourse to any imaginary ones, the life of man is daily exposed, will be abundantly sufficient, for the purpose of true religion. That is, to make men think on the judgment of the Great Day, and therefore, there is no occasion to unsettle their minds by any unreasonable fears that, as they tend so greatly to distract them, instead of doing them any service, are likely in the end to do them a great deal of harm.[11]

The great and undistracted exercise of the judgment and vigilance of statesmen and scientists alike is vital to the avoidance of nuclear war. The relationship of scientists and policymakers should be fiduciary; but if neither group is possessed of good enough courage to practice an integral standard of internal candor in the face of benumbing horror, both will remain hostages to zeal.

Historians of science may one day view this entire episode as a bizarre comedy of manners; having known Sin at Hiroshima, physics was bound to run into Advertising sooner or later. But what about the politics of this issue? Does all this matter? Sagan evidently thinks it does. Characteristically, he has taken the trouble of responding to the new generation of critical scientific studies by hiring a cartoonist. An animated version of his obsolete apocalypse has been appended to his updated television documentary "Cosmos—A Special Edition." Throughout this fall, prime time audiences worldwide will watch in horror as the edge of darkness overspreads planet Earth. They will hear Sagan prophesy that the Reagan administration's SDI program will provoke so overwhelming an increase in Soviet missile throw-weight as virtually to guarantee our frigid end.

Sagan also invites readers of the Fall 1986 issue in *Foreign Affairs* to believe that "a purely tactical war, in Europe, say, . . . may still produce nuclear winter." Be it a 25,000 megaton scenario in 1983, or neutron bombs on 1987, *plus ça change* . . . Marshall McLuhan was right on the mark—with the advent of television, advertising *has* become more important than products.

What is being advertised is not science but a pernicious fantasy that strikes at the very foundations of crisis management, one that attempts to transform the Alliance doctrine of flexible response into a dangerous vision. For "Nuclear Winter" does exist—it is the name of a specter, a specter that is haunting Europe. Having failed in their campaign to block deployment of Nato's theater weapons, the propagandists of the Warsaw Pact have seized upon "Nuclear Winter" in their efforts to debilitate the political will of the citizens of the Alliance. What more destabilizing fantasy than the equation of theater deterrence, with a global *gotterdammerung* could they dream of? What could be more dangerous than to invite the Soviet Union to conclude that that Alliance is self-deterred—and thus at the mercy of those who possess so ominous an advantage in conventional forces?

Dr. Sagan and the Physicians for Social Responsibility may deny that their good intentions could lead anywhere but to massive disarmament. But nowhere is "psychic numbing" more evident than in their incomprehension of Livy's timeless observation: where there is less fear, there is generally less danger. Until they come to apprehend it, nuclear illusions, some spontaneous and some carefully fostered, will continue to haunt the myth-loving animal that is man.

FOOTNOTES

[1] See *Foundations Magazine*, March 1984, for an account of the preliminary meetings convened by Scrivner and Peterson. For listing of the foundations that eventually provided funding and support, see the acknowledgment section of *The Cold and the Dark: The World after Nuclear War*, Paul R. Ehrlich, Carl Sagan, et al. (New York: Norton, 1984).

[2] Sagan specifically requested and lobbied for a special status designated "accelerated publication" for the TTAPS paper in *Science*.

[3] Dr. Ackerman, the "A" in TTAPS, remarked candidly in 1984 of the model's results, "It doesn't necessarily mean that the temperature is going to go down 30 to 40 degrees [Centigrade]; what's important is [the model has] never displayed such a large response to parameter forcing before." In layman's terms, flooding the atmosphere with soot (instead of dust) finally provoked the dramatic results they had been looking for.

[4] The offerings at this conference were later published as *The Cold and the Dark*, and quickly became accepted as an authoritative text on the subject. Yet the text reveals that Sagan's performance at the conference was not replete with honesty—his denial on pages 33 and 34 that the TTAPS results depended on a soot-filled stratosphere is contradicted on page 193, where it emerges that some 30 percent of the black carbon was assumed to be in the stratosphere.

[5] Published simultaneously with TTAPS in *Science* 223 (December 23, 1983) was "The Long-Term Biological Consequences of Nuclear War," by Paul Ehrlich (of *Population Bomb* fame), Sagan, and a dozen-odd co-authors. Harvard Professor Michael McElroy has remarked of this piece, "It was a paper in which the conclusions were reached beforehand, without any consideration of the evidence . . . a political document rather than a scientific document."

[6] General Sir John Hackett, for example, informed the British military establishment on November 14, 1985, that "Human life would disappear, of course, and this planet, an irradiated charnel house, would revolve endless through time and space in continuous cold, dark winter."

[7] How some activist scientists conceive their role is illustrated in literature meant "only for these [peace] organizations" represented at a convention of the group European Nuclear Disarmament held in Amsterdam in 1985. In a document titled "The Role of Scientists in the Peace Movement," this summary is given of a report by Professor Michael Pentz, "Founding Chairman of SANA-UK": "The principal activity of 1984 was in connection with Nuclear Winter and provided a clear illustration of the concept of 'leverage' that was adopted by SANA-UK at its Inaugural Conference [1981], when the decision was made that SANA should be a 'tool-making' organisation rather than a campaigning one. Working through more powerful organisations and public institutions SANA, with a small membership of about 700, has been able to have an impact on public and political awareness that is out of all proportion to what could have been achieved by direct means."

[8] For example, "Atmospheric humidity in the nuclear winter," J. Katz, *Nature* 311:917; "Three Dimensional Climate Models in Perspective: A Comment," Paltridge and Hunt, *Ambio*, Summer 1984; and "Smoke production from multiple nuclear fires in non-urban areas," Small and Bush, *Science* 229: 465–69: a paper examining the empirical distribution of combustible materials in the countryside and revealing that the TTAPS estimates were too high by an order of magnitude.

[9] According to several sources, the New York chapter of the Association of Science Writers was addressed by Dr. Lewis Thomas, who pleaded eloquently for a dispensation from critical inquiry into how "Nuclear Winter" was faring.

[10] SCOPE co-author Dr. Barrie Pittock, interviewed at the NAS in September 1985, responded to an inquiry as to the absence of his colleague Dr. Paltridge from the Australian contingent of climate scientists traveling to the international conferences that led to the SCOPE report's publication by replying, "Paltridge! He's too conservative."

[11] The president of the NAS, Dr. Frank Press, had already put "Nuclear Winter" on page five of his best-selling geophysics textbook *Earth*.

[12] V. B. Shostakovich, "Lesnye Pozhary v. Sibirii/1915," *Ocberki po Zemledeliiu Vostocbnoi Sibirii*, Vol. 47, Irkutsk 1924 *inter alia*.

[13] This extends to textbook publishing as well. Consider John B. Harris and Eric Markusen's core text, *Nuclear Weapons and the Threat of Nuclear War* (Harcourt Brace Jovanovich, 1986), produced in conjunction with the Nuclear War Education Project under FAS sponsorship. It provides only one primary text on "Nuclear Winter"—Carl Sagan's *Parade* article.

[14] Of the fifty or so members of the scientific advisory board of the World after Nuclear War conference, twelve of the most active are affiliated with the FAS, seven with the UCS, and three with PSR.

[15] For example, *Scientific American* has elected to leave its readers out in the cold and the dark about the revisionist article in *Foreign Affairs*. Their "Science and the Citizen" column (September 1986) carried an Orwellian defense of the TTAPS results against the evidence of "Nuclear Winter Reappraised." Dr. Thompson, a co-author of the latter, upon first hearing that his new results "seem to be in keeping with what the TTAPS report predicted" burst out laughing. Despite the fact that the new worst-case scenario involves temperatures dipping barely below +55° F for a week and recovering to the seventies in a month, *Scientific American* reports that "Sagan also maintains that in addition . . . the climate effects would indeed 'raise the death toll' perilously close to the total number of people on earth."

RAYMOND LOSORNIO: A FINE AMERICAN

Mr. HELMS. Madam President, it is difficult to measure the worth of any one person to a nation. But certainly our Nation, which so dearly cherishes each individual's right to live free of coercion, is much the better because of the life of Raymond Losornio.

If ever there was an individual who took our Nation's promise of freedom to heart, and who strove to extend freedom to others, it was Mr. Losornio.

An Oklahoma native, he was a longtime champion of the right to work movement, serving with distinction as chairman of the National Right to Work Committee's board of directors until his death last year. He helped lead a 1964 campaign for a State right to work law in Oklahoma and in 1968 served as president of Oklahomans for right to work.

Madam President, under his stewardship, national right to work forces posted some of their most historic victories against compulsory unionism.

In 1975–76, free-choice advocates repelled big labor's "common situs" picketing assault, and in 1978 defeated union officialdom's so-called labor law "reform" drive.

Mr. Losornio's simple yet powerful motto right to work: No compromise.

"I just cannot see how any man can compromise even the slightest when his own freedom and the freedom of millions of his fellow Americans is at stake," he once said.

Mr. Losornio applied his belief in right to work equally to workers who chose to be voluntary union members.

As assistant comptroller and budget officer for the Army Corps of Engineers, Mr. Losornio was a voluntary member of the National Federation of Government Employees and a past president of union local 386 in Tulsa. He knew well the evils of compulsory unionism and, conversely, of discrimination against union members. As a result, he fought tirelessly to extend right to work protections prohibiting discrimination on the basis of union membership.

The hallmark of Mr. Losornio's 16-year tenure as board chairman was his steadfast refusal to compromise on workers' basic right to make their own choices about union membership. On more than one occasion union officials applied pressure to Mr. Losornio and his superiors in attempts to quash his advocacy of right to work. His outspokenness continued unabated, and the union hierarchy finally abandoned its attempts to silence him.

Madam President, I salute the remarkable achievements of Raymond Losornio during his lifetime of devotion to the defense of freedom.

LIBERTY CENTENNIAL MEMORIAL TREES

Mr. HELMS. Madam President, trees are such an important part of our lives that we too often take them for granted, assuming that they will be there when we need their cooling shade, their fruit and nuts, relief from sights that we may consider eyesores, some protection from the distracting cacophony of passing traffic, or simply the beauty of their silhouettes, colors, flowers, scent, or whispering of gentle breezes through their leaves.

Rarely do we stop to reflect that such simple pleasures and benefits could not be ours had it not been for the farsightedness of our forefathers, many of whom departed this life a long time ago. It was they who planted and nurtured the very trees that we enjoy today, many of which can be seen from the windows of this great Capitol.

Madam President, the point is this: We have a responsibility not only to protect the legacy of trees and forests that we have inherited, but to plant and nurture the shade and ornamental trees that will being benefits and pleasure to our children, grandchildren, and indeed even our great grandchildren in the distant future. I shudder to contemplate what our beautiful landscape will be like should we fail in our responsibility.

We are all aware of the utter devastation of vast areas of land that is taking place, as I speak, in Africa and the Amazon Valley, where great stands of trees are being cleared away. The resulting moonscapes will be wastelands in a few short years. While I do not suggest that such a thing can or will happen in the United States, I do emphasize that tomorrow's forests and shade and ornamental trees must be planned for, planted, and nurtured by us, right now.

It is indeed refreshing and reassuring to know that there are individuals and organizations, in both the private and public sectors, actively addressing this future need for trees. Most of us are familiar with the work of the National Arborist Association, the International Society of Arboriculture, the American Forestry Association, and the many regional and local groups in the private sector that devote their resources and energies to tree planting and tree care. There are also several agencies within the public sector, notably the U.S. Forest Service and the National Park Service, promoting the future of trees in our Nation.

Madam President, there is a truly unique tree planting program that is deeply rooted, if the Chair will forgive the expression, in my own State of North Carolina.

During the well planned effort to restore the Statue of Liberty in New York Harbor in time for the centennial celebration of the dedication of that great gift from the people of France, several member firms of the National Arborist Association volunteered their services, at no charge, to prune and provide other kinds of care to the beautiful shade and ornamental trees that grace Liberty Island, on which the statue is located. At the same time, these arborists volunteered to perform the same kinds of services on the trees growing on nearby Ellis Island, whose facilities were also in a state of restoration. The first phase of this tree care was carried out in November of 1985.

One of the member firms that donated services was the F.A. Bartlett Tree Expert Co. of Stamford, CT. While making a personal inspection of the ongoing work, Robert A. Bartlett, Jr., president of Bartlett Tree Experts, and president-elect of the National Arborist Association at that time, happened to pick up a handful of seed heads from beneath the beautiful London plane trees beside the Statue of Liberty and put them into his coat pocket. He did the same thing later that day when he inspected the tree work on Ellis Island, placing some seed heads in a different pocket.

When he returned home, Mr. Bartlett placed these seed heads in plastic sandwich bags, thinking that it would be nice to have seven or eight trees of such significant parentage in his yard. With the ground at home frozen by then, he took the seed heads to the Bartlett Tree Research Laboratories and Experimental Grounds near Charlotte, and requested that the new trees be started in the nursery. He didn't realize at the time that each seed head contained several hundred seeds.

On his next visit to Charlotte, one of the horticulturists asked Mr. Bartlett what he planned to do with all those London plane seedlings, of which there were some 6,000 now growing in sterile planting medium. His father, R.A. Bartlett, chairman of the board of the Bartlett Co., suggested that these seedlings would be ideal as memorial trees honoring the Statue of Liberty and Ellis Island.

Because the seed heads and the resulting tree seedlings were technically Federal Government property, Mr. R.A. Bartlett came to Washington to secure permission from the National Park Service, because that agency has jurisdiction over Liberty Island and Ellis Island, to donate the seedlings to appropriate recipients. He was accompanied by one of the directors of the Bartlett Co., Robert N. Hoskins, who is familiar with Washington through his many years as assistant vice president, forestry and special projects, for the Seaboard System Railroad.

Messrs. Bartlett and Hoskins made a brief presentation to Mr. Denis P. Galvin, Deputy Director, National Park Service, who granted permission to distribute the seedlings. I ask unanimous consent, Madam President, that the text of Mr. Galvin's June 2, 1986 letter be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, June 2, 1986.

Mr. ROBERT A BARTLETT,
Chairman of the Board, The F.A. Bartlett Tree Expert Co., Stamford, CT.

DEAR MR. BARTLETT: This letter is to express our appreciation to the The F.A. Bartlett Tree Expert Co. for participating, as one of the twenty-three National Arborist Association member firms involved, in the pruning and care of the trees on Ellis Island and Liberty Island in New York Harbor on November 23rd and April 19th. It is important that the trees not be overlooked during the restoration and refurbishing of our national monuments.

We are aware that Robert A. Bartlett, Jr., president of your firm, picked up a handful of seed heads from the ground beneath the London planes (Platanus acerifolia) that grace the Statue of Liberty, as well as from Ellis Island. I understand that these seeds were later planted at the arboretum of The Bartlett Tree Research Laboratories near Charlotte, North Carolina and that a number of the seedlings are thriving.

You have permission from the National Park Service to distribute these London plane (Platanus acerifolia) seedlings, at no charge, to recipients, particularly on state and federal land. I realize that the number of seedlings is limited and that there will not be enough for any sort of mass distribution. It is also my understanding that this distribution will not be used to further the commercial interests of your company.

The planting of these seedlings is an especially appropriate gesture in this, the year of the one-hundredth anniversary of the Statue of Liberty. I understand that your limited supply of seedlings will be ready for

transplanting in September and October of this anniversary year.

Thank you for conceiving this living memorial of the Statue of Liberty centennial.

Sincerely,

DENIS P. GALVIN,
Deputy Director.

Mr. HELMS. Mr. President, Messrs. Bartlett and Hoskins next described their tree donation program to Mr. James B. Grant, executive secretary, National Association of State Departments of Agriculture, who contacted the commissioners of agriculture of all 50 States and the territories to advise them that memorial trees are available. As a result seedlings were donated to officials in all 50 States, the District of Columbia, and the Territory of American Samoa.

Several appropriate public organizations have also received Liberty Centennial Memorial Trees. A representative sampling includes the Hoover Presidential Library Association in Iowa, John Randolph Tucker High School in Virginia, the State Archives Museum in Michigan, the Memphis Zoo and Aquarium in Tennessee, Sturbridge Village Restoration in Massachusetts, Chicago High School for Agricultural Sciences in Illinois, the Patrick Henry Memorial Foundation in Virginia, the J. Sterling Morton Grove in Nebraska, Sequoia National Park in California, several arboretums, and the State house, Governor's mansion, or capital grounds of several States.

In my State of North Carolina, memorial trees have been planted at several court houses, the State Fair Grounds, the University of North Carolina, Carowinds Theme Park, Presbyterian Hospital, the Federal Building in Charlotte, Davidson College, and the R.J. Peeler Future Farmers of America Camp at White Lake.

It is important that the people of France, the original donors of the Statue of Liberty, be remembered for their generosity and friendship. Thirty Liberty Centennial memorial trees were sent to Paris aboard Air France in March and are on hold in a special nursery awaiting planting ceremonies on the Fourth of July, 1987 in United States Square and other locations in Paris. These planting ceremonies will be attended by Jacques Chirac, Prime Minister of France, Robert A. Bartlett, Jr., of the Bartlett Co., and other French and American dignitaries.

We are indebted to Mr. Ralph Ichter, Agricultural Attaché, and Philippe Cardorec, Agricultural Attaché's Office, both of the Embassy of France, in Washington, for their advice, assistance, and cooperation in making and coordinating arrangements in both nations.

I would also recognize the valuable advice, guidance, and assistance provided to this program by two distinguished Virginians now retired from active Government service. Milton Bryain of Arlington served for a great number of years as Liaison Officer, U.S. Department of Agriculture. Ira Whitlock of Alexandria served as Chief, Office of Congressional Liaison, National Park Service for many years. Mr. Whitlock expects to be in Paris for the Fourth of July tree planting ceremonies.

Madam President, I reiterate that this is a truly unique and innovative tree planting project. I take great pride that this program originated on the 300-acre Bartlett Tree Research Laboratories and Experimental Grounds in Mecklenburg County, NC, and that its benefits will be enjoyed and realized over so wide an area of the world for decades, perhaps even a century, to come.

IMPROVING U.S. COMPETITIVENESS

Mr. RIEGLE. Madam President, the Congress is in the midst of a debate over our trade policies and the huge deficits we have with many other countries. Part of this debate has brought out the problems our telecommunication companies are having with other countries' trade barriers. At the same time, we have artificially restricted certain capabilities of our own telecommunications industry in the United States.

Recently an item came to my attention which serves in a small way to illustrate some of our paradoxical economic policies in the United States. In Japan, apparently the Nippon Telephone and Telegraph Co. has installed a capacity in its local phone system that will permit each and every touch tone phone in Toyko to operate as an answering machine. The article that I saw indicated that the Toyko company cannot expand capacity fast enough to keep pace with demand, and that Japanese who were thinking of purchasing normal answering machines were thinking twice about that decision.

In the United States, 4.5 million answering machines were purchased in 1986, and most of them were imported. Our telecommunications trade deficit with Japan was almost $2 billion, which resulted in the loss of tens of thousands of American jobs.

Madam President, I raise this issue because I have found that U.S. telephone companies now have the ability today to install answering systems for local customers using U.S. built equipment. This capacity is presently available but sits idle in many central offices around the country. Our telephone companies are prevented from offering this service as part of the Federal court order which has controlled the telephone system since the divestiture.

It might be wise for us to examine these policies in terms of our world trade problems and from the standpoint of the most efficient usage of our domestic telephone system. We must move in every feasible way to encourage U.S. technological and product development, and help our domestic companies to win back business now being lost to other countries.

DR. PAUL CRAIG ROBERTS

Mr. HATCH. Madam President, one of this country's most significant and innovative economists, Dr. Paul Craig Roberts, recently brought additional honor to himself and to this country in accepting the presentation of the Insignia of the Chevalier of the Legion of Honor from Minister of State Edouard Balladur of the Republic of France. Dr. Roberts and I joined forces in a number of battles as this Nation moved toward the Reagan administration and a new set of economic policies. I fully agree with Mr. Balladur's assessment in his citation for Dr. Robert's Legion of Honor: "You have been the artisan of a renewal in economic science and policy, after half a century of State interventionism * * *. Henceforth, it is no longer possible to consider tax policy as simply a means of filling the state coffers or as an innocent means of transferring revenues."

In a letter, under date of April 8, 1987, President Reagan indicated that Dr. Roberts "* * * has been the intellectual architect of many of the economic policies my administration has implemented over the last six years * * *. In conferring the Legion of Honor upon Paul Craig Roberts, France pays tribute to a man whose supply-side economic philosophy has helped bring about a revolution in American economic thought, a revolution which continues to inspire similar efforts worldwide."

I think we can all benefit from the full text of Minister Balladur's speech and President Reagan's letter. For that reason, Mr. President, I ask that these documents be printed in their entirety.

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

SPEECH GIVEN BY THE MINISTER OF STATE EDOUARD BALLADUR ON THE OCCASION OF THE PRESENTATION OF THE INSIGNIA OF CHEVALIER OF THE LEGION OF HONOR TO PROFESSOR PAUL CRAIG ROBERTS ON APRIL 8, 1987

Sir, all those who are gathered here today and who share in your personal and professional life are pleased to be here and to participate in the presentation of the Insignia of the Chevalier of the Legion of Honor.

On occasions such as this, custom dictates that we review the accomplishments of the person we honor. Permit me to follow in this tradition. Throughout your life, you have successfully combined the functions of intellectual contemplation and of advice on direct action.

For a man of thought, there is no greater satisfaction than to be able to verify, concretely, the value of his ideas.

You currently hold the William E. Simon, Chair In Political Economy at the Center for Strategic and International Studies at Georgetown University. You are also a director of a well-known investment company. Your past accomplishments are equally prestigious, in research as well as in the administration where you played a key role in the Treasury Department. You were economic counselor to JACK KEMP, the chief economist to the House Budget Committee, research fellow at the Hoover Institution, and a writer for the Wall Street Journal.

You are a columnist for Business Week, and your articles in the press are awaited with baited breath. Your book "The Supply Side Revolution" speaks with authority.

But today I would like to focus on two specific aspects of your activities.

You have been the artisan of a renewal in economic science and policy, after half a century of State interventionism.

You have contributed to exchanges between practitioners and theoreticians on both sides of the Atlantic.

It is clear from your work that this renewal of economic thought requried first a return to basic tenets and then a reconstruction based upon them. The foundation of this thought is the explanation of the role of relative prices in the choices of individuals and businesses.

The rebuilding of the global economy consists of combining all decisions of supply and demand from all sources and is determined by the working of a multitude of markets. The new application of this classic approach to the study of fiscal policy, saving, and growth was named supply-side theory.

For example, let us consider, as your work invites us to do, the politics of taxation. The vision is striking; it shows that marginal tax rates are the key factors in determining the choice between leisure and work, and between saving and consumption. In the same way, tax rates on profits influence the investment and savings choices of businesses. From this follows:

Your interpretation of "stagflation," a combination of stagnation and inflation that has been experienced by western economies;

Your recommendations to lower marginal tax rates in order to permit growth in supply of goods and services; and

Finally to achieve full economic growth.

After decades in which the State was supposed to regulate growth by slowing or speeding up spending, by increasing global demand without being concerned with the effect of taxes on supply, what a revolutionary change in beliefs! It is true that policy has not always followed accordingly.

Henceforth, it is no longer possible to consider tax policy as simply a means of filling the State coffers or as an innocent means of transferring revenues.

From now on, a tax policy that is aware of its impact on the incentives of individuals and businesses plays a central role in the economic policy of a country and gives it its direction. Sound fiscal policy is one of the foundations of healthy and lasting growth. Its principle can be summed up quite simply: reduce tax rates that discourage work and savings and adversely alter investment choices, while following, in other areas, fiscal policies which restore the equilibrium of public finance. Today, this orientation of fiscal policy inspires reflection and galvanizes action in several countries. Great Britain, West Germany, Australia, India, and Israel have understood the necessity of reducing the tax burden, thereby joining your country, the first to commit itself to this path.

This new perspective has enormous consequences. But this renewal could not have come about simply by the force of thought and reason.

In order to change thinking to this extent, it was necessary to have the courage to think differently. And, moreover, the courage to commit oneself publicly and to gain the support of a small number of economists in the battle against entrenched ideas.

Everyone has been affected by your courage, human warmth and force of persuasion.

Now I would like to evoke the second aspect of your activities. All of your considerations have found reasonance across the Atlantic in our country. I said earlier that your analysis was grounded in classic economic theory. In France, Jacques Rueff, along with a very few others, pursued a similar path. In numerous works he referred to Say's law: "supply creates its own demand," which he generalized to take into account the money supply. In famous and courteous discussions with Keynes, before the war, he supported the approach of classic economists: the central role of the pricing mechanism.

Production can be hindered by tax policy, as well as by regulation. An anecdote comes to mind: In his "letter to interventionists," Jacques Rueff pointed out that "in 1936 there was a government that proposed and a parliament that voted a law that forbade not only the creation of new shoe factories, but also the opening of simple cobblers' shops * * *"

This classic tradition lives on in France. This is why your efforts naturally found resonance with us, first in theory then in practice. From analogous concerns, the government of Jacques Chirac has shown its determination to recognize the link between lower taxes and deficit reduction. Friendly ties have been created between French and American economists, and you yourself have contributed mightily to these exchanges by sharing your experience and thought.

But on the subject of taxes, I would also like to go back for a moment to an ethical problem. Why is this policy, which seeks growth also a just policy? Why are justice and efficiency in a society so intimately linked, and why does this tax orientation serve both at one and the same time?

What everyone hopes for in his life, and activity, is to gain recognition for his work and for his contributions. Everything that does not take into account the effort and the value of individual contributions is perceived as unjust. Popular wisdom and the morality of great civilizations speak with the same voice on this subject.

Also, from the time we are children, we are taught the fundamentals of reward for effort and the exercise of judgment. The same must be true for society and its enterprises.

This is why tax policies that restore just compensation for effort and performance reinforce the values that are the force of our civilization. This kind of policy is inevitably seen as just and effective and unites an entire nation for progress.

Sir, I am particularly happy to be the one chosen to bear witness to your contributions to economic thought and to your impact on economic policy. However, this cannot be transferred in its original form to the French system. We are an old country, steeped in a love for freedom, but also a country which is organized and grouped around the State. This is why we must seek our own way, after 50 years of interventionism, toward a society which is more free, efficient and just.

Nevertheless, I have found in your bearing and thought, strong arguments to confirm my convictions, the convictions that have lead me to put into practice a new economic and financial policy in France. This I believe is evidence of how very happy I am to be your sponsor in our national order.

Paul Craig Roberts, in the name of the President of the Republic, and by virtue of the powers vested in me, I declare you Chevalier of the Legion of Honor.

THE WHITE HOUSE,
Washington, DC, April 8, 1987.

I am pleased to send warm greetings to everyone gathered at the residence of His Excellency and Mrs. Emmanuel de Margerie as Finance Minister Balladur bestows France's highest award, the Legion of Honor, on Dr. Paul Craig Roberts for his contribution to the "revival of economic science and policy."

Craig has been the intellectual architect of many of the economic policies my Administration has implemented over the last six years. As this award recognizes, he has demonstrated throughout his career a keen understanding of the science of economics and its practical implications for public policy. He has proven himself both a forceful academic advocate and an effective public servant. His work, both as my Assistant Secretary of the Treasury for Economic Policy and at Georgetown University's Center for Strategic and International Studies, has consistently emphasized government's proper role in setting economic policy—one which ensures that the people have the maximum freedom to make their own economic choices. His ideas have been tested in the crucible of experience, and they have contributed mightily to America's economic resurgence in this decade.

In conferring the Legion of Honor upon Paul Craig Roberts, France pays tribute to a man whose supply-side economic philosophy has helped bring about a revolution in American economic thought, a revolution which continues to inspire similar efforts worldwide. I congratulate Craig on receiving this high honor and heartily commend our counterparts in the French Government for recognizing his singular contributions in the field of economic science and policy.

God bless you all.

RONALD REAGAN.

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.)

MESSAGES FROM THE HOUSE

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1085) to amend title 38, United States Code, to make permanent the new GI bill educational assistance programs established by chapter 30 of such title, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2360. A bill to provide for a temporary increase in the public debt limit.

The message further announced that pursuant to section 204 of Public Law 98-459, the Speaker appoints as a member of the Federal Council on the Aging on the part of the House: Mr. Virgil S. Boucher of Peoria, Illinois, from the private sector.

At 6:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986.

The message also announced that the House has passed the following bills, without amendment:

S. 942. An act to amend title 5, United States Code, to extend the pay retention provisions of such title to certain prevailing rate employees in the Tucson wage area whose basic pay would otherwise be subject to reduction pursuant to a wage survey; and

S. 1177. An act to amend title 5, United States Code, to provide for procedures for the investment and payment of interest of funds in the Thrufe Savings Fund when restrictions on such investments and payments are caused by the statutory public debt limit.

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. 2360. An act to provide for a temporary increase in the public debt limit.

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. HOLLINGS (for himself, Mr. PELL, Mr. INOUYE, Mr. STEVENS, Mr. BENTSEN, Mr. KERRY, Mr. ADAMS, Mr. BREAUX, Mr. WEICKER, Mr. MITCHELL, Mr. STENNIS, Mr. THURMOND, Mr. BIDEN, Mr. GLENN, Ms. MIKULSKI, Mr. ROTH, Mr. SARBANES, Mr. KASTEN, Mr. MATSUNAGA, and Mr. MURKOWSKI):

S. 1196. A bill to provide for the enhanced understanding and wise use of ocean, coastal, and Great Lakes resources by strengthening the National Sea Grant College and by initiating a Strategic Coastal Research Program, and for other purposes; to the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources, jointly, pursuant to the order of May 12, 1987.

By Mr. DECONCINI:

S. 1197. A bill to amend the effective date of the provision contained in the Tax Reform Act of 1986 dealing with allocation of indebtedness as payment on installment obligations; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1198. A bill to authorize a certificate of documentation for the vessel F/V *Creole;* to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 1199. A bill to prevent suicide by youth; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. PELL):

S.J. Res. 128. Joint resolution prohibiting the sale to Honduras of certain defense articles and related defense services; to the Committee on Foreign Relations.

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. 215. Resolution to direct the Senate Legal Counsel to represent the President of the Senate and the President pro tempore in the case of *McWherter* v. *Bush, et al.;* considered and agreed to.

By Mr. METZENBAUM (for himself, Mr. HEINZ, and Mr. SPECTER):

S. Con. Res. 58. Concurrent resolution to express the support of Congress for private sector efforts aimed at alleviating losses suffered by retirees and employees as the result of pension plan terminations; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. PELL, Mr. INOUYE, Mr. STEVENS, Mr. BENTSEN, Mr. KERRY, Mr. ADAMS, Mr. BREAUX, Mr. WEICKER, Mr. MITCHELL, Mr. STENNIS, Mr. THURMOND, Mr. BIDEN, Mr. GLENN, Ms. MIKULSKI, Mr. ROTH, Mr. SARBANES, Mr. KASTEN, Mr. MATSUNAGA, and Mr. MURKOWSKI):

S. 1196. A bill to provide for the enhanced understanding and wise use of ocean, coastal, and Great Lakes resources by strengthening the National Sea Grant College Program and by initiating a Strategic Coastal Research Program, and for other purposes; pursuant to the order of May 12, 1987, referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources.

MARINE SCIENCE, TECHNOLOGY, AND RESOURCE DEVELOPMENT ACT

● Mr. HOLLINGS. Mr. President, I rise today to join with Senator PELL in introducing a bill to reauthorize the National Sea Grant College Program.

Two decades ago, Congress created Sea Grant to foster the understanding, use, and conservation of ocean and coastal resources through university-based research, education, and advisory services. Today, that program stands as a model for partnership among university, government and private sectors dealing with critical resource issues. Last month, I joined with Senator BENTSEN and several of our colleagues in introducing a bill to establish a Space Grant College Program. Recognizing the effectiveness of the Sea Grant approach, the new space program is closely patterned after its marine predecessor.

As Sea Grant enters its third decade, it seems appropriate to reassess the condition and direction of the program which we created. The Sea Grant network has grown to include 22 Sea Grant colleges and 7 institutional programs. This network draws upon the academic facilities and personnel of more than 300 universities and affiliated institutions in 39 States. Despite repeated efforts by the current administration to eliminate funding and cripple the program, I am happy to announce today that Sea Grant is alive and well.

Sea Grant contributes to the competitiveness of our marine economy, to scientific understanding of our ocean and coastal resources, and to transfer of technology among marine users. Not only has Sea Grant led to fuller and more efficient use of marine resources, a 1981 study found that certain parts of the program have generated almost $230 million in economic benefits—not a bad return for our investment. Sea Grant success stories are numerous and illustrate its diversity.

In 1970, 2.6 million pounds of soft-shell crabs valued at $1.1 million were harvested along the eastern Atlantic and Gulf coasts. In 1984, independent producers marketed 8.1 million pounds of soft-shell crabs, earning $16 million in gross income and employing 4,000 workers. The demand for soft-shell

crabs still exceeds the supply. This successful expansion into domestic and foreign markets is due largely to Sea Grant research and advisory programs.

In Louisiana, Sea Grant research helped transform the wild crawfish harvest into a $70 million aquaculture industry. Current research is committed to converting crawfish waste into commercially valuable products. Similar efforts are underway in my own State of South Carolina.

Also in South Carolina, Sea Grant researchers have been involved in a comprehensive study to examine the State's coastal impoundments. These impoundments are remnants of a once-flourishing rice culture that began about 300 years ago around Charleston. In recent years, interest in these abandoned rice fields has been renewed for use as game preserves, waterfowl habitat, and acquaculture sites. The environmental consequences of rediking areas for private use has sparked controversy. The South Carolina Sea Grant Consortium's study provides the first factual data on the ecology and management of these areas. This information will assist policymakers in permit decisions and will improve the management of currently impounded sites.

In recent years, the National Marine Fisheries Service has turned to Sea Grant for help in reducing intense resistance by shrimp fishermen to the use of turtle excluder devices. Sea Grant extension agents are working with shrimpers to develop and certify safer and less expensive excluder devices, as well as providing information on excluder construction and efficient use.

This legislation recognizes that the Sea Grant College Program is a national effort which is clearly worthy of our support. It would reauthorize the program for 5 years. Authorizations for the base program maintaining the Sea Grant network are set at $45 million for fiscal year 1988 and increase annually to allow for inflation, to $54 million for fiscal year 1992.

The Sea Grant network represents a strong national research capability for addressing questions of emerging national importance. To direct and challenge this capability, the bill initiates a Strategic Research Program which will identify and focus on national research priorities. Sea Grant should bring a unique expertise to bear in areas such as estuarine processes, marine biotechnology, fisheries oceanography, and ocean technology. I look forward to discussing Sea Grant's method for prioritizing national research needs. Funding for the initiative is authorized at $5 million in fiscal year 1988 and would be permitted to increase to $20 million by fiscal year 1992. The bill also strengthens the International Sea Grant Program and broadens the Fellowship Program to include postdoctoral researchers.

Reauthorizing and strengthening the National Sea Grant College Program is essential for maintaining national competitiveness in ocean research. The Sea Grant Program ensures conservation and efficient use of our national resources and better education and training or our Nation in science and engineering. In providing cost-effective cooperation among Government, academic, and private sectors as a fundamental base for technology transfer and development, Sea Grant is truly a program for these times.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD following these remarks.

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

S.1196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That his Act may be cited as the "Marine Science, Technology, and Resource Development Act of 1987".

DECLARATION OF POLICY

SEC. 2. (a) Section 202(a) of the Sea Grant College Program Act (33 U.S.C. 1121(a)) is amended—

(1) by (A) redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively, and (B) inserting immediately before paragraph (4), as so redesignated, the following:

"(2) The national interest requires a national ocean policy to—

"(A) provide a sound basis for the enhancement and wise use of ocean, coastal, and Great Lakes resources and environment;

"(B) promote public stewardship and encourage wise economic development of the ocean and its margins, the Great Lakes, and the Exclusive Economic Zone;

"(C) understand global environmental processes; and

"(D) promote cooperative domestic and international solutions to ocean, coastal, and Great Lakes resource issues.

"(3) Investment in a strong program of research, education, technology transfer, and public service is essential for effectuating this policy.";

(2) in paragraph (1) and paragraph (4), as so redesignated, by striking "ocean and coastal" and inserting in lieu thereof "ocean, coastal, and Great Lakes"; and

(3) in paragraph (4), as so redesignated, by striking "such" and inserting in lieu thereof "marine".

(b) Section 202(b) and (c) of the Sea Grant College Program Act (33 U.S.C. 1121(b) and (c)) is amended by striking "ocean and coastal" and inserting in lieu thereof "ocean, coastal, and Great Lakes".

DEFINITIONS

SEC. 3. Section 203 of the Sea Grant College Program Act (33 U.S.C. 1122) is amended—

(1) by redesignating paragraphs (4) through (14) as paragraphs (5) through (15), respectively;

(2) by inserting immediately after paragraph (3) the following:

"(4) The term 'directors of sea grant colleges' means the persons designated by their universities or institutions to direct sea grant colleges, programs, or regional consortia.";

(3) in paragraph (7), as so redesignated, by striking "the waters of any zone over which the United States asserts exclusive fishery management authority;" and inserting in lieu thereof "the exclusive economic zone established by proclamation numbered 5030, dated March 10, 1983;"; and

(4) by amending paragraphs (8) and (12), as so redesignated, by striking "ocean and coastal" and inserting in lieu thereof "ocean, coastal, and Great Lakes".

NATIONAL SEA GRANT COLLEGE PROGRAM

SEC. 4. Section 204(c)(5) and (d)(3) of the Sea Grant College Program Act (33 U.S.C. 1123(c)(5) and (d)(3)) is amended by striking "ocean and coastal" wherever it appears and inserting in lieu thereof "ocean, coastal, and Great Lakes".

PRIOR APPROVAL REQUIREMENTS

SEC. 5. Section 205(d)(1) of the Sea Grant College Program Act (33 U.S.C. 1124(d)(1)) is amended by adding at the end the following: "Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize Federal prior approval requirements.".

STRATEGIC MARINE RESEARCH PROGRAM

SEC. 6. Section 206 of the Sea Grant College Program Act (33 U.S.C. 1125) is amended to read as follows:

"SEC. 206. STRATEGIC MARINE RESEARCH PROGRAM.

"(a) IN GENERAL.—Within one year after the date of enactment of the Marine Science, Technology, and Resource Development Act of 1987, and every three years after such date, the Administrator shall develop and publish the Sea Grant Strategic Research Plan. The plan shall identify and describe a limited number of priority areas for strategic marine research in fields associated with ocean, coastal, and Great Lakes resources. In addition, the plan shall indicate goals and timetables for the research described in such plan. Upon publication of the plan, the Administrator shall submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives. The Secretary may not make a grant under subsection (c) of this section regarding priority areas identified and described in the plan until after 45 days from the date of receipt of the plan by such Committees.

"(b) CRITERIA FOR AREAS TO BE INCLUDED IN PLAN.—The priority areas in the Administrator's plan submitted under subsection (a) of this section shall concentrate on—

"(1) the critical resource and environmental areas where their national or global scope, their fundamental nature, their long-range aspects, the scale of the needed research effort, or the need for the broadest possible university involvement preclude adequate funding under other sections of this Act; and

"(2) the areas where the strength and capabilities of the sea grant colleges, programs, and regional consortia in mobilizing talent for sustained programmatic research and technology transfer make them particularly qualified to manage the strategic marine research called for in this section.

"(c) PROCEDURES AND ELIGIBILITY.—(1) The Secretary may make grants of up to 100 percent to carry out the strategic marine research program described in this section. The grants shall be subject to the guidelines

and review procedures, including peer review, used by the national sea grant office, and sea grant colleges, programs, and regional consortia.

"(2) A grant may be made under this section to—

"(A) sea grant colleges, programs, and regional consortia; and

"(B) any qualified individual at a degree granting institution of post-secondary education.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $5,000,000 in fiscal year 1988, $9,000,000 in fiscal year 1989, $13,000,000 in fiscal year 1990, $17,000,000 in fiscal year 1991, and $20,000,000 in fiscal year 1992. Such sums shall remain available until expended. The amounts obligated to be expended under this section shall not, in any fiscal year, exceed 50 percent of amounts appropriated for such year pursuant to section 212.".

DESIGNATION OF SEA GRANT COLLEGES AND REGIONAL CONSORTIA

SEC. 7. Section 207(a)(2)(A), (3)(A) and (3)(B) of the Sea Grant College Program Act (33 U.S.C. 1126(a)(2)(A), (3)(A) and (3)(B)) is amended by striking "ocean and coastal resources" and inserting in lieu thereof "ocean, coastal, and Great Lakes resources".

FELLOWSHIPS

SEC. 8. Section 208(a) of the Sea Grant College Program Act (33 U.S.C. 1126(a)) is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall support sea grant academic, Congressional, and Federal fellowships to provide educational and training assistance to qualified individuals at the undergraduate and graduate levels of education, as well as support postdoctoral level fellowships to accelerate research in critical subject areas. Such fellowships shall be related to ocean, coastal, and Great Lakes resources and be awarded pursuant to guidelines established by the Secretary. Congressional and Federal sea grant fellowships may only be awarded by the national sea grant program. Academic and postdoctoral fellowships may be awarded by sea grant colleges, regional consortia, institutions of higher education, and professionals associations and institutes.".

SEA GRANT REVIEW PANEL

SEC. 9. Section 209(b)(1) of the Sea Grant College Program Act (33 U.S.C. 1128(b)(1)) is amended by inserting immediately before the semi-colon the following: ", and section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a)".

INTERAGENCY COOPERATION

SEC. 10. Section 210 of the Sea Grant College Program Act (33 U.S.C. 1129) is amended by striking "ocean and coastal resources" and inserting in lieu thereof "ocean, coastal, and Great Lakes resources".

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. Section 212 of the Sea Grant College Program Act (33 U.S.C. 1131) is amended by inserting immediately after paragraph (4) the following:

"(5) not to exceed $46,000,000 for fiscal year 1988, not to exceed $48,000,000 for fiscal year 1989, not to exceed $50,000,000 for fiscal year 1990, not to exceed $52,000,000 for fiscal year 1991, and not to exceed $54,000,000 for fiscal year 1992.".

SEA GRANT INTERNATIONAL PROGRAM

SEC. 12. Section 3(a) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(a)) is amended to read as follows:

"(a) IN GENERAL.—The Secretary may enter into contracts and make grants under this section to—

"(1) enhance cooperative international research and educational activities on important ocean, coastal, and Great Lakes resources;

"(2) promote shared marine activities with universities in countries with which the United States has sustained mutual interests in ocean, coastal, and Great Lakes resources;

"(3) encourage technology transfer that enhances wise use of ocean, coastal, and Great Lakes resources, in the United States and in other countries;

"(4) promote the exchange among the United States and foreign nations of information and data with respect to the assessment, development, utilization, and conservation of such resources; or

"(5) use the national sea grant college program as a resource in other Federal civilian agency international initiatives where research, education, technology transfer and public service programs concerning the enhancement and wise use of ocean, coastal, and Great Lakes resources for fundamentally related to the purposes of such initiatives.".

AUTHORIZATION OF APPROPRIATIONS FOR SEA GRANT INTERNATIONAL PROGRAM

SEC. 13. Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended—

(1) by inserting after paragraph (4) the following:

"(5) For each of fiscal years 1988, 1989, 1990, 1991, and 1992, not to exceed $1,000,000. Additional funding may be provided through other Federal program elements with a marine science or technology transfer component, or both.".●

● Mr. PELL. Mr. President, as the author of the legislation that established the National Sea Grant College Program in 1966, I am delighted to join today in introducing legislation to continue and strengthen that program over the next 5 years.

The National Sea Grant College Program ranks as one of the major successes of our Government in increasing knowledge, productive use, and wise management of this Nation's marine and Great Lakes resources.

Before enactment of the National Sea Grant College Program Act some 21 years ago, the United States had a strong, but relatively narrow basic research capability in the ocean sciences. Beyond military applications, however, there was little capability or effort in applying the marine sciences to the practical needs of marine-related industries—fisheries, off-shore minerals, aquaculture, marine transportation, recreation. There was no linkage between our marine research base and those people that needed and could use the results of research. There was little focus on the broad need for marine education, and little effort to bring the fragmented ocean sciences and marine engineering into a comprehensive approach to ocean resource problems and opportunities.

The Sea Grant College Program has changed all of that. The program, providing Federal matching funds on a two to one basis, has sparked the development of a national network of 30 Sea Grant Colleges. Patterned after the Land Grant Colleges that transformed American agriculture, the Sea Grant Colleges focus interdisciplinary capabilities on ocean and Great Lakes resources through applied research, education and extension services.

And this network has been extraordinarily productive. One study estimates that Sea Grant sponsored projects are producing an annual benefit of reduced costs, expanded production and new products totaling $230 million a year, compared with an annual Federal expenditure in recent years of $40 million.

I am proud to say that the University of Rhode Island in my home State has been an outstanding example of the success of the Sea Grant Program. Indeed, the University of Rhode Island with its Graduate School of Oceanography was in many ways the birthplace of the Sea Grant Program. The original legislation was shaped at a national conference hosted by URI in Newport in 1965, and in the same year the URI campus was the site of the first congressional hearing on the new proposal. Subsequently, URI was among the small group of institutions that first qualified for grants under the program, and was among the first four institutions later certified as Sea Grant Colleges based on the excellence of their performance in the program.

Despite its success, the Sea Grant College Program needs strengthening if it is to meet the continuing challenges of the coming years. The legislation we are introducing today is designed to meet that challenge in several ways:

The legislation will increase the authorized funding for Sea Grant modestly to $46 million in fiscal year 1988, and stepping up in stages to $54 million in 1992. Despite rising costs, Sea Grant has survived on essentially level funding for several years. Inflation alone has cut the value of Federal Sea Grant funding by 20 percent in the past 5 years. This erosion of funding is beginning to take a serious toll in the number of projects underway and the number of scientists and engineers working on marine resource problems.

This legislation also will create a new Strategic Marine Research Program to focus limited funding on areas determined to have a high national priority. In recognition of their national scope, the Federal Government may fund up to 100 percent of the costs of these projects. The initial $5 million authorization for this program would increase in steps to $20 million in fiscal year 1992.

In addition, the legislation would continue an authorization of appro-

priations for the Sea Grant International Program.

Mr. President, I wish to commend the distinguished chairman of the Senate Commerce Committee, Senator HOLLINGS, for his work in the development of this legislation and thank him for his consultation with me as the author of the original Sea Grant College legislation. Senator HOLLINGS for years has been among the strongest and most effective supporters of the Sea Grant College Program, and I look forward to working with him to assure final enactment of this meritorious legislation.●

● Mr. WEICKER. Mr. President, I rise today to join my colleagues in introducing the Marine Science, Technology, and Resource Development Act of 1987. This act reauthorizes the National Sea Grant College Program, which has provided expertise to this Nation for more than 20 years by addressing critical marine resource needs. Through a unique network of Sea Grant colleges and institutions nationwide the program has demonstrated that it is a productive and innovative mechanism to promote marine research, education, technology transfer, and public service. Its key components—an emphasis on multidisciplinary research and university/government/industry cooperation—have made it instrumental in contributing to the competitiveness of the nation's marine economy. The highly successful Sea Grant Program is administered by the National Oceanic and Atmospheric Administration.

This legislation reauthorizes the National Sea Grant Program through 1992, giving it the opportunity for stable, long-term planning and growth. It also broadens and updates the 1976 revision of the act to include research and economic development opportunities that will continue to contribute to a sound national oceans policy.

A new provision in this bill sets up a Strategic Marine Research Program. Within this program the Administrator is directed to identify areas of marine research that deserve priority consideration. The Secretary of Commerce is then directed to make grants available for such research. The priority areas are to be updated every 3 years, giving scientists the opportunity to work on long-range programs and encouraging broad-based, multi-institutional involvement.

The legislation codifies the existing program of academic, Congressional, and Federal Sea Grant Fellowships and provides for a new postdoctoral fellowship to accelerate research in critical areas. Industry, State and Federal Government are filled with graduates who learned their skills in Sea Grant programs. The above provisions ensures that we will continue to produce knowledgeable individuals in marine science, technology, and policy.

Finally, this legislation reauthorizes Sea Grant's International Program, which would support technology transfer and cooperative research with foreign nations.

Mr. President, over the years Sea Grant has effectively worked to increase the understanding, assessment, development, and conservation of our marine resources by providing a strong educational base, responsive research and training programs, and timely dissemination of scientific and management techniques. As such it has proven a cost-effective way to contribute to human health issues, environmental quality, and the enhancement of commerce.

The commitment on the part of the Federal Government in its continued partnership with State and local government, industry, and universities is essential to the success of the National Sea Grant Program. The legislation we are introducing today reaffirms this commitment by strengthening the 1966 act to continue the appropriate development and conservation of the oceans, whether it be in estuarine pollution, coastal zone management, fisheries resources, or global environmental processes—or any other relevant research areas.

Senator PELL introduced the National Sea Grant College and Program Act in 1965, establishing the initial program. Athelstan Spilhaus, the internationally known scientist who first introduced the concept of a Sea Grant college to the American public in 1963, spoke at that time of the need to take advantage of the opportunities and challenges the oceans offer us:

> • • • to do this we must have sea-grant universities and colleges that focus with commitment on the sea—that seek to impinge all our intellectual disciplines on the mastery, exploitation, and preservation of the sea. Just as the scholars in the land-grant college developed a passion for the land we must seek through a welding together of science, art, literature, engineering, medicine, law, public administration, and politics to develop a public which will not only homestead our new spaces in the sea but colonize and civilize them through an integrated interdisciplinary education in the sea-grant universities.

With the introduction of this legislation today we, as a nation, reaffirm our commitment to benefit and preserve our marine resources.●

● Mr. ROTH. Mr. President, I rise today to join my colleague Senator HOLLINGS in introducing legislation that would reauthorize the Sea Grant Program through fiscal year 1992, S. 1196. It is very important that we reauthorize this productive, and effective program. Reauthorization of the Sea Grant Program would continue activities that address national priorities for marine resources and the marine environment.

I have always been a strong supporter of the Sea Grant Program. It has managed to effectively combine research, education, technology transfer, and public service into a program which enhances and promotes the wise use of our Nation's estuaries and coastal regions. It is a good example of educational institutions, government, and the private sector working together to address coastal and marine issues for the public good. It is well worth the investment of Federal dollars.

The University of Delaware was designated as a Sea Grant College Program in 1976. I am proud of Delaware's program and accomplishments. It's current emphasis in marine biotechnology, estuarine and coastal environmental assessments, geological and coastal dynamics, and marine program outreach has made major contributions to fuller utilization and greater efficiency in marine or coastal resource based industries. I would like to list some of the recent accomplishments of Delaware's Sea Grant Program.

Fouling—the encrusting of barnacles and other foreign matter on marine vessels and other objects—is an ever present problem. In the marine environment biofouling has major cost problems. Laboratory experiments have resulted in localizing and identifying naturally occurring antifouling components in such marine organisms as corals and sponges. By understanding how natural chemical defenses deter fouling, University of Delaware scientists hope to gain insight into new and better methods of preventing biofouling on marine vessels and other artificial substrates.

Delaware scientists have developed methods to extract chitin, the cellulose like structure found in the shell of crabs, shrimp, and other marine animals, and considered a waste produced by seafood processors. Extracted chitin has produced surgical sutures, high value food additives, and specialty chemicals.

Continued study of the Delaware estuary, a major source of commercial and recreational growth for the mid-Atlantic region, involve an assessment of its health and system functions. The results are used to make decisions on future development on and around Delaware Bay.

The marine advisory service activities encompass a wide range of projects designed to educate and enhance the lives of those who enjoy Delaware's beaches. Among others the marine reports advise boaters and provide updated weather reports, while the seafood retailers and the charter/headboat industry have found the business workshops to be of great value.

Finally, Mr. President, since its designation as a Sea Grant College Program in 1976, the University of Delaware has had, and continues to have a

strong commitment to the education of students pursuing marine studies. Many of these students have gone on to successful marine realted careers in industry, State, and Federal Government, and academia.●

By Mr. DECONCINI:

S. 1197. A bill to amend the effective date of the provision contained in the Tax Reform Act of 1986 dealing with allocation of indebtedness as payment on installment obligations; to the Committee on Finance.

ALLOCATION OF INDEBTEDNESS

● Mr. DECONCINI. Mr. President, today I am introducing legislation which is designed to correct language in the conference report of the Tax Reform Act passed last Congress. My proposal would return the bill to the language as passed by the Senate originally. The change which has proven so damaging to business across this country was made with no apparent discussion by the conferees and appears to have been a last minute switch.

The conference report language is threatening to have a serious and adverse effect of many taxpayers, both in my State and throughout the country, who use the installment sales method. The language accelerated the date on which the new installment sales provision applies to fiscal year taxpayers. As a result, the provision will effect these taxpayers in a significantly different way than on calendar year taxpayers in an identical situation. Senator PACKWOOD acknowledged in a colloquy with me during the Senate debate on the tax reform conference report that there was no explicit decision by the conferees to treat taxpayers reporting installment sales differently based solely on their fiscal year.

The bill which passed the Senate had an effective date of taxable years beginning after December 31, 1986. However, the conference report had an effective date of taxable years ending after December 31, 1986. This seemingly small change has had disastrous effects.

My bill seeks to reinstate the original language of the Senate provision, making the effective date taxable years beginning after December 31, 1986.

From the standpoint of equity and legislative procedure, the language change should not have been included in the conference report. This legislation is intended to remedy that situation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOCATION OF INDEBTEDNESS AS PAYMENT ON INSTALLMENT OBLIGATIONS APPLICABLE TO TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1986.

(a) IN GENERAL.—Paragraph (1) of section 811(c) of the Tax Reform Act of 1986 is amended by striking out "ending after December 31, 1986" and inserting in lieu therof "beginning after December 31, 1986".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the Tax Reform Act of 1986.●

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1198. A bill to authorize a certificate of documentation for the vessel *F/V Creole*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "F/V CREOLE"

● Mr. STEVENS. Mr. President, title 46 of the United States Code requires that vessels engaged in the domestic coastwise trade be built in the United States. The law also eliminates the coastwise privileges for U.S.-built vessels which are sold to foreign citizens. If a U.S. citizen purchases such a vessel, a legislative waiver of the documentation and coastwise provisions in title 46 is required.

The legislation I am introducing today would provide such a waiver to an Alaskan constituent. Richard Billings owns and operates a 78-foot motoryacht named the *F/V Creole* (official number 229565). The vessel was built in Seattle, WA, but was subsequently sold to a citizen of West Germany. This creates a defect in the chain of title for purposes of documentation.

Mr. Billings purchased the vessel in 1979, and has been operating a six-passenger charter operation continuously under a time-share arrangement. The Coast Guard informed him in April after 7 years of operation that the time-share arrangement is in violation of title 46. He has no alternative other than a legislative waiver, and will miss a significant portion of the charter season this summer unless the waiver is acted or promptly.

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. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding sections 12105, 1206, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for the following vessel: *Creole*, United States offical number *229565*.●

By Mr. LAUTENBERG:

S. 1199. A bill to prevent suicide by youth; to the Committee on Labor and Human Resources.

YOUTH SUICIDE PREVENTION ACT

● Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill dealing with the tragic issue of youth suicide.

In my State of New Jersey, the full impact of the problem of youth suicide was brought home to us recently. We were shocked and troubled by the tragic deaths of four young people in Bergenfield, and the deaths and attempted suicides that have followed.

Youth suicide is at alarmingly high levels in this country. About 11 percent of high school seniors—nearly 2 million—have made at least one attempt at suicide. Between 5,000 and 6,000 young people succeed in killing themselves each year.

Experts think that many deaths that are called accidents are really suicides. For people between the ages of 15 and 24, suicide is the third highest cause of death after accidents and homicides. And the danger is growing. The rate of youth suicides is now 300 percent higher than it was in 1950.

This is an epidemic. But it is treated like a dirty secret that no one wants to mention. When a suicide, or a number of suicides, occur in a community, there is concern. There is bewilderment. There are many unanswered questions. And there is guilt.

Experts are paraded before the public, on television, in the newspapers. They point to warning signs. They call for more hotlines, more counseling, more community resources.

But really no one knows what leads one young person to give up on life and another to overcome adversity, to say "yes" to life. A thoughtful witness at a congressional hearing a year ago captured the question. He said it's a complex problem. It is deeply involved in our society. And it is not something we can cure with a drug or an innoculation, which will make it go away like polio or measles.

In our country we have the healthiest, most educated, most involved, and most intelligent young people. At the same time we have young people who seem bent on self-destruction—with drugs—with alcohol—with suicide.

What are we to think? Are the high school years really a walk through the valley of the shadow of death?

For most, they are not. So says a study released earlier this year. Interviewers talked to children between the ages of 8 and 17 about the things that concern them. The poll found that most children are fundamentally content with their personal lives, their families, and their schools.

But these days are not Pollyannas. Most of them say that among their peers there is "at least some" smoking, drinking, sex, crime, drug abuse, and marijuana use. And they think that adults should set more limits for them in order to improve this situation. More enforcement of rules and discipline would help, the students say. More education about the dangers of drug and alcohol abuse would also help.

From this overview, I draw two broad conclusions about the suicide problem. First, we obviously need some near-term programs, some first aid. Teachers, parents, the community needs to learn what the danger signs are in a troubled child. Counseling and therapy must be available. No child should feel so alone in the world that his only choice is to leave it. And those who are left behind after a suicide need help, too.

Second, for the longer term, we need more and better research. We just do not know enough about what works with these kids and what does not. And the findings must be widely disseminated. Everyone who has a significant contact with children should have the best information.

In short, communities need to plan. They need to take stock of their resources, decide what they want to accomplish, and decide what they need to do to achieve their goals.

In many areas, schools and local governments are already trying to do these things. Better coordination is needed. And seed money is needed for places that do not yet have plans or programs up and running.

I think the Federal Government has a role to play. It can provide the seed money. It can support the research. And then it should yield to the parents, teachers, clergy, the community. Let them use this information to find the best way to help their own kids.

I am introducing legislation today to do this. Under the bill, the Department of Education would help coordinate Federal programs and information relating to the prevention of youth suicide. The Department would serve as a liaison between the Federal Government and the organizations concerned with the prevention of youth suicide. The Department would also prepare an annual summary of research on effective programs in this field.

The bill provides for a national hotline and a national resource center and clearinghouse for youth suicide, training for people who will train others in services for suicide prevention, a public awarness campaign, technical assistance to State and local education agencies and organizations involved in suicide prevention activities, and dissemination of information about effective programs. These programs would be contracted to outside organizations.

An Advisory Board on Youth Suicide would be established to provide advice and expertise to the Secretary of Education. The advisory board would have nine members, three each appointed by the President, the Senate and the House of Representatives. The appointments would be chosen from names recommended by groups representing parents, teens, educators, counselors, mental health organizations, physicians, nurses, businesses, print and broadcast media, and organizations concerned with youth mental health and suicide.

The Department of Education would make grants to local school districts and private nonprofit agencies to make plans for coordinated suicide prevention services. The plans would cover awareness activities, training, counseling of youth who have attempted suicide and family and friends of those who have committed suicide, and coordination with related activities.

Grants would also be made to public and private organizations for demonstration and evaluation of innovative programs for suicide prevention. Another grant program would support research projects to evaluate existing programs and identify risk factors. Finally grants would be made to improve data collection on completed and attempted suicides.

The national hotline and resource center and clearinghouse would be established as public-private partnerships. The national hotline would be particularly helpful for young people and those close to them who live outside major metropolitan areas. In areas which could not support local hotline, especially a 24-hour one, the national hotline could fill a gap and could refer people to local services.

The planning and demonstration grants would require a 25-percent matching share. Again, these grants could support public-private partnership activities. The total first year authorization would be $11 million. The authorization over the remaining 3 years would decline, to make clear that this is a program of seed money intended to leverage other public and private funding sources.

Through the planning grants, I expect that local educators, families, and community leaders would work together to decide what is best for their community to do to prevent the tragedy of youth suicide and to deal with the aftermath when a suicide occurs. Adults in daily contact with young people—such as parents, school administrators, teachers, counselors, religious leaders, coaches, community leaders—and young people themselves, need to be more aware of the clues and warnings signs provided by youth contemplating suicide. They need to have more information about how to help these young people and how to refer them to appropriate counseling and other professional services. If the entire community can work together to show their caring for the young people in their midst, then perhaps we can avert more of these tragedies.

The demonstration program, research and data collection grants will provide the backup, the foundation of knowledge that will support the planning efforts. We need to know more about what causes suicide and what can stop it, but we cannot wait until we have perfect knowledge to do something. That is why my proposal contains a mix of near-term community efforts and long-term research.

To sum up, childhood and youth should be happy times—times of learning—and yearning, dreaming of a bright tomorrow. We need to take away those things that cast a shadow on tomorrow. We need to encourage the dream.

Understanding and fighting youth suicide is one step. The foundation for tomorrow is truly found in the best possible education. I urge my colleagues to join me in supporting this bill, and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Youth Suicide Prevention Act of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) the rate of suicide among adolescents has tripled in the last 30 years;

(2) more than 5,000 young people committed suicide in 1986, making suicide the second highest cause of death for people between the ages of 15 and 24;

(3) experts estimate that 500,000 more adolescents attempted suicide in 1986;

(4) thousands of families, friends, schools, and communities are affected by the tragedy of young people taking their own lives;

(5) experts in the study of suicide believe that many suicides can be prevented by suicide awareness programs and crisis intervention programs for youth and their families;

(6) Federal, State, and local governments, together with families, educators, mental health workers, juvenile justice workers, churches, synagogues, and other community resources, must be involved in helping young people to find reasons to live and ways to respond to their problems;

(7) a national resource center and clearinghouse could serve to educate and coordinate public and private organizations involved with suicide prevention efforts;

(8) more research is needed on the causes of suicide and on effective suicide prevention programs and other programs for troubled youth; and

(9) more evaluation is needed to identify effective programs to assist youth who have attempted suicide.

PURPOSES

SEC. 3. The purposes of this Act are—

(1) to provide for coordination of national, State and local efforts to help individuals who are in daily contact with young people to prevent youth suicides through the early identification of, assessment of, and referral to counseling, medical services, and mental health services of, young people vulnerable to, or contemplating, suicide;

(2) to stimulate and encourage State and local governments and community organizations to plan suicide prevention services and mental health services for troubled youth;

(3) to demonstrate innovative types of programs to prevent youth suicide and to provide mental health services for youth;

(4) to support research into the causes and prevention of youth suicide; and

(5) to support improved data collection on suicides and attempted suicides as a means of understanding and preventing youth suicide.

DUTIES OF THE SECRETARY OF EDUCATION

SEC. 4. (a) The Secretary of Education (hereinafter referred to as the "Secretary") shall—

(1) facilitate the coordination of Federal programs and information relating to the prevention of youth suicide;

(2) act as a liaison between the Federal Government and organizations concerned with the prevention of youth suicide, including schools, parent and youth groups, and organizations representing providers of counseling, mental health services, and crisis intervention services for youth;

(3) analyze, compile, publish, and disseminate an annual summary of recently completed research, research in progress, and Federal, State, and local demonstration projects relating to identification of potential youth suicides and prevention of youth suicide, with particular emphasis on—

(A) effective models of Federal, State, and local coordination and cooperation in youth suicide prevention activities;

(B) effective programs designed to promote community awareness of the problem of youth suicide; and

(C) effective models of programs which provide treatment, counseling, or other aid to families, friends, schools, and others in the community who have been affected by an incident of youth suicide; and

(4) prepare, in consultation with the Advisory Board established under section 5, an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities relating to the prevention of youth suicide.

(b) The Secretary, either by making grants to or entering into contracts with public and nonprofit private agencies, shall—

(1) establish and operate a national toll-free telephone line by which young people and their families may obtain easily accessible information regarding suicidal crises; and

(2) establish and operate a national resource center and clearinghouse to—

(A) disseminate information to the public with respect to youth suicide, and coordinate the activities of the clearinghouse with activities relating to youth suicide conducted by the Secretary and by the Secretary of Health and Human Services;

(B) conduct training programs for individuals who will train others to provide suicide prevention services for youth;

(C) conduct a national campaign to increase public awareness concerning youth suicide, including the provision of information concerning community resources available to prevent youth suicide and to treat youths who have attempted suicide;

(D) provide technical assistance to State and local education agencies and governments, public and nonprofit private agencies, and individuals conducting programs and activities to prevent youth suicide; and

(E) disseminate information about innovative and model programs, research, and services relating to the prevention of youth suicide.

(c) The authority of the Secretary to enter into contracts under subsection (b) shall be to such extent or in such amounts as are provided in appropriation Acts.

ADVISORY BOARD

SEC. 5. (a) There is established in the Department of Education an Advisory Board on Youth Suicide (hereinafter referred to as the 'Advisory Board'). The Advisory Board shall provide advice and expertise to the Secretary concerning the programs and activities of the resource center and clearinghouse established under section 4(b)(2).

(b)(1) The Advisory Board shall consist of nine members, of which—

(A) three members shall be appointed by the President;

(B) three members shall be appointed by the majority leader and the minority leader of the Senate, acting jointly; and

(C) three members shall be appointed by the Speaker of the House of Representatives and the minority leader of the House of Representatives, acting jointly.

(2) In appointing members to the Advisory Board under paragraph (1), the President, the majority leader and the minority leader of the Senate, and the Speaker and the minority leader of the House of Representatives shall request recommendations from organizations concerned with youth mental health and youth suicide, including organizations representing parents, adolescents, physicians, nurses, educators, counselors, business, and the print and broadcast media.

(c) Members of the Advisory Board shall be appointed within 60 days after the date of enactment of this Act.

(d) Each member of the Advisory Board shall be appointed for a term of four years, except that—

(1) of the members first appointed under subsection (b)(1)(A), one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years, as designated by the President at the time of appointment;

(2) of the members first appointed under subsection (b)(1)(B), one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years, as designated by the majority leader and the minority leader of the Senate at the time of appointment; and

(3) of the members first appointed under subsection (b)(1)(C), one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years, as designated by the Speaker and the minority leader of the House of Representatives at the time of appointment.

(e) A vacancy in the Advisory Board shall be filled in the same manner as the original appointment was made. Any member appointed to a fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member of the Advisory Board may serve after the expiration of the member's term until a successor has taken office.

(f) A vacancy in the Advisory Board shall not affect its powers.

(g) The members of the Advisory Board shall elect a Chairman from among the members of the Advisory Board.

(h) Five members of the Advisory Board shall constitute a quorum, but a lesser number may hold hearings.

(i) The Advisory Board shall hold its first meeting on a date specified by the Secretary which is not later than 90 days after the date of enactment of this Act. Thereafter, the Advisory Board shall meet at the call of the Chairman or a majority of its members, but shall meet at least three times each year.

(j)(1) Each member of the Advisory Board shall serve without compensation.

(2) While away from their homes or regular places of business in the performance of duties for the Advisory Board, all members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

PLANNING GRANTS

SEC. 6. (a) The Secretary shall make grants to local education agencies and private nonprofit agencies for the development of plans for the provision of suicide prevention services and mental health services for youth. Each plan developed with a grant under this section shall include provisions for—

(1) the conduct of activities to increase public awareness of youth suicide and the mental health problems experienced by youth;

(2) the training of teachers, school administrators, school counselors, juvenile justice personnel, peer counselors, parents, and community leaders in the identification of youth with mental health problems and in the prevention of youth suicide;

(3) the counseling of youth who have attempted suicide;

(4) the counseling of the family and friends of youth who commit suicide; and

(5) the coordination of activities conducted and services provided under the plan with related activities conducted and related services provided by Federal, State, and local governments, public and nonprofit entities, and community organizations.

(b) Each plan developed with a grant under this section shall—

(1) identify the resources that will be used to carry out activities and services under the plan and the manner in which such resources will be used to carry out such activities and services;

(2) specify the sources of funding to support such activities and services;

(3) specify the manner in which training will be provided under the plan to school personnel, juvenile justice personnel, peer counselors, parents, and community leaders;

(4) describe the data collection activities that will be conducted under the plan;

(5) describe the manner in which professionals who provide mental health and suicide prevention services for youth, as well as parents, will be involved in activities conducted and services provided under the plan;

(6) specify the activities that will be conducted under the plan to increase public awareness of the problems leading to youth suicide; and

(7) contain such other information as the Secretary may require.

(c) The Federal share of the costs of developing a plan under this section shall be 75 percent. The non-Federal share of such costs may be paid in cash or in kind, and may be paid from public or private sources.

DEMONSTRATION PROJECTS

SEC. 7. (a) The Secretary shall make grants to public and nonprofit private entities for projects to demonstrate and evaluate innovative models of preventing youth suicide.

(b) The Secretary shall make grants under this section to support not more than 10 projects described in subsection (a) for each fiscal year.

(c) A grant under this section shall be made for a one-year period, and may be renewed for one additional one-year period.

(d) The Federal share of the costs of any project supported with a grant under this section shall be 75 percent. The non-Federal share of such costs may be paid in cash or in kind, and may be paid from public or private sources.

RESEARCH GRANTS

SEC. 8. The Secretary shall make grants to public and nonprofit private entities to support research projects designed to—

(1) evaluate existing programs for the prevention of, and intervention in, youth suicide;

(2) identify factors which indicate that a youth is at risk of attempting or committing suicide; or

(3) develop comparative data concerning the risk factors respecting youth suicide existing in various communities and the effectiveness of youth suicide prevention and intervention activities carried out in such communities.

DATA COLLECTION GRANTS

SEC. 9. The Secretary shall make grants to public and nonprofit private entities for projects to improve data collection with respect to youth suicide, including projects to—

(1) improve the accuracy of official certifications of the cause of death in cases of youth suicide; and

(2) increase reporting of cases of attempted suicide.

APPLICATIONS AND REPORTS

SEC. 10. (a). No grant may be made under this Act unless an application therefor is submitted to the Secretary. Each such application shall be submitted in such form, at such time, and containing such information, as the Secretary may prescribe.

(b) Each recipient of a grant under this Act shall submit to the Secretary such reports concerning the activities conducted under the grant as the Secretary may prescribe.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 11. (a) To carry out section 4(b)(1), there are authorized to be appropriated $2,000,000 for each of the fiscal years 1988, 1989, 1990, and 1991.

(b) To carry out section 4(b)(2), there are authorized to be appropriated $2,000,000 for fiscal year 1988, $1,500,000 for fiscal year 1989, $1,000,000 for fiscal year 1990, and $500,000 for fiscal year 1991.

(c) To carry out section 6, there are authorized to be appropriated $3,000,000 for fiscal year 1988, $2,500,000 for fiscal year 1989, $1,500,000 for fiscal year 1990, and $500,000 for fiscal year 1991.

(d) To carry out section 7, there are authorized to be appropriated $1,000,000 for each of the fiscal years 1988, 1989, 1990, and 1991.

(e) To carry out section 8, there are authorized to be appropriated $2,000,000 for each of the fiscal years 1988 and 1989, and $1,000,000 for each of the fiscal years 1990 and 1991.

(f) To carry out section 9, there are authorized to be appropriated $1,000,000 for each of the fiscal years 1988 and 1989, and $500,000 for each of the fiscal years 1990 and 1991.●

By Mr. DODD (for himself and Mr. PELL):

S.J. Res. 128. Joint resolution prohibiting the sale to Honduras of certain defense articles and related defense services; to the Committee on Foreign Relations.

PROHIBITING THE SALE OF DEFENSE ARTICLES AND SERVICES TO HONDURAS

● Mr. PELL. Mr. President, today, I am joining Senator DODD as a cosponsor to the joint resolution prohibiting the sale of F-5E's to Honduras because it is not in the best interests of the United States nor is it in the interest of peace in tension-ridden Central America. The Foreign Relations Committee received the official notification of the sale late yesterday afternoon; the Congress has 30 days to enact legislation and this joint resolution prohibiting the sale is being introduced quickly so that the issue can get the fullest airing and cooler heads can prevail.

At the appropriate time I will elaborate on the reasons why I believe the Congress should reject the proposed sale. For now suffice it to say that my opposition is based on the belief that the sale of F-5E's to Honduras represents a basic change in the policy of not introducing sophisticated armament into the region and because it represents an escalation of the already tense situation in Central America. I understand the desire of the Honduran Government to modernize its air force and the desire of the administration to assist, but surely there are other aircraft that could serve the purpose and would not represent such a threat to the already too-fragile peace in the area. Finally, I believe that it is very unwise to take such a drastic military step at the very time when the five Central American presidents are preparing for the meeting next month in Guatemala to consider the Costa Rican peace initiative.

Mr. President, I am sure that other Senators will want to join as cosponsors of this important resolution.●

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 10, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 249

At the request of Mr. DODD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 265

At the request of Mr. HUMPHREY, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Washington [Mr. EVANS] were added as cosponsors of S. 265, a bill to require executive agencies of the Federal Government to contract with private sector sources for the performance of commercial activities.

S. 303

At the request of Mr. BRADLEY, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 303, a bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes.

S. 447

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 447, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on cigarettes to 32 cents per pack and on snuff and chewing tobacco to 8 cents per package.

S. 476

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. INOUYE] 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. 573

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 573, a bill to protect patent owners from importation into the United States of goods made overseas by use of a U.S. patented process.

S. 616

At the request of Mr. DODD, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 616, a bill to amend the Truth in Lending Act to provide for more detailed and uniform disclosure

by credit card issuers with respect to information on interest rates and other fees which may be incurred by consumers through the use of any credit card, and for other purposes.

S. 714

At the request of Mr. SPECTER, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 736

At the request of Mr. HARKIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 736, a bill to prohibit the performance of certain functions at arsenals and manufacturing facilities of the Department of Defense from being converted to performance by private contractors.

S. 750

At the request of Mr. BRADLEY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from California [Mr. CRANSTON], the Senator from Vermont [Mr. STAFFORD], the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. RIEGLE], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. REID], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KERRY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Tennessee [Mr. GORE], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 750, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for the "Child Survival Fund."

S. 780

At the request of Mr. REID, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 780, a bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971.

S. 902

At the request of Mr. MCCLURE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of 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.

S. 943

At the request of Mr. ADAMS, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 943, a bill to amend the Federal Aviation Act of 1958 to ensure the fair treatment of airline employees in airline mergers and similar transactions.

S. 961

At the request of Mr. HEINZ, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 961, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

S. 962

At the request of Mr. HEINZ, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for expenses incurred in the care of elderly family members.

S. 964

At the request of Mr. MCCLURE, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 964, a bill to amend the Meat Import Act of 1979 to include imports of lamb.

S. 997

At the request of Mr. PELL, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 997, a bill to require the Director of the National Institute on Aging to provide for the conduct of clinical trials on the efficacy of the use of tetrahydroaminoacidine in the treatment of Alzheimer's disease.

S. 999

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 999, a bill to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and program.

S. 1009

At the request of Mr. MATSUNAGA, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1009, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

S. 1044

At the request of Mr. HEINZ, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of S. 1044, a bill to provide for Medicare coverage of influenza vaccine and its administration.

S. 1069

At the request of Mr. BINGAMAN, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 1069, a bill to revise and extend the older American Indian Grant Program under the Older Americans Act of 1965, and for other purposes.

S. 1107

At the request of Mr. ROTH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1107, a bill to terminate employment of aliens in U.S. missions and consular posts in certain Communist countries.

S. 1193

At the request of Mr. MATSUNAGA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1193, a bill to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, HI.

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 87

At the request of Mr. RIEGLE, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Rhode Island [Mr. PELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 87, a joint resolution to designate November 17, 1987, as "National Community Education Day."

SENATE JOINT RESOLUTION 88

At the request of Mr. BRADLEY, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from North Carolina [Mr. SANFORD], the Senator from Alaska [Mr. STEVENS], the Senator from Delaware [Mr. ROTH], the Senator from Utah [Mr. GARN], the Senator from Nebraska [Mr. KARNES], the Senator from Virginia [Mr. WARNER], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], the Senator from Alabama [Mr. HEFLIN], the Senator from Arkansas [Mr. PRYOR], the Senator from Massachusetts [Mr. KERRY], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 88, a joint resolution to designate the period commencing November 15, 1987, and ending November 21, 1987, as "Geography Awareness Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. HATCH, the names of the Senator from Arizona

[Mr. McCAIN], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to designate the week beginning November 22, 1987, as "National Adoption Week."

SENATE JOINT RESOLUTION 98

At the request of Mr. HATCH, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 98, a joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week."

SENATE JOINT RESOLUTION 108

At the request of Mr. LUGAR, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 108, a joint resolution to designate October 6, 1987, as "German-American Day."

SENATE JOINT RESOLUTION 111

At the request of Mr. HEINZ, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Nevada [Mr. REID], the Senator from Texas [Mr. BENTSEN], the Senator from Iowa [Mr. HARKIN], the Senator from Connecticut [Mr. WEICKER], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 126

At the request of Mr. PACKWOOD, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of Senate Joint Resolution 126, a joint resolution to designate March 16, 1988, as "Freedom of Information Day."

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. HEFLIN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

AMENDMENT NO. 160

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of amendment No. 160 intended to be proposed to S. 999, a bill to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and program.

SENATE CONCURRENT RESOLUTION 58—URGING CONGRESSIONAL SUPPORT FOR PRIVATE SECTOR EFFORTS TO ALLEVIATE LOSSES SUFFERED BY RETIREES AND EMPLOYEES AS A RESULT OF PENSION PLAN TERMINATIONS

Mr. METZENBAUM (for himself, Mr. HEINZ, and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 58

Whereas with the enactment of the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. 1001 et seq.), Congress has made the retirement income security of millions of Americans a vital public policy objective;

Whereas ERISA seeks to assure older Americans that their expectations of retirment income will be secure by requiring private employers to meet their pension commitments in full;

Whereas ERISA provides a guarantee of pension benefits under defined benefit pension plans through the Pension Benefit Guaranty Corporation (PBGC) to cover those cases in which employers are unable to meet their full pension benefit obligations due to financial hardship;

Whereas pension plan terminations have victimized tens of thousands of older Americans;

Whereas when a defined benefit pension plan is terminated, the guarantee of pension benefits by the PBGC does not protect all pension expectations of American retirees and employees;

Whereas this loss of pension benefits impoverishes individuals on fixed incomes and impairs public confidence in the private pension system of the United States.

Whereas even as Congress explores ways of strengthening the pension insurance system to prevent benefit losses, Congress supports responsible private sector efforts to alleviate these devastating losses of retirement income;

Whereas following the termination of a defined benefit pension plan, it is possible through collective bargaining to establish new arrangements under which an employer may restore pension benefits not guaranteed by the PBGC;

Whereas adoption of these arrangements is an example of employees and retirees seeking to enforce their previously bargained retirement rights, and affords employees and retirees not represented by a labor organization similar retirement security; and

Whereas no responsible agency of the United States Government can or should oppose these private efforts to alleviate the acute hardships caused by short-falls in the pension system of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its fullest support for privately sponsored programs to alleviate unexpected losses of retirement income caused by pension plan terminations;

(2) affirms the right of labor organizations and employers to engage in free collective bargaining aimed at addressing the acute needs of older Americans affected by pension plan terminations; and

(3) applauds private efforts to supplement the public system of pension guarantees and expresses the sense of Congress that such efforts are fully consistent with the purposes of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

● Mr. METZENBAUM. Mr. President, today I am submitting a concurrent resolution expressing congressional support for private efforts to alleviate pension benefit losses.

Our current pension program includes an insurance program to guarantee retirees and workers a basic level of pension coverage when companies fail to fully fund their pension promises. While this Government insurance program is a vital part of our pension system, it does not guarantee every promised pension dollar. In fact, many workers and retirees suffer significant losses when an underfunded pension plan is terminated.

In many of these instances company sponsors and unions negotiate new retirement arrangements to help reduce losses to workers and retirees. Similar retirement programs are often established for nonunion workers and retirees. These new follow-on arrangements are the only way to prevent many retirees from suffering extreme financial hardships.

Mr. President, the pension insurance system does not provide complete protection for American workers. I hope that one day we will expand the insurance guarantees and strengthen the minimum funding requirements to prevent broken pension promises. But until we do so I believe that this Government should do everything possible to lend support and encouragement to private arrangements that strengthen retirement security. This resolution express the sense of Congress that such efforts are entirely consistent with the spirit and letter of our pension laws.●

SENATE RESOLUTION 215—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 215

Whereas, in the case of *Ned Ray McWherter* v. *George Bush, et al.*, Case No. 87-1184-JHG, pending in the United States District Court for the District of Columbia, the plaintiff has named George Bush, in his capacity as President of the Senate, and John C. Stennis, in his capacity as President pro tempore of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1)(1982), the Senate may direct its counsel to represent Members and officers of the Senate in civil actions relating to their official responsibilities; Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to represent the President of the Senate and the President pro tempore of the Senate in the case of McWherter v. Bush, et al.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

PROXMIRE AMENDMENT NO. 195

(Ordered to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

On page 114, between lines 13 and 14, insert the following:

SEC. 812. COMMISSION ON FREEDOM OF THE DEPARTMENT OF DEFENSE PRESS

(a) ESTABLISHMENT, COMPOSITION, AND INITIAL ORGANIZATION OF COMMISSION.—There is established the Commission on Freedom of the Department of Defense Press (hereafter in this section referred to as the "Commission").

(2)(A) The Commission shall be composed of 5 members appointed by the Secretary of Defense from among 10 persons who have demonstrated distinguished service in the field of journalism and are nominated by one or more professional journalism organizations designated by the Secretary.

(B) Members of the Armed Forces, employees of the Federal Government, and persons outside the Federal Government who perform any work in support of the Department of Defense shall be ineligible to serve as members of the Commission.

(3) The Commission shall select a Chairman and Vice Chairman from among its members.

(4) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5)(A) The Secretary of Defense shall make all appointments under paragraphs (2) within 60 days after the date of the enactment of this Act.

(B) The Commission shall convene its first meeting within 15 days after the first date on which all members of the Commission have been appointed. At that meeting the Commission shall select its Chairman and Vice Chairman and develop an investigative agenda and schedule for carrying out its duties under this section.

(b) DUTIES OF THE COMMISSION.—The Commission shall—

(1) examine—

(A) the editorial policies and operations of the Pacific edition of the Stars and Stripes newspaper published by the Commander-in-Chief of the United States Pacific Command;

(B) the editorial policies and operations of the European edition of the Stars and Stripes newspaper published by the Commander-in-Chief of the United States European Command; and

(C) the policies and requirements of Department of Defense Instruction 5120.4, dated November 14, 1984,

to determine whether any censorship and news management is permitted by such policies and requirements or is practiced in such operations, and, if censorship of news management is practiced in such operations, whether the practice is impending the free flow of news and information to military personnel;

(2) identify and investigate complaints made to the Department of Defense or the Commission by members and former members of the journalistic staff of the Pacific edition of the Stars and Stripes or the European edition of the Stars and Stripes with respect to matters within the responsibility of the Commission under paragraph (1); and

(3) determine whether increased civilian participation in the editorial operations of such newspapers, including the appointment of a civilian to serve as editor-in-chief of each such newspaper, will decrease the likelihood of censorship and news management in the flow of news and information to military personnel.

(d) REPORT.—Not later than 90 days after the date on which the Commission convenes its first meeting, the Commission shall submit to the Secretary of Defense and Congress a written report containing the results of its investigation under this section together with such recommendations as it considers appropriate.

(e) POWERS OF THE COMMISSION.—(1) The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this section, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2) The Commission may secure directly from the Department of Defense, any other Federal department or agency, or the Stars and Stripes newspapers such information as the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon request of the Chairman of the Commission, the head of such department, agency, or newspaper shall furnish such information to the Commission.

(f) COMMISSION PROCEDURES.—(1) The Commission shall meet at the call of the Chairman.

(2)(A) Three members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(B) The Commission shall act by resolution agreed to by a majority of a quorum of the Commission.

(3) The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(4) All meetings and hearings of the Commission and any panels established by the Commission shall be open to the public.

(5) Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

(6)(A) Subpenas issued pursuant to subsection (e)(1) shall bear the signature of the Chairman of the Commission and shall be served by any person or class of persons designated by the Chairman for that purpose.

(B) In the case of contumacy or failure to obey a subpena issued under subsection (e)(1), the United States district court for the judicial district in which the subpenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(7) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses requested or subpenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(g) COMMISSION PERSONNEL MATTERS.—(1)(A) Except as provided in subparagraph (B), each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the actual performance of the duties of the Commission.

(B) The Secretary of Defense may accept the voluntary services of any member of the Commission who offers to serve as a member without compensation. No compensation shall be paid under this subsection for voluntary services furnished by a member of the Commission and accepted by the Secretary.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate a staff director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of a staff director shall be subject to confirmation by the Commission.

(B) The Chairman of the Commission may fix the compensation of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff director and other personnel may not exceed the rate payable for GS-18 of the General Schedule under section 5332 of such title.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement of the employee's agency by the Commission, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairman of the Commission may procure temporary and intermittent service under section 3109(b) of title 5, United States Code, at rates for individuals which

do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of such title.

(6) Service of an individual as a member of the Commission or employment of an individual by the Commission on a part-time or full-time basis and with or without compensation shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 or 8468 of title 5, United States Code, or any comparable provision of Federal law.

(h) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1) The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Administrator of General Services shall furnish the Commission on a reimbursable basis, any administrative and support services requested by the Commission.

(3) To the maximum extent possible, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(i) TERMINATION OF THE COMMISSION.—The Commission shall terminate 60 days after the date on which the Commission submits its report under subsection (d).

(j) PAYMENT OF COMMISSION EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of the Army for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of the Army. The other expenses of the Commission shall be paid out of funds available to the Department of the Army for the payment of similar expenses incurred by that Department.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SECURITIES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, May 13, 1987, at 9:30 a.m. to hold a hearing on authorizations for the Securities and Exchange Commission.

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

SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES AND THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Hazardous Wastes and Toxic Substances and the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on May 13, beginning at 9:30 a.m., to hold a hearing on stratospheric ozone depletion and substitutes for ozone depleting chemicals.

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

SUBCOMMITTEE ON CONSUMERS

Mr. BYRD. Mr. President, I ask unanimous consent that the Consumer Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 13, 1987, at 9:30 a.m. to hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission [CPSC].

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the national ocean policy study, be authorized to meet during the session of the Senate on May 13, 1987, at 2 p.m. to hold oversight hearings and on proposed legislation authorizing funds for the ocean and coastal programs of the National Oceanic and Atmospheric Administration [NOAA].

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

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 13, 1987, at 10 a.m. to hold a hearing on drug testing.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 13, 1987, at 2:30 p.m., to hold a hearing on judicial nominations.

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 May 13, 1987, at 2 p.m. to hold a hearing on railroad antitrust immunity.

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 May 13, 1987, at 2 p.m. to hold markup on trade legislation pending in the committee.

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

ADDITIONAL STATEMENTS

AMENDMENT TO THE RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. BIDEN. Mr. President, I hereby submit for the RECORD an amendment to the rules of the Committee on the Judiciary as approved by the committee on April 8, 1987.

The amendment reads as follows:

VI. ATTENDANCE RULE

From April 8, 1987 until April 8, 1988 official attendance of all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance of all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

Official attendance of all hearings shall be kept, provided that, Senators are notified by the Committee Chairman and Ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

I ask that a copy of the rules of the Judiciary Committee be printed in the RECORD.

The material follows:

RULES OF THE COMMITTEE ON THE JUDICIARY [1]

I. MEETINGS OF THE COMMITTEE

1. Meetings 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.

[1] Reaffirmed by the Committee on the Judiciary in executive session on February 22, 1983. Printed in the Congressional Record on February 23, 1983, pursuant to the Legislative Reorganization Act of 1970.

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 meetings, 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 denovo 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 Banking Minority Member.●

FORMAL NOTIFICATION—PROPOSED ARMS SALE

● Mr. PELL. Mr. President, section 36(b)(1) of the Arms Export Control Act requires that Congress receive formal notification of proposed arms sales under the act in excess of $50 million, or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification I have received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, May 11, 1987.

Mr. GERYLD B. CHRISTIANSON,
Staff Director, Committee on Foreign Relations, United States Senate, Washington, DC.

DEAR MR. CHRISTIANSON: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost $50 million or more.

Sincerely,

PHILIP C. GAST,
Director.●

THE "DEAR COMANDANTE" LETTER

● Mr. HUMPHREY. Mr. President, we all know how the crisis in Central America has created strong emotions on both sides. This will undoubtedly become even more evident as the Iran-Contra hearings proceed.

The hearings, of course, are focusing on alleged transgressions by those who believed we should support the Nicaraguan freedom fighters against the Communist Sandinista regime. I believe we should keep in mind the excesses of both sides in the debate, and for that reason I wish to summit in the RECORD the famous "Dear Comandante" letter of March 20, 1984. This document surely stands as one of the most curious, to say the least, to which a Member of Congress has ever set his or her hand.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 1984.

Comandante DANIEL ORTEGA,
Coordinador de la Junta de Gobierno, Managua, Nicaragua.

DEAR COMANDANTE: We address this letter to you in a spirit of hopefulness and good will.

As Members of the U.S. House of Representatives, we regret the fact that better relations do not exist between the United States and your country. We have been, and remain, opposed to U.S. support for military action directed against the people or government of Nicaragua.

We want to commend you and the members of your government for taking steps to open up the political process in your country. The Nicaraguan people have not had the opportunity to participate in a genuinely free election for over fifty years. We support your decision to schedule elections this year, to reduce press censorship, and to allow greater freedom of assembly for political parties. Finally, we recognize that you have taken these steps in the midst of ongoing military hostilities on the borders of Nicaragua.

We write with the hope that the initial steps you have taken will be followed by others designed to guarantee a fully open and democratic electoral process. We note that some who have become exiles from Nicaragua have expressed a willingness to return to participate in the elections, if assurances are provided that their security will be protected, and their political rights recognized. Among these exiles are some who have taken up arms against your government, and who have stated their willingness to lay down those arms to participate in a truly democratic process.

If this were to occur, the prospects for peace and stability throughout Central America would be dramatically enhanced. Those responsible for supporting violence against your government, and for obstructing serious negotiations for broad political participation in El Salvador would have far greater difficulty winning support for their policies than they do today.

We believe that you have it in your power to establish an example for Central America that can be of enormous historical importance. For this to occur, you have only to lend real force and meaning to concepts your leadership has already endorsed concerning the rules by which political parties may compete openly and equitably for political power.

A decision on your part to provide these reasonable assurances and conduct truly free and open elections would significantly improve the prospect of better relations between our two countries and significantly strengthen the hands of those in our country who desire better relations based upon true equality, self-determination and mutual good will.

We re-affirm to you our continuing respect and friendship for the Nicaraguan people, and pledge our willingness to discuss these or other matters of concern with you or officials of your government at any time.

Very sincerely yours,

Jim Wright, Michael Barnes, Bill Alexander, Matthew F. McHugh, Robert G. Torricelli, Edward P. Boland, Stephen J. Solarz, David R. Obey, Robert Garcia, Lee H. Hamilton.●

YULI EDELSHTEIN IS RELEASED FROM PRISON

● Mr. LAUTENBERG. Mr. President, it is with great joy that I rise to share good news from the Soviet Union about my "adopted" refusenik, Yuli Edelshtein. I recently learned that Yuli has been released from the Novosibirsk prison, and that he has received permission to live with his wife and daughter in Moscow.

Yuli Edelshtein is a man of rare courage and determination. Several years ago, Yuli was denied permission to emigrate from the Soviet Union because of his father's alleged access to state secrets, despite the fact that Yuli had not seen his father in 20 years. After his application was refused, the KGB began to harass him, and he was eventually forced to leave his job as an English teacher. But Yuli was not discouraged, and he refused to let the Soviet authorities put a barrier between him and his religion. Fueled by a passion for Judaism and a longing to live in Israel, Yuli became an observant Jew and learned to teach Hebrew.

Because of his unyielding determination, the Soviets sought to crush Yuli. To put an end to Yuli's activities, the Soviets convicted him on trumped-up charges of "drug possession," and sentenced him to 3 years at a harsh labor camp.

In prison, Yuli's health deteriorated because serious injuries he sustained while performing hard labor were not properly treated. When Yuli broke his thigh and ruptured his urethra last year, his wife, Tatiyana, pleaded with Soviet officials to release her husband

from prison. She begged them to release Yuli from prison and transfer him to a Moscow hospital where the operations needed to prevent his permanent disability could be performed. But her pleas fell on deaf ears, and Yuli continued to languish in a Soviet prison hospital.

When I learned of my "adopted" refusenik's medical condition last year, I wrote a letter to General Secretary Gorbachev signed by a number of my colleagues urging him to release Yuli from prison early so he could receive medical attention in Moscow. But the Soviets would not budge. They refused to release Yuli from prison, and his condition continued to deteriorate.

By March, Yuli's condition was so bad that many believed he was in danger of losing his life. His broken thigh and ruptured urethra were a continual source of pain. He had experienced renal failure, an infection of the urethra, and had developed a strep infection on his skin. Again I felt it necessary to intervene on Yuli's behalf and to pressure the Soviets for his early release from prison. I feared that Yuli's release could not be delayed much longer without risking his life. That time had almost run out. So I drafted another letter to General Secretary Gorbachev, which 29 of my colleagues signed, pleading Yuli's case.

Mr. President, it was with great relief that I received the news about Yuli's release from prison. Fortunately Yuli's medical condition appears to have stabilized. But we have not received any information about the long-term effect of his injuries. And still, we do not know if he will suffer permanent damage because he was denied for so long necessary medical treatment.

The Soviet's decision to release Yuli was long overdue. Although this decision was certainly a step in the right direction, it is not enough. Now, the Soviets must give Yuli and his family permission to emigrate from the Soviet Union. Yuli has suffered in the Soviet Union long enough. His greatest desire is to live in Israel, where he will be able to freely and openly practice his faith. He deserves no less.

I will continue to press the Soviets at every opportunity until they grant Yuli and his family permission to emigrate. I hope my colleagues will do the same.●

TRIBUTE TO REGINALD SMITH CALIFORNIA NEWSPAPERMAN

● Mr. WILSON. Mr. President, I was saddened to learn this week of the recent passing of a young constituent of mine, a talented reporter, Mr. Reginald Smith. I first met Reggie at the outset of his career, when he joined the staff of the San Diego Tribune during my service as mayor of that city. He was on the Pulitzer Prize winning team that covered one of the saddest moments in the city's history, the PSA crash in 1978.

Apart from his talent and dedication, Reggie was an affable man, well liked both by his colleagues in the newsroom and by those of us whose service in public office he chronicled, such as Mayor Tom Bradley and Mayor Dianne Feinstein.

While his time with us was short, Reggie's work was lauded by his peers and his good nature was loved by his friends and family. He will be missed.

I would like at this point to insert in the RECORD the San Francisco Chronicle's obituary of Reginald Smith.

The obituary follows:

REGINALD SMITH—FORMER CHRONICLE CITY HALL REPORTER

Reginald Smith, a former City Hall reporter for The Chronicle, died yesterday at Cedars Sinai Medical Center in Los Angeles. He was 31.

Mr. Smith, who had been working as a reporter at the Los Angeles Times, entered Cedars Sinai on May 3 for a lung biopsy. Family members said Mr. Smith died of lung cancer.

"There were a lot of people who respected Reggie and felt he was a rising star in the field," said San Francisco Mayor Dianne Feinstein, whom Mr. Smith covered regularly from 1983 to 1986. "To have that star snuffed out at such an early age is a tragedy."

Born and reared in Los Angeles, Mr. Smith worked as a copyboy for the Los Angeles Times when he was 16 and was editor of his high school newspaper.

He attended West Los Angeles Junior College and graduated from San Diego State University in 1977, majoring in journalism and editing campus newspapers at both schools.

Mr. Smith went to work at the San Diego Tribune, where he was part of a team that won a Pulitzer Prize for deadline reporting on the 1978 crash of a jetliner on a San Diego neighborhood.

He moved to San Francisco to work as a City Hall reporter for The Chronicle in February 1983. During his three years at The Chronicle, Mr. Smith was proudest of his coverage of Jesse Jackson's 1984 presidential campaign.

In 1985, Mr. Smith won the San Francisco Press Club's Christopher Award, its highest honor, for a story that was part of series of articles exposing the waste and ineptitude in the Housing Authority.

He returned to the Los Angeles area last August to work in the San Fernando Valley bureau of the Los Angeles Times, where he covered Simi Valley and worked as a general assignment reporter.

He is survived by his parents, Rachel and Elliott; two sisters, Carol DeMorst and Jackie Winston; a brother, Elliott Jr., and John Maguire, his longtime companion. All the survivors live in Los Angeles.

Donations may be made to Cedars Sinai Medical Center, 8700 Beverly Boulevard, Los Angeles 90048-0939. Funeral arrangements are pending.●

S. 727—REGARDING NATIVE AMERICAN PEOPLE

● Mr. ADAMS. Mr. President, I rise in support of this legislation. This bill addresses a failure by the U.S. Government to honor its treaty obligations to the native American people. This breach of faith is of particular concern to me because the injured parties are from my State, members of the Lummi Tribe who live and fish in the Northwest corner of Washington.

In 1982, the IRS initiated action against members of this tribe for taxes allegedly owed on the value of fish caught in the exercise of treaty-protected fishing rights. About 60 tribal members were subject to these assessments, which total close to $1 million including back taxes and penalties.

These actions represent a major threat to the economic health of the Lummi Tribe. Fishing is the lifeblood of a struggling tribal economy. Individual fishermen rarely make as much as $10,000 a year. Some fishermen face potential tax liabilities several times the value of their annual incomes. There is the very real possibility that the IRS might seize people's boats and homes, and leave them destitute. The total benefit flowing to the U.S. Treasury from this potential heartbreak is estimated at $70,000 a year.

This IRS action is contrary to well-established legal principles governing the relationship between the Federal Government and Indian tribes. This bill does what the executive branch has failed to do so far. It declares that the IRS action is inconsistent with the Federal trust responsibility, and ensures that such actions will not occur again.

The bill says that any treaty, Executive order, or statute under which a tribe is recognized shall be construed to prohibit imposition of Federal, State, or local income tax on income derived from the exercise of rights to fish secured by such treaty, Executive order, or statute.

In 1855, the Point Elliot Treaty guaranteed to the Lummi Tribe the perpetual right to fish in their usual and accustomed places. This right has been confirmed many times by Federal courts.

It is a basic canon of the law of interpretation of native American treaties that treaties be interpreted to mean what the tribes thought they meant when they signed them. This means that the tribal leaders who signed the Port Elliot treaties are generally thought to have understood they would be able to continue fishing and trading without, in any way, having to turn over to the Federal Government a portion of their catch.

Imposition of Federal income tax on exercise of these treaty fishing rights is the equivalent of stopping tribal fishermen when they return to shore, and forcibly removing fish from their boats. As such, it represents a breach of Federal obligations under the treaty.

Furthermore, it is illogical to assert, as the IRS has in the past, that this income is taxable because the treaty in question does not specifically exempt this income from Federal income tax. Given that the treaty in question was signed nearly a half-century before a Federal income tax existed, this argument is not a sufficient basis for breaching the treaty.

It is also important to understand that Indian fishing income is protected from taxation only when exercised in accordance with a treaty, Executive order, or statute. Income derived from fishing outside of a tribe's usual and accustomed fishing grounds is, and always has been, subject to taxation.

In general, the overall response of the Federal Government to this situation has been very disappointing. In 1983 and 1985, the Department of Interior formally asserted that the IRS action was an attack on treaty law, and inconsistent with President Reagan's 1983 policy statement reaffirming the Government's intent to conduct a government-to-government relationship with Indian tribes. The Justice Department, however, chose to side with the IRS. The result is that tribal fishermen are forced to seek private representation in court because the Justice Department cannot represent both the Department of Interior and the Department of Treasury.

Mr. President, this bill represents a message by Congress to both the executive branch and native American peoples. The message is that the Federal trust responsibility is alive and well; and in satisfaction of those duties Congress intends to ensure that the Government keeps its word as solemnly sworn in treaty negotiations with a fellow sovereign entity so many years ago. I urge my colleagues to help us keep our word by passing this legislation.●

IN RECOGNITION OF DURWOOD AIRHART

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to help draw special attention to the fact that President Reagan has declared this week as Small Business Week, 1987.

As a businessman myself, I can appreciate the time, determination, and commitment it takes to start a small business and stick with it. The accomplishments of our Nation's entrepreneurs not only strengthen our Nation's economy, but provide inspiration to other entrepreneurs to undertake new ventures.

Because of their initiative and innovation, small business men and women strengthen the fiber of this Nation's landscape by providing much needed jobs around which our cities and towns can grow.

Just as importantly, I would like to make a special point of recognizing a constituent of mine from Litchfield, MN, Durwood Airhart, who has recently been recognized for his accomplishments as a small businessman by being named among the State Small Business Persons of the Year. Durwood is the CEO of Litchfield Precision Components, a high technology company specializing in chemical milling, laser welding and machining, and the production of glass optical components and flexible circuitry.

Along with three other employees, Durwood started his company in 1975. By 1986 the company had sales of $8 million and 220 employees. Even after a fire destroyed his company's plant, Durwood Airhart stuck with the city of Litchfield and within 10 months had a new plant operating and the prospects of increasing the payroll to 500 employees.

It is with great pride, as a businessman and Minnesotan, that I ask my colleagues to join with me in saluting Durwood Airhart and the rest of America's small business men and women.●

INDIAN TREATY FISHING RIGHTS

● Mr. BRADLEY. Mr. President, I am pleased to see that the full Senate is considering this legislation to clarify Indian treaty fishing rights.

Last year, I became involved with this issue when the plight of the Lummi Tribe came to my attention. The Lummi were rightfully upset when the IRS determined that fishing income would be taxable unless the treaty contained language specifically conferring income tax exemption.

This struck me as strange logic to apply to treaties that were negotiated as long ago as the 1850's—over six decades before the Federal income tax was even adopted. I am sure that had the Indian treaty negotiators known of the future existence of the IRS, they would have been more accommodating at the time.

Last spring, 33 U.S. Senators joined me in signing a letter telling the IRS and the Justice Department that the Indian claims are of substantial merit. These Senators were Republicans, Democrats, easterners and westerners. It was a broad-based group. It was my hope that the Justice Department might have listened to reason and logic of the Indian position. They didn't. This legislation is designed to settle the issue once and for all.

As the 99th Congress drew to a close, I offered an amendment to the debt ceiling bill. Senator EVANS joined me in that efort, and the amendment was adopted unanimously. Unfortunately, the House refused to act on any amendment to the bill, and these efforts were stalled.

We will not be stopped this Congress. Today, the full Senate has a chance to signal its strong approval of this effort once again.

The Department of Interior estimates that the tax revenue is small, roughly $70,000 per year. What is at stake, however, is much more substantial. The U.S. policy of respect and support for treaties with American Indian tribes is an international display of our Nation's commitment to justice and human rights. American Indian treaties should not be subject to further erosion through unilateral reversals of long established principles.

Mr. President, I urge my colleagues to approve this legislation.●

THE NEW G.I. BILL

● Mr. D'AMATO. Mr. President, on Friday, May 8, 1987, the Senate demonstrated its commitment to the education of this Nation's future veterans by passing the new GI Bill Continuation Act. I was pleased to join with 60 of my colleagues in cosponsoring this measure, which extends and makes permanent the educational assistance programs of the new GI bill for members of the All-Volunteer Force and the Selected Reserve.

The new GI bill provides basic educational assistance benefits to service members in return for the completion of a 3-year period of active duty. Typically, the service member receives $300 a month for 36 months, or a total of $10,800 in educational benefits. As a partial contribution to the cost of this benefit, the service member's pay is reduced by $100 per month during the first year of enlistment.

As with past GI bills, the new GI bill has played an important role in providing vocational readjustment for service members upon their return to civilian life. In many cases, the new GI bill has provided the benefits of higher education to those who might not otherwise have been able to afford it.

In addition to providing benefits to individual veterans, the new GI bill yields dividends to our society as a whole. By attracting the highest quality recruits to our military services, the new GI bill enhances the strength of our Nation's All-Volunteer Force. Moreover, the new GI bill bolsters our Nation's economic competitiveness by contributing to a more highly-trained and productive work force. It is estimated that for every dollar spent in GI bill benefits, the Nation is returned $3 to $6 dollars in increased tax revenues.

The young men and women who volunteer from the Armed Forces deserve our thanks and recognition in a way that makes a difference in their lives, as they have more a difference in all

of ours. I am pleased that the Senate has taken this important step.●

SOVIET REFUSENIKS

● Mr. SIMON. Mr. President, the Soviet Union has stated that it is implementing reforms and has indicated a desire to improve relations with our country. Although recent changes in Soviet policy have not been major, there have been visible improvements in the past few weeks. Last year just over 900 people were allowed to emigrate. This year, in April alone, 717 Jews were released. I sincerely hope that this upward trend continues.

We must not be fooled by figures, however. Emigration levels will not be high enough until every single individual who wishes to leave the Soviet Union is permitted to do so. Over 300,000 Jewish citizens are waiting for permission to emigrate. Among these refuseniks is Naum Meiman. Naum is in his seventies, and he recently lost his dear wife Inna.

I urge the Soviet Government to grant Naum Meiman and all other refuseniks permission to emigrate.●

REMOTEC: SMALL BUSINESS SUBCONTRACTOR OF THE YEAR FOR SOUTHEASTERN STATES

● Mr. SASSER. Mr. President, as we celebrate Small Business Week, I would like to bring to the attention of my colleagues the achievements of a rather remarkable firm located in Oak Ridge, TN. This company, Remotec, has been selected the outstanding small business subcontractor for the Southeastern State. Remotec and its president and technical director, John White, are to be congratulated on this achievement.

This award comes in recognition of the progress made by Remotec in the field of robotics. But, I believe the award also recognizes the great strides Remotec has made since its inception.

Remotec was originally established to provide a unique service. Prior to the company's creation there was little to no market for companies which provide services for remote mechanical handling equipment of nuclear materials and other dangerous chemicals. Formed in 1980, Remotec had annual sales that year of some $300,000. By 1986, the company's annual sales were up to $2.5 million. The firm anticipates 1987 sales to jump to $3.5 million. And it is worth noting, Mr. President, that Remotec has reinvested $700,000 of these sales back into internal product development.

It's this kind of devotion to developing high-technology products that are on the cutting edge which distinguish Remotec from many other firms. And I might add, that it is exactly this type of commitment to staying on top of technological developments that we need to see more of.

The particular efforts of Remotec which warranted this particular award center on the firm's development of a survey and inspection robot which is used for inspections in hazardous areas of nuclear plants. This new technology has already been tested at the Brown's Ferry nuclear plant operated by the Tennessee Valley Authority.

I would add that funding for this new technology came in part through the Small Business Innovation and Research Program. My colleagues will recall that this program is designed to stimulate greater small business innovations and technological developments. Companies such as Remotec provide clear evidence that the SBIR Program is doing just that.

Mr. President, I commend John White and the staff at Remotec for this accomplishment. He and his employees can be proud of their achievements. I look forward to great things to come from Remotec in the years ahead and again congratulate the Small Business Subcontractor of the Year for the Southeastern States, Remotec.●

ORLANDO BALDONADO, TENNESSEE SMALL BUSINESS PERSON OF THE YEAR

● Mr. SASSER. Mr. President, I rise to pay tribute today to Orlando Baldonado, Tennessee's Small Business Person of the Year. Mr. Baldonado is the president of EC Corp. located in Oak Ridge, TN. His story of success is a moving one which will serve as inspiration to small business persons not only in Tennessee, but literally around the world.

Mr. Baldonado was born in the Philippines. He was raised on a farm in that island nation. He came to the United States and became an American citizen in 1973. He studied here and earned a Ph.D. in engineering and applied physics at the University of California in Los Angles.

In 1980, Mr. Baldonado started EC Corp. in 1980. What he has done with this company stands as a vivid testimonial of the vitality of America's small business community. When EC Corp. opened its doors, it employed two persons. Through careful management and development by Mr. Baldonado, EC Corp. has grown by leaps and bounds.

By the end of 1986, Mr. Baldonado had some 470 employees at EC Corp. Further evidence of the phenomenal growth of this company can be seen in its expanding base of operations. EC Corp. has offices in six States, the Philippines and the Marshall Islands. And if more were needed to establish the meteoric rise of EC Corp., we need only look at sales. Sales have grown 10,000 percent in the last 7 years to $16 million. That is an incredible record, Mr. President.

The success of EC Corp. does not end with this extraordinary business track record. EC Corp. is a family-run business which rewards its workers. Several members of Mr. Baldonado's family work at EC Corp. And his workers stay with him. Employee turnover is a remarkable 4 percent. This extremely low rate is attributable to several factors; fringe benefits, job flexibility and internal advancement.

Mr. President, I would also like to point out that Mr. Baldonado is very active in community affairs. And I speak from direct experience on this point. A few years ago, I chaired field hearings of the Senate Small Business Committee in Tennessee. We were exploring small business participation in Federal procurement efforts. Mr. Baldonado agreed to appear as a witness at that field hearing and provided us with key insights into this very important issue.

The work product of those field hearings, combined with other hearing efforts led to major procurement legislation. We owe individuals such as Mr. Baldonado a great debt for their contributions to this legislative effort.

Mr. President, Orlando Baldonado has experienced great success in a number of areas. I look forward to an even brighter future for him and EC Corp. I again congratulate him on his selection as Tennessee's Small Business Person of the Year.●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(B) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report also shows that current level spending is under the budget resolution by $3.9 billion in budget authority, but over in outlays by $13.3 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, Senate Concurrent Resolution 120. This report meets the requirements for Senate scorekeeping of

Section 5 of Senate Concurrent Resolution 32 and is current through May 8, 1987. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the CBO economic and technical estimating assumptions issued on January 2, 1987.

No changes have occurred since the last report.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100th CONGRESS, 1st SESSION AS OF MAY 8, 1987

[Fiscal Year—in billions of dollars]

	Current level[1]	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,089.5	1,093.4	−3.9
Outlays	1,008.3	995.0	13.3
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,258.3	[2] 2,322.8	−64.5
Direct loan obligations	42.5	34.6	8.0
Guaranteed loan commitments	140.5	100.8	39.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,300 billion (Public Law 99–509).

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE, 100TH CONGRESS, 1ST SESSION AS OF MAY 8, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100–4)	−4	−4	
Emergency Supplemental for the Homeless (Public Law 100–6)	−7	−1	
Surface Transportation and Relocation Act (Public Law 100–17)	10,466	−80	2
Technical Corrections to FERS Act (Public Law 100–20)	1	1	
Total enacted this session	10,456	−84	2
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses:			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust funds [2]	(3)	(3)	
Payments to health care trust funds [2]	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund [2]	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE, 100TH CONGRESS, 1ST SESSION AS OF MAY 8, 1987—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Replenishment of disaster relief funds [1]	57	50	
Total entitlements	754	467	
Total current level as of May 8, 1987	1,089,479	1,008,321	833,857
1987 budget resolutions (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,321	
Under budget resolution	3,871		18,543

[1] Included at request of Senate Budget Committee.

[2] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.●

OLDER AMERICANS MONTH

● Mr. CHILES. Mr. President, earlier this body passed my resolution designating May as Older Americans Month. It is during this month that we honor and recognize the continuing contributions and accomplishments of our senior citizens. All too often, we are guilty of concentrating our comments on the problems of senior citizens. In doing this, we sometimes tend to present them as dependent individuals incapable of leading productive and creative lives. While we need to remain cognizant of the hardships many older Americans face in such areas as health care, economic security, housing and social services, it is important to realize that, despite problems in these areas, over 85 percent of all senior citizens continue to lead both independent and productive lives.

I can think of no better way to illustrate this point than by announcing the 1987 electees to the Dr. Nan S. Hutchison Broward Senior Hall of Fame. These exceptional seniors where selected by a committee of community advocates, and are being honored this morning at a commemorative breakfast in Sunrise, FL. Even a brief outline of the accomplishments of these individuals goes far in dispelling the myth of the dependent senior.

Etta Carey, age 79 from Mirimar, has been described as a "constant bundle of benevolence." As a volunteer at the Hepburn Center in Hallandale, along with her regular visits to senior nursing homes, rehabilitation centers and homes to give care and encouragement to seniors, she has accumulated over 17,000 hours of volunteer time serving meals to needy seniors.

As the former mayor of Tamarac, Walter Falck, age 73, has been involved in numerous organizations to benefit his community. He has served on the Areawide Council on Aging for the past 6 years, where he has helped develop many programs for the county's seniors. Walter's vitality and continued participation is the reason why residents of Tamarac consider him a living example that age is not a barrier to activity.

The community of Sunrise can certainly be thankful for having a resident such as Lillian Kirschenberg. At age 62 Lillian has been responsible for raising over $100,000 through her creation of a theatrical group comprised of seniors aged 55 to 80. The money she has raised helped fund over 30 charitable organizations, as well as such services as MediVan, a medical transport which has saved many lives. Lillian's hard work, dedication, talent, and love have certainly earned her a place in this hall of fame.

Marie Maxson, age 69, from Fort Lauderdale, is another worthy entrant. Her own experiences with cancer led her to develop "Reach to Recovery," a support group which offers love, support and caring for breast cancer patients in Broward County. To date, the group has offered this invaluable service to over 650 people, a total which exceeds all other Reach programs throughout the country. Her love and caring has touched countless lives.

Although she is described as a quiet woman, Fannie Meyer, age 78, from Lauderdale Lakes, has been anything but quiet in her approach to helping the needy and the elderly in Broward County. She serves as first vice-president of the Florida Medical Center Auxiliary, an organization which aids patients and their families. Furthermore, she fills her "spare time" by providing services and transportation for homebound and needy neighbors, and giving reassurance to lonely elders over the telephone.

When her husband was struck with Alzheimer's disease, Molly Pollack, age 73, from Deerfield Beach, became a major force in bringing the attention of residents of Broward County to the devastating effects this disease can have on both the victim and the family. She was the motivating force behind the formation of the Northeast Focal Point Senior Center's Alzheimer Task Force Committee, which I am pleased to say has raised over $90,000 to run a daily Alzheimer Day Care Program at the facility. Broward County residents are privileged to count her as a fellow resident.

Also heavily involved in the care of Alzheimer's victims is William Resnick, age 66, from Deerfield Beach. As leader of the Alzheimer's Task Force Committee, he has coordinated more than 14 fundraising events, raising over $87,000. His full-time dedication over the past year has made the Northeast Alzheimer Day Care Center a reality. His love and concern have made the suffering of many Alzheimer's victims much more bearable.

A glance at the accomplishments and busy schedule of Grace Robinson,

age 65, of Lauderdale Lakes, is enough to exhaust the youngest of us. A long time resident of Broward County, Grace is extensively involved in numerous political and community organizations. She has served on the Broward County Democratic Executive Committee, the Northwest Federated Woman's Club Satellite Center, the Florida Consumer Federation Coalition on Voter Registration Drives, and the National Association for the Advancement of Colored People. Her active involvement in such organizations has been of great benefit to her entire community.

Hildegarde Schwartz, age 73, from Fort Lauderdale, is a highly respected and valued participant in a variety of volunteer programs. For 10 years she has served as a member of the board of directors of the Women's League of Voters, and she has also served on the League's State Board. Among her most unique accomplishments was her tenure on the Women's Advisory Board appointed by the sheriff to improve conditions at the Women's Detention Center, where she conducted group counseling with the inmates. Her love and hope have brightened the lives of many, many people.

Joseph Typner, Sr., age 70, from Miramar, has demonstrated a capability to be involved in a good number of simultaneous activities benefiting senior citizens. Joe currently serves on the Advisory Council for the Area Agency on Aging and is assistant State director for the American Association of Retired Persons [AARP]. Among his past activities, he has volunteered at the Jewish Family Services to handle Medicare Information Services, and has served as chairman of the International Year of the Handicapped Committee. The wide variety of his volunteer activities is greatly appreciated by his contemporaries.

These older Americans have proven and are continuing to prove that productivity, creativity, and vitality are not just products of one's youth. I know that all of my colleagues join me in offering heartiest congratulations to each and every one of these outstanding citizens.●

CONGRATULATIONS TO CHILLICOTHE'S SALVATION ARMY IN ITS FIRST 100 YEARS

● Mr. BOND. Mr. President, this year marks the 100th anniversary of the Chillicothe Salvation Army in Chillicothe, MO. It is my pleasure to have this opportunity to add my congratulations to those of the families, friends, and members of this outstanding organization. Since the foundation of this branch in Chillicothe a century ago by Captain Bennett, the Salvation Army has exemplified the accomplishments which can be achieved through hard work and commitment.

The entire community of Chillicothe has benefited immeasurably from the efforts of the soldiers, or members, of the Salvation Army. Only two of these soldiers are paid employees. The rest—over 75 members—are volunteers who donate their time and energy. The American spirit of voluntarism is one of our most precious national resources. This kind of organization is crucial to the continued strength of our country. I salute them for furthering the spirit of altruism and true charity.

This organization has long been held up as a model combination of hard work and vision. Work done on behalf of those in need contributes to the well-being of all our citizens as the positive impact of action ripples throughout the community. One of the most vital services which the Salvation Army offers is the provision of food to the hungry. Church services are conducted each Sunday. Their dedicated work is pledged to the goal of improving the lives of others.

The Chillicothe Salvation Army can be proud of its achievements of 100 years of service in Livingston County in Missouri, and we as Americans share in that pride.

As its members stand poised to enter the new century and new years of service, we wish them continued success and growth. I am proud to commemorate the 100th anniversary of the Chillicothe Salvation Army and to pay tribute to the admirable contribution which its members have made to their community.●

S. 79, THE HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION ACT OF 1987—A PROGRESS REPORT

● Mr. QUAYLE. Mr. President, I would like to take this opportunity to provide my colleagues with a progress report on S. 79, the High Risk Occupational Disease Notification Act of 1987. This bill was introduced by the chairman of the Labor Subcommittee, Senator METZENBAUM, on January 6. After two hearings and two markup sessions, S. 79 was reported out of the Labor Subcommittee on April 28.

This legislation is designed to establish a process for the notification of workers who are considered to be at risk of contracting a disease as a result of their exposure to a hazardous substance or physical agent.

As originally introduced, I felt that the original bill was seriously flawed in many respects. In particular, I faulted S. 79 because of its inadequate scientific and medical basis for notification and its enormous liability potential. I also had very serious concerns about the procedural safeguards in the bill and its job discrimination and medical retention provisions. Finally, I have had a number of significant questions about many of the practical aspects of implementing this legislation.

While I believe much progress has been made in addressing these specific concerns, they have not yet been completely resolved.

I have devoted a great deal of time and energy to this legislation. It is an extremely complex and technical subject. Therefore, I think it would be useful for my colleagues and their staffs to have very detailed information about it so they may gain a realistic understanding of this legislation. That is the purpose of this report. Unfortunately, due to the complexity of the subject, it is virtually impossible to provide this information in abbreviated form.

This report will specifically discuss the following:

I. Background Information re: The History of Occupational Disease Notification;

II. Analysis of S. 79 as Introduced;

III. Revised Version of S. 79;

IV. Improvements Still Needed.

First, let me emphasize that I believe S. 79 establishes a very important principle—that when the Federal Government has knowledge that is relevant to the health of an individual, it is the Government's moral obligation to provide the individual with this information.

However, if the Congress decides to pass notification legislation—which I think it will—it is incumbent upon the Congress to be responsible about where, when, and how to notify people that they are at risk of contracting a disease. We should not enact legislation that will, in essence, put the Federal Government in the position of yelling "fire" in a crowded theater.

I. BACKGROUND INFORMATION RE: THE HISTORY OF OCCUPATIONAL DISEASE NOTIFICATION LEGISLATION

The issue of worker notification arose about a decade ago in the context of a controversy over whether the National Institute for Occupational Safety and Health [NIOSH] ought to provide individual notification to workers found, through its retrospective cohort mortality studies,[1] to be at

[1] Retrospective cohort mortality studies are epidemiological record studies which involve a review and linkage of various personnel, tax and Social Security records with mortality and medical records. Essentially, these are statistical epidemiologic studies in which all available data on the research topic is analyzed.

Information is then developed about the trends and potential risk factors for groups of workers. This information is of particular interest to the individuals studied when they face an increased risk of disease, particularly when the disease has an extended latency period and would benefit from early detection and treatment.

These studies rarely involve direct contact with the individuals studies nor any knowledge on their part that they are the subjects of the study. While research results of such studies are frequently published and made available to unions and employers, it has not been the general practice of epidemiologists to notify the subjects of the studies' results.

increased risk of disease as a result of their exposure to an occupational hazard.

Discussion concerning notification and under what conditions and circumstances it should be done has raised a series of very complex and technical scientific, medical, ethical and legal questions. These questions can be summarized as follows:

The scientific basis for the determination of risk for study subjects;

The scientific validity of extrapolation of risk data beyond the population of studied subjects;

Whether notification should only take place when successful medical intervention is considered feasible;

Who should make the decision to notify and how the decision to notify or not to notify should be made;

Who should be responsible for the notification;

What the appropriate form of the notification is, that is whether it should be made to the employer, the individual worker, the public at large;

What the appropriate content of the notice is, that is what medical information should the notice include;

Who should be obligated for the cost of the medical monitoring of notified workers;

Whether a disease notification program should affect liability and workers compensation issues; and

Whether job discrimination and retention issues should be addressed in a disease notification program.

I believe that these questions are legitimate, but they are questions for which there are no easy and simplistic answers. Legislation on this subject must carefully consider and address these questions.

II. ANALYSIS OF S. 79 AS INTRODUCED

Despite my agreement with the basic principle of S. 79, I found the bill, as originally introduced, to be very seriously flawed. In particular, I faulted S. 79 for its inadequate medical and scientific basis for notification, its virtually unprecedented liability potential and its enormous technical and implementation problems.

To be more specific about my concerns with the original version of S. 79:

INADEQUATE MEDICAL AND SCIENTIFIC BASIS

The bill creates a new entity within the Department of Health and Human Services [HHS] called the Risk Assessment Board. The Board, to be composed of five Public Health Service employees appointed by the Secretary of HHS, is charged with identifying and designating populations of present and former workers who are at increased risk of disease because of occupational exposures.

A "population at risk" is defined as an employee population exposed to an "occupational health hazard," which in turn is broadly defined as just about any hazard found in the workplace for which a single scientific study shows that acute or chronic health effects may occur in employees exposed for "intensities or for durations" comparable to the one study.

My specific concern is that S. 79 requires notification by the Risk Assessment Board that could be based on scientific evidence which may not be valid and which may not establish any real link between a particular substance and the occurrence of a disease in humans.

For example, under the criteria specified in the bill, a human population at risk could be designated by the Board on the basis of a single animal or single laboratory study. If the animal or laboratory study showed that a substance may cause acute or chronic health effects in humans who also have been exposed to the substance at intensities or for durations comparable to those in the study, then the Board could determine that notice should be given. In other words, laboratory rats could be directly equated to humans for purposes of triggering a notification.

There is no requirement in the bill that risk determinations be based on human studies. Neither is there a requirement that the population at risk be limited only to those persons who are exposed for intensities and durations of exposure that clearly establish a human risk. There is also no requirement that potential nonworkplace exposures, that is, cigarette smoking, be examined in determining a population at risk.

Compounding the bill's scientific inadequacies is its requirement that the Risk Assessment Board identify not less than 100,000 employees each year in a population at risk, with the goal of notifying not less than 300,000. Such arbitrary quotas have no scientific basis and are completely unrelated to the results of the Board's risk assessments.

As a practical matter, the pressure to meet such quotas cannot help but force the Board to give something less than careful consideration to all relevant factors in making a risk determination, should reaching the quota be in doubt. Such a quota system could lead a bureaucracy to lean toward the unjustified notification of workers.

LIABILITY POTENTIAL

While S. 79 makes a modest effort to curb the liability any notification bill is bound to generate, it is not sufficient. We need to look at the types of claims such legislation could generate and do our best to make the bill tort-neutral. The following is a review of the types of claims that could be generated by the bill:

1. Tort and workers' compensation claims where an employee would assert that he or she "worries" or suffers "severe emotional upset" because he or she might have an illness or disease. A number of states now permit claims of this type even though there is no showing of physical illness or manifestation of such illness. Workers could claim that they were worried that the "risk" could manifest itself in a serious illness.

2. Tort claims by employees against employers under a newly created exception to the normal workers' compensation "immunity shield". These claims are predicated on the theory that an employer failed to disclose important health information to his employee. Some courts have interpreted worker compensation immunity shield statutes as creating an exception for "intentional" wrong-doing to employees in this type of situation. Attorneys for employees could almost always assert that employers knew of the risk prior to the mandated notification.

3. Tort claims brought on the basis that a named hazard or product caused a specific illness. These claims are likely to arise even when there is no solid scientific connection between a substance or process and a harm. Unfortunately, a growing number of courts are using very attenuated causation principles in product liability cases. Current experience shows that many such cases have been settled for substantial amounts of money even though there is no objective proof that a particular substance or process could actually harm a human being.

MEDICAL REMOVAL PROTECTION

S. 79 requires employers to provide or make available medical testing, monitoring and evaluation to notified employees whether or not they were exposed to the hazard while in their employment. In cases where the employee was exposed to the hazard while in their current job, the employer would have to pay for such services. In other cases, he would either have to provide medical monitoring, testing and evaluation or make these services available to the employee.

If an employee's physician determines that an employee should be transferred to a less hazardous job, the employer must transfer the employee to another job and maintain the earnings, seniority and employment rights and benefits of the job vacated.

If an employee's physician determines that an employee should be transferred to a "less hazardous" or nonexposed job because the employee has received notice, the employer must maintain the employee's earnings, seniority, and other employment rights and benefits as if the employee had not been transferred. This protection is available indefinitely in the case of an actual transfer, and for a minimum of 12 months where another job is available.

Let's put ourselves in the place of the employee's physician. The doctor is in receipt of a Government notice that the employee is at risk from a substance in the workplace, and the employee asks if he or she should be removed to a nonexposed job. The physician has only one answer: "Of course." My guess is that the physician's lawyer would tell him or her to give that answer even if the doctor

wasn't inclined to. I think we need a different standard to trigger this removal protection—a standard that will limit it to some objective criterion.

III. REVISED VERSION OF S. 79

Prior to the first subcommittee markup on S. 79, Senator METZENBAUM circulated a substantially revised version of his bill that addressed a number of important problems in the original draft, particularly in the science area. I think the Senator from Ohio made some very significant improvements in the bill, and I certainly commend him for his efforts.

However, these revisions were not sufficient to alleviate all my concerns about the bill, and I am pleased that at the two subsequent Labor Subcommittee markup sessions, a substantial number of additional amendments I offered were accepted.

My amendments to the bill were based on two key principles, which I believe should be the essence of any notification legislation:

First, notification is appropriate and should take place when there is a reasonable scientific and medical basis for it; and

Second, a disease notification program should not serve as the basis for establishing the liability of an employer for an occupational health hazard; nor should it have any bearing on tort or workmans' compensation claims for harm resulting from an occupational health hazard.

To review the contents of my amendments briefly, they would:

Eliminate the 300,000 annual notification quota. To retain this arbitrary provision would undermine the scientific basis on which notification should be based, particularly since the purpose of the bill is only to notify those workers who are truly at risk.

Revise the definition of the term "medical monitoring" to clarify that its purpose is to provide for diagnostic tests and examinations for the disease that is the subject of the notice. I think this change successfully clarifies that it is not the intent of the bill to mandate employer liability for full-scale annual physicals.

Revise the job discrimination provisions that prohibited an employer from discriminating against an applicant for employment because he or she is a member of an at risk population. My amendment provides an exception for an applicant who is a member of a population at risk or who had prior exposure to a hazard to which the applicant would be exposed as an employee. An employer should not be required to put an employee into a situation that will be hazardous to that employee's health. Without this exception, employers would be put into the untenable position of either violating the nondiscrimination provision or exposing the employee to further hazard.

Require that an employer provide the medical removal protections in the bill only if any part of the employees' exposure to the occupational health hazard occurred in the course of their employment by that employer. In addition, an employer would be required to provide medical removal protection only for employees who: receive individual notification under this Act; or who the employer knows or has reason to know are members of the population at risk as determined by the Board.

Revise the provisions relating to the obligations of employers either to pay for or provide medical monitoring. These provisions originally imposed obligations upon an employer for the medical monitoring of exposed employees regardless of whether the exposure occurred during the course of their employment with that employer.

More specifically, my amendment would:

Eliminate the obligation of the employer if none of the exposure occurred in the course of the employee's employment with that employer.

Specify that an employer shall be required to provide monitoring for only those employees: who have been individually notified pursuant to this Act; or who the employer knows or has reason to know are members of a population at risk.

Clarify that, if medical monitoring is a covered benefit under the employer's health plan, the employee may be liable for the deductibles and copayments generally required under that plan.

Provide both the employer and the employee with important due process rights by giving each reasonable opportunities to challenge both incorrect notifications and decisions not to notify. This amendment would enable an employer to challenge the validity of a notification to a specific employee, and also permit the individual employee the opportunity to prove that he or she should have been notified.

Clarify the duties of the Risk Assessment Board as they relate to medical monitoring. S. 79 requires the Board to determine the appropriate "type of beneficial monitoring or health counseling" for the disease associated with the risk. My amendment clarifies that the Board is responsible for determining the appropriate type of medical monitoring, if any, or beneficial health counseling, for the disease in question. I did not think that the phrase "beneficial health monitoring" made sense if we all agree that the sole purpose of medical monitoring is diagnostic.

Require that the notice sent to the employee deemed to be at risk also include information about the extent of that individual's risk compared with that of the population as a whole. I feel this is important information for the notified employee to have in order to permit him or her to better assess his own situation.

Provide that employers who choose to assume the notification responsibilities themselves will be able to have a choice of taking on this task for different populations of their employees. For instance, notifying current workers will probably be a simple task for many employers, but notifying their former workers may be more than they could handle.

Eliminate the goal stated in the bill of certifying one health center in every state. I think we would all agree that these centers should be located where they are the most needed. I found it hard to believe that a state such as Vermont would need health centers as badly as a considerably larger and more industrialized state like New York.

Revise the basis for the selection of certified health centers. S. 79 limited HHS selection of these centers to facilities which are able to provide necessary resources in an "ethical manner." My amendment deleted the use of the term ethical. I do not feel that such a value laden word belongs in statute. In addition, my amendment requires that such centers be located for geographical proximity to designated at risk populations.

Clarify that the provisions requiring Federal agencies conducting epidemiologic studies on occupational disease to notify the subjects of the studies of the study results to not trigger the medical monitoring and employee protection provisions of the bill.

Clarify that the term "current employer" means the employer at the time the notice was issued.

Make a number of important technical and clarifying changes in the bill by: permitting the Risk Assessment Board to extend, for "good cause shown," the time period between issuance of the notice of determination that a population is at risk and the issuance of the final determination; and requiring the Board to consider the extent to which particular populations would benefit from notification.

Make the contents of the proposed notification subject to comment.

Specify that an individual adversely affected or aggrieved by a determination of the Board is entitled to seek judicial review. A person may claim to have been adversely affected or aggreived by Board determinations that: an agent or process is or is not an occupational health hazard; the class or category of employees is a population at risk of disease; constitute inappropriate medical monitoring or health counseling.

Ensure that the Risk Assessment Board receives the best scientific advice available by authorizing it to appoint a scientific expert or panel of experts in making its determinations of "at risk" populations.

Revise the new research, training and education functions that the bill would assign to the National Institute on Occupational Safety and Health (NIOSH) to make them more appropriate to the Institute's mission and expertise.

IV. IMPROVEMENTS STILL NEEDED

Despite the progress that has been made in improving many aspects of S. 79, I strongly believe further changes in the bill are necessary. While I still have quite a few remaining concerns, the most significant of these relate to: the bill's scientific basis for notification; the bill's provisions granting the Risk Assessment Board complete independence from the Secretary of Health and Human Services; the importance of a tort neutral measure; and the actual workability of the bill.

I strongly urge my colleagues to refrain from cosponsoring the legislation until these very important problems have been resolved.

To elaborate on my outstanding concerns:

SCIENTIFIC BASIS FOR NOTIFICATION

I believe it is critical that more generally accepted scientific principles be incorporated into the notification decisionmaking process by:

First. Revising the definition of an "occupational health hazard."

This definition is based in large part on the OSHA hazard communication standard [HCS]. The HCS was designed as a broad effort to require employers to communicate information concerning all the potential hazards

associated with a chemical. This definition also includes the complete universe of chemicals from those that are carcinogens to those that are merely irritants. Although such a standard makes sense for triggering appropriate handling and precautions, it is not appropriate for triggering notification to employees that an actual risk of disease is present.

I think one of the biggest mistakes that has been made in the discussion of this legislation has been the persistent confusion between what constitutes a risk and what constitutes a hazard. To take an example, arsenic is a hazard. People need to know how to handle it so that it doesn't become a risk to them.

It is important that the definition of an "occupational health hazard" be revised to clarify this distinction and to ensure that notification would be triggered only when there is a statistically significant relationship between exposure to the hazard and consequent health effects.

I believe that the definition of an "occupational health hazard," even as revised by the chairman's amendment at the April 28 subcommittee markup makes no sense, and I intend to pursue my amendment in this area.[2]

Second. Tightening the scientific factors upon which determinations of risk are based. The bill consistently requires that the Risk Assessment Board consider a number of factors which may be a causal factor in the etiology of illness or disease in making their determinations to notify. Putting such a speculative, open-ended standard in statute simply cannot be justified on the basis of sound science. These provisions should be modified to ensure that the Board bases its decisions to notify on a less speculative standard.

Third. Incorporating more generally accepted scientific principles into the definition of a "population at risk." S. 79 defines a "population at risk of disease" as employees exposed to an occupational health hazard under working conditions such as "concentrations or durations" of exposure similar to those in studied populations. Again, this would establish a highly speculative standard for notification. This definition needs to be revised to ensure that scientific data are not used inappropriately. As currently drafted, the bill's definition of "population at risk" could result in incorrectly notifying individuals with low exposures, or short durations of exposures, that they are at risk of disease.

LACK OF ACCOUNTABILITY

I believe that the provisions of S. 79 relating to both the decisionmaking process and the decisionmaking authority for determining "populations at risk of disease" are fundamentally at odds with our basic system of Government.

S. 79 gives final decisionmaking authority to the Risk Assessment Board on determinations of "at risk" populations. The Board is located in the Department of Health and Human Services, but is effectively independent of it. The Secretary appoints the Board to fixed terms but has no review or influence over its decisions.

That is bad Government. We elect a President and confirm members of the Cabinet and other high-level officials. This subordinate body has no political accountability and is not answerable to anyone with such responsibility.

Presumably, the argument for the Board's independence is that we want to insulate these scientific decisions from politics. But let us not fool ourselves. Scientific decisions have policy implications; we live in a democracy and not in a technocracy. We need a decisionmaking process that is both scientifically sound and responsive to policy issues. I have proposed—and I intend to continue proposing—revisions to S. 79 that do exactly that.

My revisions retain all the expertise that S. 79 would for the Board—including its method of selection from panels recommended by the National Academy of Sciences—but make the Board's determinations the beginning of a rule-making process of the Secretary of HHS. It restores the element of political accountability that is a fundamental part of our system of Government.

Interestingly enough, there was a similar debate during the enactment of OSHA. At that time, Republicans argued for an independent board, and Democrats supported placing power in the Secretary. But the Republicans argued for a Board that was appointed by the President and confirmed by the Senate. The Board would thus have had an appropriate degree of responsibility. Nobody argued for a technocratic body ensconced in the middle of the bureaucracy with no political accountability whatsoever.

S. 79 provides that a hearing on a proposed determination will be held before the Risk Assessment Board and that its decision is final—subject to judicial review.

My revisions provide that a hearing on a proposed determination will be held in accordance with the formal rule-making procedures of the Administrative Procedures Act, with the Board's proposal and its supporting documentation furnishing part of the record. Thus, these revisions would ensure both scientific responsibility and political accountability.

LIABILITY POTENTIAL

Given the litigious society in which we live, I believe it is unrealistic to think that a disease notification program will not generate an increase in liability claims.

One only has to look at the limited experience with notification to understand the importance of this. In 1979, a pilot notification project NIOSH undertook for bladder cancer because of exposure to the chemical betanapthylamine [BNA] resulted in the notification of 849 individuals and $300 million worth of lawsuits against the companies involved. It is noteworthy that many of these lawsuits were filed by individuals with no evidence of bladder cancer but who did manifest symptoms of other diseases which they now claimed were linked to their exposure to BNA.

While I do not believe that it is possible to prevent this legislation from generating claims under both tort and workers' compensation law, I do believe it is incumbent upon the Congress to ensure that this legislation is tort-neutral.

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[2] The definition of "occupational health hazard" now reads: "a chemical . . . for which there is statistically significant evidence . . . that chronic health effects have occurred in exposed employees." Under my amendment, the definition would read, "for which there is statistically significant evidence *to demonstrate* . . . that chronic health effects have occurred in exposed employees *in connection with such exposure.*" (new language underlined)

Statistics to quote the Encyclopedia Britannica, is the "art and science of gathering, analyzing, and making inferences from data." Statistical significance means no more than that the inference has a certain degree of probability. Under the definition no inference is required. The operative principle is that chronic health hazards have occurred in exposed employees.

But that fact alone has no significance, statistical or otherwise. Webster defines significance as "having or expressing a meaning." The mere fact that 50 cases of a chronic health hazard have occurred in exposed employees has no significance; it expresses a meaning only if the health hazard can be related to the exposure through statistical or other relevant scientific means. Without my amendment, which requires such a relationship, the definition is, in the words of the poet Milton, one of those "empty sentences that have . . . the significance of nothing pertinent."

Let me cite a concrete example to show the difference between the definition with, and without, my amendment. Kenneth R. Foster's article, "The VDT Debate" (74 *American Scientist* pp. 163-168, March-April, 1986) reports on clusters of birth defects occurring in children of mothers exposed to video display terminals (VDTs). Under the definition as proposed by the Chairman, the test would be whether there is statistically significant evidence that the health effect occurred in exposed employees—and there is no question that such effects did occur in the considerable number of instances cited in that article. Accordingly, VDTs would meet the definition of occupational health hazard under the definition without my amendment.

But, as the article also demonstrates, the fact that these clusters exist is no evidence that there is a causal relation between the birth defects and the exposure. The author states that "an epidemiologist would consider the reported clusters to be provocative, but inadequate to *demonstrate any connection between reproductive problems and VDTs.*" (emphasis added) It is that connection which is required by my amendment. While the statistical analysis in the article is complex, it is clear to me that under the definition in the revised version of S. 79, the mere occurrence of a number of cases would meet the definition of a hazard; under my amendment, there would have to be statistically significant evidence connecting the health effect to the exposure. As such a connection is not found in these studies of VDT effects, the adoption of my amendment is critical to a responsible solution.

I think that all Members of Congress are well aware that our legal system is in serious difficulty due to the proliferation of liability claims in recent years. I think we are all very aware of what impact this has had on the ability of businesses to obtain liability insurance and on the cost of that insurance.

Commercial liability premiums alone rose 72 percent in 1984-85. I think it is safe to say that, last year, this was one of the top issues our constituents wrote and talked to us about. I believe most of my colleagues would agree that it would be unsound public policy to pass legislation opening the door to new and unfounded claims on the system. While I certainly commend Senator METZENBAUM's efforts to address this problem, I believe that the language I have proposed will be more effective in making this legislation tort-neutral.

MEDICAL REMOVAL/JOB RETENTION PROVISIONS

While some progress has been made in addressing these issues, considerable revision of these provisions is still necessary.

As I noted earlier, the medical removal provisions need to be revised to establish an objective standard which would trigger a medical removal.

In addition, the job retention provisions are inequitable. Job transfers with benefit and salary retention would be required where a nonexposed job was available. However, where one was not available, the employer would be required to provide the employee with salary and benefits for a 12-month period. Thus, employees who are unable to transfer due to the lack of a suitable job receive income protection for a year, while those who are able to obtain a transferee position receive income protection forever. A more equitable solution needs to be found to address this problem.

IMPACT ON SMALL BUSINESSES

I do not think that the impact of this legislation on our Nation's small businesses has been adequately discussed. I simply do not think it is realistic to expect that small businesses will be able to absorb the employer costs this bill will impose. While I do not believe it would be appropriate to exempt small business employees from notification, I do not think that the Congress can in good conscience require small businesses to provide the costly benefits section 9 of the bill would entail. Therefore, I intend to propose an amendment that would address this issue.

WORKABILITY OF THE BILL

As my staff and Senator METZENBAUM's staff have discussed, the actual mechanics of the bill, its complexities, have become apparent to both sides. One subject that has been under much discussion has been the actual contents of a determination by the Risk Assessment Board that a population is at risk.

The bill provides that a population would be found to be at risk of disease when a class or category of employees had been exposed to an occupational health hazard under working conditions—such as concentrations or durations, or both—comparable to evidence indicating that chronic health effects may occur. I think it is relatively straightforward what a determination would say when very specific information relating to both concentrations and durations of exposure is available.

However, questions arise as to what constitutes comparable working conditions when information about either specific concentration or duration is not available. Will all employees who could have been exposed to a particular substance be notified? Will notification take place on an industry-specific or a plant-specific basis?

In an attempt to resolve these questions, my staff asked the major business groups supporting S. 79, the Chemical Manufacturers' Association [CMA] and the American Electronics Association [AEA], to prepare an example of a determination that might be triggered by an actual occupational health hazard.

I was somewhat surprised that this information was not readily available from these groups. However, I must note that I was really astonished by the reply I received from the American Electronics Association. To quote the AEA's response directly: "Because we are unaware of any exposures in the electronics industry that would trigger a notification, we are unable to provide you with a sample."

Besides the obvious question such a response raises about the value of the support of a group for a bill that regards itself as unaffected by it, I would hope that we will receive more useful replies than this to assist us in formulating such an important part of this legislation.

Another area that I believe requires further thought relates to one of the most fundamental objections to occupational disease risk notification: that recipients will be unduly frightened because notifications will be sent to many individuals who may never contract the disease. This fear is usually voiced by concern that if the risk of disease is 5 per thousand, 995 individuals who will never contract the disease will receive a letter which will cause them great anxiety.

The obvious response to this argument lies in the appropriate composition of the notices. I think it is critical that the notices be appropriately drafted so they will help and not just frighten their recipients. I believe it is important for Members of Congress to have a good idea about the types of notification letters our constituents will be receiving as a result of this legislation.

To resolve these two key concerns, my staff has sent formal requests for sample determinations and notices to the AFL-CIO, the Chemical Manufacturers Association, Crum & Foster Insurance Co., General Electric, IBM, the American Cancer Society, Dr. Philip Landrigan, and Digital Equipment Corp.●

AFGHANISTAN: LETTERS FROM THE STATE OF MONTANA

● 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 U.N. 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 Montana and ask that they be printed in the RECORD.

The letters follow:

BILLINGS, MT.

DEAR MR. HUMPHREY: I want to voice my protest of the Soviet presence in Afghanistan. I, as an individual, with no power or monetary means to stop such inhuman behavior, have only the hope that my voice will be combined with millions of others, who like myself, cannot let this issue slide by without speaking out.

Sincerely,

TONI S. TIKALSKY.

BILLINGS, MT.

DEAR SENATOR HUMPHREY: I read about the atrocities happening in Afghanistan. What can we as ordinary citizens do to stop this?

Please continue to do all you can to get this stopped.

Sincerely,

KAREN COX.●

GENE THOMAS

● Mr. SYMMS. Mr. President, one of Idaho's most distinguished citizens is Eugene Thomas of Boise, ID. Currently Gene Thomas is serving as president of the American Bar Association and I am proud to count him as a personal friend as well as an outstanding representative of my State.

There are few people who attain such levels of civic leadership. But it is no surprise that Gene Thomas has risen to the top of his profession. It is

almost as if he has been destined to do so from the beginning.

The current issue of Boise magazine contains an excellent article outlining many of Gene Thomas' impressive accomplishments during his career. In reading this article, one becomes readily aware of why Gene Thomas has been unanimously elected by his peers in the legal profession to lead their national body which has such worldwide respect.

I am honored to share this article with my colleagues and fellow citizens. I ask that the entire Boise magazine article be entered into the RECORD.

The article follows:

EUGENE THOMAS

(By Larry Munden)

Eugene Thomas is certainly one of the few Boiseans who can legitimately claim an international forum for his ideas and accomplishments. As President of the American Bar Association, Thomas is clearly at the zenith of his profession. In talking with him, it is not difficult to understand why. He speaks of the legal profession as a virtual calling rather than a mere profession. Thomas also defines his profession and its role in the judicial branch of government as a critical ingredient in our American way of life, as part and parcel of the responsibility for public service in a democracy. He voices his determination to play an active role in seeing that the legal profession lives up to that responsibility in accordance with the highest possible standards.

An Idaho native who became interested in law at a very young age, Thomas attended Columbia University and the Columbia School of Law, graduating in 1954 and returning to Idaho to be licensed as an attorney that same year. He was elected Ada County Prosecutor in 1955, and served a two-year term before choosing to enter private practice. He was a founder and is currently Chairman and Chief Executive of the law firm of Moffatt, Thomas, Barrett & Blanton. He became active in the Bar Association very early in his career, and was President of the Boise Bar Association in 1962-1963. His rise in the legal profession has been steady—and seemingly inevitable—since that time.

If anyone can be said to have "paid their dues" on the way to the top of their profession, it would be Eugene Thomas. He was elected to the presidency of the Idaho State Bar in 1971, and has been a member of the House of Delegates of the American Bar Association ever since that time. He has served on an extremely wide variety of committees in both the state and national Bar Associations. A listing of those assignments could take up a major portion of this article, but some of the highlights include serving as Chairman of the Steering Committee on the Public Education Division of the ABA and of the Audit Committee of its Board of Governors. He was selected as Chairman of the House of Delegates of the ABA from 1980 to 1982, and served on the association's Board of Governors during that same period.

His election to the presidency of the American Bar Association seems a very logical outcome of his very active career within the legal profession, but—more importantly—it also reflects his status within the profession. Eugene Thomas speaks as someone who is proud of his profession, sure of his place within it, and sure of the profession's role in our society.

Thomas tends to place issues related to the legal profession within the larger context of what is happening in our society as a whole. While he sees the legal profession as being a very important part of our society, he certainly does not see it as being removed from or unaffected by what goes on in the other segments of American life. And he is most certainly no apologist for the profession. His views are both definite and positive. Although he does not deny that there are problems in the profession—particularly in regard to its image—he obviously prefers to talk about what is right with it. Given his viewpoint and his accomplishments, it is difficult to disagree that there are many positive things about the legal profession in America—or to deny that Thomas is a very able spokesman for his chosen calling.

In addition to his very active role with the Bar Association. Eugene Thomas has also been very active in other professional associations as well as in the Boise community. He is a member of the Association of Trial Lawyers of America, the Defense Research Institute, and the International Association of Insurance Counsel. Locally, he has served as President of the Chamber of Commerce, as Chairman of the Mayor's Select Committee on Downtown Development in 1982-1983, as a Director of St. Luke's Regional Medical Center and the Mountain States Tumor Institute from 1963 to the present, and as a Trustee of the College of Idaho from 1980-1985.

These, of course, are merely the highlights of a highly active and distinguished career. Eugene Thomas is an outstanding citizen of Boise, but—far more than that—he is an individual of international stature who represents the American legal system at its finest.

You're obviously very much at the top of your profession now, as President of the American Bar Association. Is that a goal you set for yourself?

No, it is not a goal that I set for myself. I am interested in being President of the American Bar Association for a lot of reasons, but never has it been an aspiration to be at the pinnacle of the profession. It is really more of an interest that I've always had in trying to improve the delivery system of legal services in America.

It has always seemed to me that the law is a unique opportunity for a person who is interested in making America work, which the law is focused upon. From the time that I was admitted to the Bar, I became interested in the fact that we need to improve the delivery system of services both for the sake of the practicing lawyer and his clients on the one hand, but also for the aspirational goals that I have already mentioned.

America just won't work without an effective delivery system for legal services for all people.

It must be an interesting time to hold your position with this being the Bicentennial of the Constitution.

It really is. The focus on the Constitution has generated an awareness in America that probably has never existed before. People are more conscious of the law, they are conscious of the fact that America is different because of a Constitution that makes life better here than it is elsewhere, that there are freedoms and there's stability.

I think that the other thing that Americans are beginning to realize is that our forefathers in creating the Constitution, did one of the most extraordinary things that any group of people have ever done for a nation. Three years after we recognized the Treaty of Paris and became a sovereign nation of the world, our forefathers went back to the drafting board, went back to square one, and said. "Now let's do it right, let's create a Constitution."

They did that in the spring of the year, two hundred years ago in Philadelphia. They met in the spring and then again in the late summer and they had the job done. In between, they had gone out to the thirteen states and had gained support for ratification. They not only created a document the likes of which has never been seen before or since, but they did it with such dispatch. That's something that today the finest minds, the finest leaders and lawyers in America, frankly couldn't do in ten times as many months.

Do you think that people understand the difficulty of that process?

Whether they understand it or not, it makes Americans realize that they are indeed the product of a phenomena of human performance at its best. It is something that has never been equalled. Now we are seeing that around the world certain countries—the Philippines, Brazil, certain countries in Africa and Asia—are attempting to use our role model. It is an inspiration and hope for other people.

I think that we should all remember the words of Thomas Paine when he said that "In America we have no Monarch. In America the Law is King." That means that for each of us the law is fairly dispatched and evenly administered, it isn't some despot. That's a pretty inspiring thing for us all, and it is a very fine year to be President of the ABA because it has the people of this country thinking about the law.

What is the impact of this on the legal profession?

You know that we've had a lot of black eyes in our profession as people have been angry. Lawyers take unpopular cases and frequently the unpopularity slurs over to the lawyer. People have resented, for example, death-row litigation by lawyers who have had the job of representing the most unpopular of our people. We have had tasks in mass disaster circumstances in which people have been hurt. The public has been exasperated and has lashed out against lawyers as though there were almost something worse about the lawyers than there was about the disaster. We've had problems with the image of the profession as people have sometimes thought that we were greedy.

I think this Bicentennial has given us an opportunity to show that this profession is public-service oriented, that it is aspirational in a way that I don't think you can find many that are.

People are focused on Tort Law right now and they are exasperated as I encounter them around the country, because of their anger over insurance costs and things like that. They're not happy about crime in the streets and they're not happy about their tax bills for new prisons, but I find a high level of expertise and knowledge in many Americans as we talk about these things. I trace it to their awareness because of the focus on the Bicentennial.

You've touched on a number of things. In regard to Tort Law, do you see major changes forthcoming?

Oh, yes. I think major changes will be forthcoming out of the profession, out of the courts, and out of the legislatures all around the country—and I think it's going to evolve over a reasonably short time-

frame. We're re-examining a lot of our values.

In what way?

We're considering the use of the public power, the power politic of the people, to enforce standards of resolution on people who have disputes. In other words, many of these debates that are going on concern joint and several liability. They concern whether you ought to recover large amounts. What kinds of evidence should be admissible? Should people be trying these cases as though there are always insurance companies on the other side (which is present in the mindset of most juries)? Have we written our laws in the past twenty to twenty-five years to encourage litigation too much, to make victory too easy, to make awards too large? Those are the questions that we're seeing.

And these are the issues that have to be resolved?

The more profound question is not the one that has been articulated, it is this: Have we taken a structure designed to handle a small kind of problem, say a telephone line, and run a huge problem down it? For example, a bolt of lightning? Has the system been designed for one thing, and then given something else to carry? Take the Texaco case, for example, a $13-billion case being decided in a court in Texas. Did we ever design a jury system in a county in Texas with the idea that they would decide whether Texaco would be given to somebody else? I submit to you that no one had that in mind. Now, did the system carry it? Did the telephone line carry the bolt of lightning? That's another question.

There is a public perception that it is the legal profession and, in part, advertising, that is encouraging litigation. How do you respond to that?

Advertising does encourage litigation, because advertising informs people of rules of law that may apply to them and informs people of rights they might have. To the extent that that's what advertising does, I applaud it. To the extent however, that it's misleading people in any way, or to the extent that it is making lawyers look better than they are, or to the extent that it is attracting people to them because of the kinds of things that lead you to a used car salesman, I abhor it.

We have fought in the Supreme Court twice and every way we could against ordinary advertising by lawyers, because we have felt that it was not dignified or suitable. We think the proper role for the profession is to help people understand the law, and we think people should try to resolve their disputes with litigation as a last resort—not a first resort. That has been the professonal posture all along. Under Constitutional decisions, however, First Amendment principles, we have been forced to stand back and advertising of the sort you reference has gone forward. I think that that is unfortunate.

How much of a problem is that?

I do not think that it is the cause of the problem that the public is mad about. The public is angry about the fact that there are more and more expensive, time-consuming courses of litigation and that they're generating inconveniences for us in the insurance field and frankly as jurors and witnesses and it has just made life a little more threatening. I would have to tell you that the legislatures of the states, contrary to public impression, are not peopled by lawyers and they're not led by lawyers. They're led by ordinary people; it's been decades since lawyers were the dominant numbers in state legislatures. Take Idaho, for example. We have very few lawyers in the legislature here.

The people themselves have wanted more victories. There was a time, not many years ago, when we couldn't remember anybody winning a medical malpractice case, you couldn't remember anybody succeeding in a suit against an automobile manufacturer. People just didn't win cases against landlords or you could not recover if you fell and hurt yourself in a store. You didn't win those cases and they weren't good cases.

But people decided in legislatures and in courts and in juries—and, remember, the juries aren't lawyers—that there should be more adequate awards and more frequent awards and so, as is typical when we get really furious with things, it turns out that we demand it ourselves. We the people did that, the lawyers didn't. The people decided that there should be more plaintiff victories, and that's part of the tort frustration, and that's what has led to the insurance problem.

I think that the people ought to realize that the insurance companies really stayed out of that, because as far as they were concerned it was kind of like a fella who's got an orange grove outside of town and he looks in and says, "Hey, everybody's going crazy over orange juice." He doesn't run in and say "stop;" he stands back and sells oranges. well, as this liability crisis hit America—and it's really happened in the last twenty years—the insurance companies just wrote more and more policies and collected bigger premiums. Now they wring their hands and point to lawyers. Well, that's hypocritical. The lawyers didn't do this, this is democracy in action.

The insurance companies and the defense attorneys—and look, I'm one of them—and the public decided that they wanted plaintiffs to win more, and that's what happened in the jury room and in the legislatures, and that wasn't lawyers.

Getting back to the Constitution, There is and has been for some time a number of people who want to convene another Constitutional Convention, who see the need for major kinds of changes in the Constitution. Do you see that as being necessary or desirable? And do you see it actually happening?

I don't think that Americans will convene a Constitutional Convention in the near future because there is so much concern over a runaway convention. It would be like a runaway grand jury kind of a thing where, once they're convened, there would be great concern about what could be done to contain them.

You want to remember that two hundred years ago in Philadelphia that's exactly what happened. We had a Constitution, but when they got together in Philadelphia—once they were organized as a Constitutional Convention—they redid a whole, brand-new Constitution. That was not their job, but it happened and lots of people are very worried that if you convened one it would happen again.

I think a lot of people would view the Constitution—and indeed, I would be one of them—as best addressed on an item-by-item basis, if at all, as you see a need for revision. We've done that with a number of Amendments and I believe that it has worked well.

In terms of the Supreme Court decisions, the visible appearance is that we have a less activist court than what has been true for the past thirty years or so.

Since the Warren Court?

Yes! Do you agree with that, and do you think this trend will continue?

I don't agree that we have a less activist or progressive court today than the Warren Court. As a lawyer who has been interested in this all of his life, I believe that the courts have always appeared progressive and activist when there has been a serious backlog born of inactivity in the legislative process.

As we came out of World War II and we came through what had been a depression-ridden period before that the courts found this country looking at serious problems with civil rights, particularly for blacks, and the legislatures were unable to deal with it. The courts responded and filled a void. Today the legislature is dealing with it. Congress has passed all varieties of acts to deal with social problems. So have state legislatures.

When the legislature is responsive and active—I'm not saying "liberal," and I don't mean by that to suggest anything radical. I'm just saying that when they're dealing with problems and answering questions—the courts will then appear to be more conservative and inert. When the legislature is unable to cope, as when black people were riding on the back of the bus, and a black student couldn't go to college at the state university in Mississippi, then the courts step in.

I don't personally think that the Supreme Court as you see it today should be described as "inactive." I think that Berger was an activist Chief Justice in many areas, and I think that it is merely a matter that they weren't called upon to break the new ground that the Warren Court was called upon to break. I can't believe that any American today who is critical of the Warren Court—and many people are—would for one minute challenge the correctness of the decisions concerning America rising up to the issue of racial prejudice.

Now that you have achieved the Presidency of the ABA, have had a platform for doing some of the things that you wanted to do at a relatively young age, where do you go from here?

I'm going to go through the rest of this year as ABA President, and I'm going to raise hell with illiteracy in America, and I'm going to try to establish a program that brings quality law to every community in this country as best we can do it. We need to better write laws so that people can understand them and that they work. Lawyers need to rise up in the public service of the law and the community as well as for their clients, in programs that the ABA is going to forward. I'm going to be a voice trying to work minorities into the main fabric of American life—including the legal profession—because I believe that if we don't do that America will fail. I think we must do it because it's just.

Is there a forum for addressing those issues? Is there an international law association, and does it have a forum?

The answer is yes, but the forum is the American Bar Association. There is an international Bar—I'm involved in it and I was a chairman of a meeting in New York City last September of that group—but the real forum is the ABA. That's where the action is. People have to understand that justice in the world is simply yearning for the American experience. We are the role model everywhere.

I've been in England twice this year. I've been in China and the Soviet Union, and I'm going to France, Argentina, and Chile

among other countries—and we are the forum. I want to tell you that when you go to these countries and you say, "I'm here representing the legal profession in America," you are listened to! In the Soviet Union, the morning after my arrival I was in Mr. Gromyko's office for two hours. These people are very interested. The People's Republic of China, the same way—the Ministry of Justice and the ranking officials were interested.

Americans have no idea of what influence they have throughout the world, and they have no idea of what a great country they have because of the justice system that people admire and envy here. You bet there's a forum!

Do you think that our views are representative of the profession as a whole? Are you in the forefront?

Well, they knew my views when they elected me President. They did it unanimously and so I guess that I can conclude, at the risk of sounding immodest, that I do speak for the American lawyer. I think I do speak for what justice is about in this country.

I think it's unfortunate that the public has the impression, somehow, that lawyers are self-serving or over-reaching. I've tried to change the image of the profession by earning a better image with the projects and programs that I've described to you. You don't do this overnight, but I think we've got a start and I think we're well on the way. We've reached out to poverty lawyers, judges, law teachers—people who have been outside this profession in the past—and we've brought them in the ABA this year in a program of waiving any charges at all for those who can't afford them. That's never happened before in the legal profession anywhere in the world.

It's obvious that whatever your other interests or involvements, the legal profession is your first love. Do you see any primary challenges for the profession in the future?

The most important challenge is the same as it has always been. That is the maintenance of an independent judiciary and the autonomy of the legal profession. We must not change the law into a business. The legal profession has to be an independent part of each state, of each community. The Bar Association is critical to that effort.

Our American way of life, as we know it, simply cannot survive without that.●

JIM HAWKINS

● Mr. SIMMS. Mr. President, a number of years ago, far more than I care to enumerate, I had the good fortune of meeting a fellow student at the University of Idaho in Moscow, ID, by the name of Jim Hawkins. My friendship with Jim, a native of Coeur d'Alene, ID, has endured and grown over the years.

Now Jim, after a very successful private business career, has become director of Idaho's Department of Commerce.

Jim Hawkins' new leadership role is good news for the people of Idaho. A recent article in the Boise magazine outlines clearly why this is so.

Jim Hawkins has charted an ambitious course for economic recovery in Idaho and the Boise magazine describes Jim's steady hand on the helm.

I commend this article to my colleagues and fellow Idaho Citizens and ask that the entire Boise magazine article be included in the RECORD.

The article follows:

FOR IDAHO, "THERE IS NO FINISH LINE"

(By Louise M. Schneider)

The framed poster that hangs behind the desk of Idaho's new Director of the Department of Commerce, James V. Hawkins, clearly expresses the philosophy of the new administration under Governor Cecil Andrus, the Department of Commerce, and its new leader: as far as commitment toward Idaho's economic growth and development are concerned. "There Is No Finish Line."

Not since the creation of the Department of Commerce on July 1, 1985, by the 48th Idaho Legislature has there been such a synergy between business, government and individuals in the State of Idaho dedicated to the goal of promoting a healthy economy for the state.

Who is responsible for this new energy and attitude? Primarily, of course, the new Governor, Cecil Andrus, who has long been a proponent of economic development and education in Idaho; and, secondly, Governor Andrus' choice to head the Department of Commerce—life-time Idaho resident James V. Hawkins. This appointment by governor Andrus, in fact, may prove to be one of the most critical in his entire administration—and a decisive step for the State of Idaho.

Jim Hawkins, a Coeur d'Alene native, comes from a family with a strong sense and history of public service. A graduate of the University of Idaho, he also comes with exceptional credentials as a successful businessman in private enterprise with a strong background in banking and marketing.

For virtually the first time since its inception, the Department of Commerce is attracting attention and generating excitement in all areas of the state.

Many citizens are now being exposed for the first time to the inner workings of the Department and the challenging task with which it is faced. The purposes of the Department are several:

Expand and enhance existing Idaho industries,

Promote Idaho investments,

Develop markets for Idaho products, goods and services,

Attract new business and industry to Idaho,

Promote Idaho's travel industry,

Provide technical and financial assistance to Idaho's local governments, and

Promote international trade.

The economic Advisory Council and the Idaho Travel Council are two private citizen groups that help provide policy direction to the Department. The four major divisions of the Department itself are Economic Development, Community Development, Tourism Promotion, and Science and Technology. The key personnel appointed by Hawkins to head those divisions are Terry Bowman, Wayne Forrey, Carl Wilgus, and Rick Tremblay, respectively.

Included among the responsibilities of the Department are such areas as: the Business and Industrial Assistance Program, which is designed to create a positive image of Idaho's business climate and to assist businesses with their expansion and relocation plans; the Development Finance program, through which financial loan assistance is being provided to Idaho's healthy expanding businesses as well as working with banking, investment banking, and community and venture capital firms to increase available capital; the Trade Promotion program, which focuses on developing an awareness of the importance of international trade, marketing opportunities, and the mechanics of trade opportunities for businesses to develop markets for Idaho products; the Procurement Outreach Program, which provides technical assistance to Idaho businesses wanting to begin selling their goods or services to the $180 billion federal procurement market, and the Community Development Program, which offers technical and financial assistance to promote better communities.

The Department has also been given legislative responsibility for promoting travel to and throughout Idaho. In Idaho, as well as nationwide, travel has been one of the fastest growing industries. In Idaho it has grown to become the state's third-largest industry, generating over $1.3 billion in income for Idaho citizens. It is estimated that the four million visitors to Idaho provide an additional $39 million in state tax receipts and $4 million in federal tax receipts. The travel industry in Idaho provides employment for 25,000 people, and generates $179 million in payrolls.

The Idaho Film Bureau is yet another vital part of the Department of Commerce. The Bureau supports and assists with on-location scouting as well as finding logistical support and serving as a liaison between movie companies and government offices. Productions filmed in Idaho have included Pale Rider, Bronco Billy, Breakheart Pass, Northwest Passage, and Bus Stop.

What is the message that the Department of Commerce is carrying to other people and businesses to attract them to Idaho? The message is as rich and varied as the Gem State itself.

The geography of Idaho goes from an elevation of 738 feet to mountain tops of 12,662 feet. Idaho is uncrowded with 83,557 square miles having an average of slightly more than twelve persons per square mile. The entire population of the state is just over one million. Idaho has 788 square miles of inland water with over 2,000 lakes. It has the deepest canyon in North America, Hell's Canyon, as well as 42 peaks of more than 10,000 feet in elevation.

As far as recreational activities, Idaho offers fishing, hunting, boating, rock hounding, hiking, white-water rafting, skiing, ice skating, snowmobiling and much more. Within a day's drive of most of the state's population are the Grand Tetons, the Sawtooth National Recreation Area, Yellowstone National Park, Craters of the Moon National Monument, Jackson Hole, and the Idaho Primitive Area. And then, of course, Idaho also has world-famous Sun Valley!

The cost of living in Idaho is well below the national average, with housing costs 10 percent below, utilities 34 percent below, and transportation costs 5 percent below national averages.

Even though Idaho is a resource-based economy and mining, timber, and agriculture are its mainstays, tourism, technology, and manufacturing are contributing more and more significantly to the region's growth.

Education is important in Idaho, too. Only 1.5 percent of the area's population over 25 years of age has less than five years of schooling and this number is declining steadily. Idaho students score above the national norm on college entrance exams year after year. There are four four-year and two community colleges in the state.

Idaho ranks among the top five states, according to State Policy Reports, in quality of property tax administration. Idaho also has some of the lowest state and local taxes, and has accumulated the lowest state and local debt per capita in the country.

Perhaps the most important strength in Idaho, though, is the people. What Idaho lacks in numbers is more than made up for in quality! Idahoans are open, friendly, well-educated, and hard-working. Inc. Magazine, in its fifth annual report on the states, ranks Idaho seventh nationally in the productivity and sophistication (percent of people over twenty-five who have graduated from high school) of our work force.

As Jim Hawkins points out, the quality of life, work ethic, religious base, diverse ethnic population, strong family unit, low utility costs, diverse geography, quality education, natural resource base, Idaho Nuclear Engineering Laboratory, and technology transfer potential in Idaho all make for a compelling story to attract new businesses and people.

Hawkins believes that the commitment of support from the citizens of Idaho can help the Department return Idaho to economic vitality. This commitment must be an ongoing process, he says. "Let the word go out that Idaho is open for business. Governor Cecil Andrus has pledged to create a true partnership between business and government."

"We have much to offer industry," Hawkins concludes, "including one of the best places in the world to live, and we are determined to make it one of the best places for a business to grow!"●

SENATOR EVANS AMENDMENT TO THE BUDGET RESOLUTION

● Mr. ADAMS. Mr. President, when the budget process began this year, I was unhappy. The President's proposal would have decemated the West; the first committee plan wasn't much better. Each placed a heavy burden on my State in particular and my region in general. They asked for an unequal sacrifice from the West.

I discussed my concerns with the chairman and he responded. The basic Chiles proposal we now have before us represents a good deal in terms of our specific concerns and a good deal in terms of our national concerns. By creating a realistic deficit reduction plan, it will help resolve the major economic problem we confront as a people. By doing so in a balanced way, it has treated the West in the same way that every other region is treated.

In my view, the agreement that I reached with the chairman does two things. First, it cuts in more than half the savings that are to be achieved from programs of particular interest to the West. Second, it eliminates any directions to the authorizing committees which would encourage them to achieve those saving through reforms of PMA's or timber receipts or the like.

My goal was to make sure that the West was not asked to sacrifice more than any other region of the country. That goal was achieved.

Do I want more—sure. Is this amendment attractive—certainly.

But the plain truth is that this amendment, like the others which have been offered, is not a serious attempt to address the dual problems of the deficit and the West. The Chiles proposal is. That is why I helped shape it; that is why I will support it.

In terms of specifics, with the PMA's we can maintain a repayment system that ensures a strong and competitive regional economy. Indirectly, this will benefit the entire Nation. For instance, heavy industry in the form of aluminum manufacturing plants and irrigated agriculture will be able to continue the utilization of this critical infrastructure without detrimentally being impacted.

In the area of shared timber receipts, communities that rely on this revenue source, will be able to maintain their communities without suffering the severe economic and social hardship that would result. Communities like Skamania County, in my own State retains the option to develop and build toward a competitive economic future.

This amendment proposes to add-back dollars for Western concerns within the Energy Committee. But the offset he suggests we use to fund this desirable goal are neither reliable or real. The proposal is analogous to asset sales which in essence sells our economic future. This offset will give away other valuable U.S. assets at face market value as well as add to our deficit. Further, it is questionable whether this is legally valid.

Within the framework of the Chiles plan, I believe the Energy Committee has the flexibility it needs—and the resources it requires—to address our continuing Western concerns. In fact, I am confident that my colleague, the author of this amendment, the senior Senator from my State, who serves on the committee will seek to prioritize these programs that will provide the most benefits to the West. With jurisdiction over 127 separate appropriation accounts, over 70 separate programs, 4 departments and at least 12 separate agencies, a wide variety of alternatives and options are available to this committee.

In the end, we cannot guarantee that we will escape all the burdens of deficit reduction. However, I can guarantee that if we do carry a burden under the parameters offered in this revised budget, it will not be more than anyone else. Further, that burden will not hit us to a major degree in any critical areas. This amendment is attractive, but it is not real. That is why I vote for this amendment.●

AN ALTERNATIVE TO TRA SECTION 806

● Mr. BAUCUS. Mr. President, section 806 of the Tax Reform Act of 1986 requires most partnerships, personal service corporations and subchapter S corporations to conform their taxable years to those of their owners, forcing many of these entities to switch from a fiscal to calendar year.

This requirement, which was added in the final hours of Senate consideration on the tax bill without hearings or debate, would place great burdens on the tax self-assessment system, small businesses, the accounting profession, and the Internal Revenue Service.

Specifically, the tax year conformity requirement will increase small businesses' accounting and legal fees. Small business owners will be required to incur the cost of closing their books twice and filing two sets of tax returns—Federal and State—for each of the two periods ending in calendar year 1987. They will also have to amend contracts, compensation arrangements, and retirement and employee benefit plans.

The tax year conformity requirement also will cause significant scheduling problems for accountants, creating additional burdens for CPA firms during the January through April tax season. Under this conformity requirement much of the work performed during the course of an entire year by CPA's—the audits, the preparation of financial statements, the tax planning and the preparation of tax returns—would be bunched into the same period of time when accountants are extremely busy preparing individual tax returns. This will have a particularly significant impact in relatively small firms in States like Montana, which depend on tax preparation for a large part of their business.

Another problem with the tax conformity requirement is that it fails to reflect the important business considerations that may be involved in selecting a fiscal year. Most entities select a fiscal year ending at a slow time in their business cycle, to facilitate the closing of the books and taking of inventory. For example, a grain elevator owner would want his tax year to end during the summer to permit the closing of the books and the taking of inventory before harvest, not on December 31 when the elevator is full of grain. A retailer would want his tax year to end after the December holidays and before spring merchandise came out, not on December 31 in the middle of the holiday shopping and sales and return cycle. A ski resort owner would want his tax year to end in May or June when there is not snow, not on December 31 when the slopes are filled with skiers and business is at its peak. The tax year con-

formity rule will disrupt many other small businesses as well.

Mr. President, an argument can be made that section 806 should be flat-out repealed. That, however, would result in a $1.7 billion revenue loss over 5 years. Recognizing this problem, I have been working with Montana accountants and with the members and staff of the American Institution of Certified Public Accountants to develop a revenue-neutral modification of section 806.

The proposed modification, in essence, would permit partnerships, personal service corporations, and subchapter S corporations to retain noncalendar years, so long as they make enhanced estimated tax payments to offset any tax deferral that results from the mismatch between the entities' and owners' tax years. By doing so, the proposed modification would permit taxpayers to retain a tax year that suits their business needs, while eliminating any resulting tax deferral. As a result, I expect that many such entitites would retain noncalendar years, avoiding the increased January-April workload crush that section 806 would create.

Mr. President, this proposed modification has the full support of the AICPA. I want to congratulate the members of that organization for their leadership in this matter. Together, we have been working to achieve a solution that is both responsible and effective.

I hope that this proposal can be further refined in the coming weeks. I look forward to working with the chairman and members of the Finance Committee to help enact it into law.

I ask that a description of the proposed modification be inserted in the RECORD.

The description follows:

DESCRIPTION

A. AN ELECTIVE PROVISION

The proposal is an optional one. An entity may choose whether it wants to retain its fiscal year or switch to the calendar year under the TRA '86 rules. The election would be made by the entity and not by the individual owners.

B. PARTNERSHIPS AND S CORPORATIONS

The owners of these entities who elect to remain on a fiscal year would make enhanced estimated tax payments. This would be accomplished by increasing each of the two safe-harbors (100 percent of prior year's tax or 90 percent of current year's tax) by a percentage of the prior year's deferred income. It is proposed that this will be 35 percent for 1987 and 28 percent in the following years with a phase-in over four years. Where the partnership or S Corporation in itself of an interest in a partnership, S Corporation or PSC, the partnership or S Corporation will be required to conform its year.

C. PERSONAL SERVICE CORPORATIONS (PSC)

The income deferral in these entities is often achieved through the deferral of payments to owners into the months after December 31. The remedy under the new proposal is to postpone the deduction at the corporate level if ratable payments to owners have not been made prior to December 31. Ratable payments can be based upon experience from the prior corporate year in order to avoid the necessity of predicting income or payments for the remainder of the current year. Where the PSC itself is an owner of an interest in a partnership, S Corporation or PSC, the PSC will be required to conform its year.

D. IMPORTANT POINTS TO REMEMBER

One of the purposes of the TRA '86 conformity requirements is to eliminate the tax deferral and to collect the taxes closer to the time the income is earned. The proposal reduces the deferral significantly and requires tax dollars to be paid earlier. However, the total taxes paid will be no greater than would have been paid under prior law or with the TRA '86 switch to the calendar year.

There is a four-year phase-in of the enhanced estimated tax payments which correspond to the four-year income spread in TRA '86.

Those entities which would be allowed to remain on or to adopt a natural business year under TRA '86 can still do so without being subjected to the above requirements.

Any entity which comes under this proposal and which elects or changes a fiscal year must select a year ending no earlier than September 30.●

GEORGE SCHARRINGHAUSEN

● Mr. SIMON. Mr. President, with growing concerns of both quality of and access to health care in the United States, I believe in doing all that we can to preserve the relationships between health care provider and patient.

A recent issue of the National Association of Retail Druggists Journal featured a profile of George Scharringhausen, a pharmacist in Park Ridge, IL. George has worked for almost 60 years to cultivate and maintain a quality relationship with the patients and doctors in his community. I commend him for his efforts and fine service. I ask that the article be inserted into the RECORD.

The article follows:

GEORGE SCHARRINGHAUSEN

SINCE 1928, HE HAS MADE RAPPORT WITH THE COMMUNITY HIS BUSINESS

For the 400th time, this month, George Scharringhausen is sending out his monthly communication to colleagues. "We started Secundum Artem, our bulletin, 33 years ago with a mailing list of 15. Now it goes to over 200 deans of schools, physicians, pharmacists, and friends in health fields. It's Scharringhausen Pharmacy's way of maintaining a relationship with doctors in the community," says Scharringhausen.

Each month, Secundum Artem reminds doctors, dentists, and their patients of Scharringhausen Pharmacy's after-hours phone numbers, emergency services, and emphasis on keeping up with new products and new trends in the pharmacy business. The bulletin announces price changes and discusses timely health questions.

And the monthly communication also is a reminder that since the 1920s, when he joined his father as a pharmacist in the Park Ridge, Illinois store, George Scharringhausen has made rapport with the community his business. "A pharmacist has to like people. I smile with my customers," Scharringhausen says, adding, "Smile and call them by name, and you really have something."

STARTING OUT

In the 1920s, the pharmacy business was much more people-oriented, says Scharringhausen. He remembers answering a young doctor's late night call for a maternity kit, "You know, one of those kits manufacturers made for delivering babies at home," and not finishing work that night until after he had helped deliver the baby.

Scharringhausen started out helping people in the Chicago pharmacy where his father worked. "It was a corner drugstore—a good place for business, right on the east-west, north-south transfer corner for streetcars," says Scharringhausen. His father moved and opened the Park Ridge, Illinois store Easter Sunday, 1924 in order to work in a closer community environment.

Scharringhausen Pharmacy is now more than 60 years old and George Scharringhausen's own son, William, a member of NARD's Executive Committee, manages the store with him. Together, they continue to provide 24-hour service to their customers. Whoever is closer to the pharmacy answers the beeper. "Last night, Sunday, I was 20 miles away and came in for an emergency call," says 81-year-old Scharringhausen.

The people and retail aspect of pharmacy always has appealed to Scharringhausen. After graduating from the Illinois College of Pharmacy in 1928, he took night classes at Nothwestern University. "I used to eat up the advertising courses." he says.

Scharringhausen Pharmacy's personalized ads reflect his interest. Scharringhausen and his son write the copy for all the promotions, designed to address the community they serve. For instance, says Scharringhausen, "recently we had a problem with flooding in this area, and Scharringhausen Pharmacy ran ads thanking people who helped. Regularly, we thank the fire department, the police department, and others who serve Park Ridge."

REMINDERS FROM THE PAST

The biggest problem facing his independent business and the services he offers customers, says Scharringhausen, is discriminatory pricing by manufacturers. Today it's more difficult to communicate with the pharmaceutical companies. At one time, the people who made the policies had a background in pharmacy. "Now, many of them don't even know what goes on in back of our counter," he continues.

Scharringhausen has served on the Lederle and Smith, Kline & French pharmacy consulting boards and still sees these boards as an avenue for impressing on manufacturers their responsibility to pharmacists. "What the drug firms need to understand is something my father once told me: When you take a drink of water from the cup, remember who dug the well," says Scharringhausen. "Independent pharmacists have promoted the merchandise manufacturers sell, not hospitals."

OPPORTUNITIES FOR NOW

Scharringhausen has no trouble remembering whom he serves. "Get involved in community affairs," he tells young pharmacists. "There are all sorts of opportunities for meeting the people who will be your customers and colleagues. Try the Boy Scouts, YMCA, local churches, the 4-H."

His community service has paid him back by giving Scharringhausen his most satisfying experiences as a health professional. He joined the local Kiwanis Club in 1929 and for the past 20 years, until last year, was chairman of the Kiwanis Club's Spastic Paralysis Research Foundation. He works as liaison between clubs and reseachers, letting each one know what's going on. "I've spent a great many hours," he says, "and being able to help people has been the best part of my career."●

125TH ANNIVERSARY OF ST. AGNES HOSPITAL

● Mr. SARBANES. Mr. President, on Wednesday, May 20, St. Agnes Hospital in Baltimore will hold a special rededication ceremony to mark a very historic occasion. The Daughters of Charity of St. Vincent de Paul 125 years ago founded this distinguished institution which through its steadfast commitment to the people of the community has given so much to Baltimore's proud tradition of medical excellence. Throughout its history St. Agnes Hospital has truly taken a compassionate, personal approach in caring for all patients, whether young or old.

St. Agnes Hospital traces its beginning to 1862 when, due to Charles M. Dougherty's benevolence, the Sisters acquired a house at Lanvale Street and Greenmount Avenue in the center of Baltimore. At Mr. Dougherty's request the sisters perpetuated the name of his wife, Agnes Kelly Dougherty, in naming their new institution. From the beginning St. Agnes Hospital has followed the Daughters of Charity founding belief: "You are a unique creature of God and you should be so treated and cared for."

In 1876 the hospital was moved to its present location at Caton and Wilkens Avenues, a rolling 30-acre site in southwest Baltimore donated by Lady Elizabeth Caton Stafford, granddaughter of Charles Carroll of Carrollton. At the suggestion of Cardinal Gibbons, Archibishop of Baltimore, St. Agnes became a sanitarium 22 years later and in 1906 was reorganized as a general hospital.

This fine medical care facility continues to take pride in having established the second oldest surgical residency in the United States under the leadership of Joseph Colt Bloodgood, M.D., chief of staff from 1906 to 1935.

The hospital opened its seven-story facility in 1961, another phase in a long-term commitment of people and resources to providing accessible, loving health care with state-of-the-art technology. St. Agnes distinguished itself once again when in 1972 it became the first hospital in Maryland to introduce a comprehensive and progressive coronary care program for the rehabilitation of heart attack patients using a wireless monitoring system similar to that used by American astronauts.

Today, St. Agnes Hospital, a large, full-service teaching hospital with 2,300 dedicated staff members, offers a patient-bed capacity of 458 and the utmost in modern technology for treating 125,000 people annually. The new programs and expansions are too numerous to list, but clearly St. Agnes has continued to respond to the changing needs of Baltimore's citizens and many from throughout the State. The hospital is fortunate to be part of the Daughters of Charity National Health System, the largest not-for-profit health care network in the United States today.

Since 1981 St. Agnes has established numerous centers and specialized programs. Its chest pain emergency center—the first in the Nation—is successfully reducing the occurrence of sudden death due to coronary disease by providing community members experiencing chest pain with rapid coronary care access. A remodeled 20-bed neonatal intensive care unit accommodates infants admitted into that area through the State referral system. The section of audiology, speech and language provides comprehensive evaluation, diagnosis and treatment of patients with hearing and speech difficulties. The adolescent obstetrical service responds to the special needs of pregnant adolescents. The hospital's argon laser service provides effective treatment of the dreaded blindness of diabetic retinopathy. A helipad was utilized for the first time in 1982 when the Maryland State Police Medivac Helicopter transported a critically ill infant to St. Agnes.

St. Agnes Hospital was and remains active in researching and developing programs to improve the health care of its patients in patient teaching, emergency physician service, spiritual care, and comprehensive coronary care.

In addition to working for improved treatment facilities, the hospital plays an important role as educator. Through its devoted and well-organized teaching faculty, St. Agnes effectively fulfills its commitment as a community teaching hospital with four active residency programs in medicine, surgery, obstetrics and gynecology, and pediatrics, serving 90 house staff physicians.

St. Agnes Hospital is an integral part of the Baltimore health care community through its affiliation with the Johns Hopkins University School of Medicine in Surgery and the University of Maryland School of Medicine in Orthopedics. As a cooperating agency it provides the clinical education for student nurses at the University of Maryland School of Nursing and the Catonsville Community College Clinical Nursing Program.

In carrying on its work over the last century and a quarter, St. Agnes Hospital has grown tremendously under the guidance of its board of trustees, the Daughters of Charity. It is very fortunate to have a strong and effective board and professional, hard working staff, not to mention the St. Agnes Foundation, lay advisory board, the auxiliary, and volunteers, who so generously provide support. The partnership of medical professionals and community members working together perpetuates the fine tradition of health care service St. Agnes established so long ago. The accomplishments of St. Agnes Hospital are testimony to this critical partnership and its impact on addressing modern day social and medical problems.

As the hospital celebrates this significant milestone, I wish to congratulate the Daughters of Charity, particularly Sister Mary Louise Lyons, D.C., president of the board of trustees and hospital administrator, as well as other officers, all staff members and volunteers. St. Agnes Hospital can truly take pride in its anniversary theme: "A Tradition of Caring for 125 Years" as it reflects an outstanding record of patient care and community service in fulfilling its founding philosophy.●

LAND WITHDRAWAL FOR VETERANS MEDICAL CENTER

● Mr. BINGAMAN. Mr. President, today I join my distinguished colleague from New Mexico in introducing a bill of critical importance to all veterans and their families in my State. This legislation would transfer ownership of an important 5.081 acre parcel of land in Albuquerque to the Veterans Administration in order to help alleviate a serious parking shortage at the Veterans Administration Medical Center [VAMC].

The parcel of land in question was at one time the property of the Albuquerque VAMC. In April 1974, this land was transferred at no cost to the State of New Mexico. This conveyance was contingent upon its use as a highway corridor. However, the State laid aside plans to build a highway through the land. As a result, the VAMC has sought to reacquire the parcel given the State. At the VA's prompting, the State released this land to the General Services Administration [GSA] at no cost. The VA then requested ownership from GSA. Because GSA has placed a value of $540,000 on the land, the VAMC cannot realistically expect to acquire this land.

The legislation we are proposing would allow for the expeditious transfer of the land from GSA to the VA. The land is needed in the very near future by the VA to accommodate the parking shortage that is expected with the construction of new buildings for use by the VAMC and the Kirtland Air Force Base Hospital. Action must

be taken now to provide long-term parking for the use of veterans and their families.

In light of parking problems that would arise without the completion of such a transfer, I urge my colleagues to support this measure.●

ORDERS FOR TOMORROW

RECESS UNTIL 9 A.M.

Mr. BYRD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

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

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of morning business not to extend beyond 9:30 a.m., and that Senators be permitted to speak therein for not to exceed 5 minutes each.

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

CONSIDERATION OF H.R. 27

Mr. BYRD. Madam President, I ask unanimous consent that at 9:30 a.m. tomorrow, the Senate proceed to the consideration of H.R. 27.

The PRESIDING OFFICER. Will the majority leader repeat the number?

Mr. BYRD. Yes, Ma'am. This is H.R. 27. It is Order No. 115.

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

Mr. BYRD. Madam President, there is a time agreement on that measure and it provides for 2 hours overall, including debate on the amendment or amendments, whichever may turn out to be the case. I anticipate that there will be rollcall votes early. I hope that the rollcall votes on that measure would be over by 11 o'clock but I cannot assure that.

May I ask the distinguished Republican leader if he has any further business to transact?

Mr. DOLE. I have no further business. We do hope we can accommodate two of our Senators who must be gone tomorrow, that we can have that last vote on or before 11:30 a.m.

Mr. BYRD. Yes. I thank the leader. I also would express the hope, Madam President, that the Senate could take up the short-term debt limit extension tomorrow hopefully without any amendments hereto. The measure has been cleared on this side. I know the distinguished leader on the other side will probably be talking to the President. May I say that if there are amendments on the other side of the aisle, I expect amendments on this side of the aisle—not that I have any, but there are Senators on this side who want to call up amendments. I assured them that the Republican leader and I were attempting to get an agreement whereby there would be no amendments. And so those on my side of the aisle, at least some of those who had indicated to me they had amendments, stated they would not call up an amendment if that were the case. So it might help the Republican leader in his discussions at the White House for the White House to know that if there is an amendment on the other side of the aisle, there could very well be amendments on this side of the aisle.

It is the hope of both leaders, of course, I say again for the record, that there be no amendments offered to this measure, so that we can get it passed after a reasonably short time for debate and get on with other business.

Mr. DOLE. Mr. President, will the distinguished majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. I indicate for the record that we think there may be not more than three Senators on this side who have not yet been able to clear this for action. We hope that can be done tomorrow morning, so that we can do it tomorrow afternoon. It is essential.

The President wants us to pass a clean bill. I have indicated to my colleagues that I intend to support the President, and I have made that clear in our policy luncheon and to other Senators since that time.

I certainly understand the rights that all Senators have, and I know that some feel very strongly that this is the time to have budget reform and to do some other things. I hope that in this instance we might forgo that and pass a clean debt ceiling. That would save several hours, at least, of the Senate.

Mr. BYRD. I thank my friend.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Madam 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 o'clock tomorrow morning.

The motion was agreed to, and at 6:26 p.m., the Senate recessed until tomorrow, Thursday, May 14, 1987, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 13, 1987:

DEPARTMENT OF STATE

James H. Michel, of Virginia, to be Ambasssador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

BOARD FOR INTERNATIONAL BROADCASTING

Kenneth Y. Tomlinson, of New York, to be a member of the Board for International Broadcasting for a term expiring April 28, 1990, vice Arch L. Madsen, term expired.

DEPARTMENT OF JUSTICE

Michael W. Carey, of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years, vice David A. Faber, resigned.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John H. Moellering, [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. Dale A. Vesser, [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. Jimmy D. Ross, [redacted], U.S. Army.

HOUSE OF REPRESENTATIVES—*Wednesday, May 13, 1987*

The House met at 10 a.m.

The Reverend Dr. Henry C. Beatty, chairman, Chaplain Services, VA Medical Center, Grand Island, NE, offered the following prayer:

Almighty God, we pause to honor Your name. Inspire our minds with an awareness of Your redemptive presence. So enliven our minds with discernment that vital issues will be confronted with insightfulness, legislative pressures managed with ethical sensitivity, and all relationships nurtured with empathy.

Dear God, impart to these Members of Congress sensitive judgment, vision, and perseverance to help those who suffer wrong and disclose through their deliberations compassion for the poor, suffering, and friendless. Cleanse public life of every evil and so subdue in our Nation, all that is harmful that we may respond as a disciplined people who by the quality of our lives give the Kingdom of Heaven an operational base in America. 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 without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 91. Concurrent resolution authorizing the 1987 Special Olympics Torch Relay to be run through the Capitol Grounds.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1157) "An act to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986."

The message also announced that pursuant to the order of May 7, Mr. CHILES, Mr. HOLLINGS, Mr. JOHNSTON, Mr. SASSER, Mr. RIEGLE, Mr. EXON, Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, and Mr. BOSCHWITZ, be the conferees on the part of the Senate to the concurrent resolution (H. Con. Res. 93) "Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, and 1990."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1177. An act to amend title 5, United States Code, to provide for procedures for the investment and payment of interest of funds in the thrift savings fund when restrictions on such investments and payments are caused by the statutory public debt limit.

THE REVEREND DR. HENRY C. BEATTY

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, many of us are called to be parents, students, workers, but surely God must have a special blessing for those who are called to be chaplains.

Chaplain Henry C. Beatty, one of those special people, has a long distinguished record of service and faith. The chaplain is a former professor of languages at Northwestern University in Chicago, has served Methodist congregations in Scottsbluff, Gering, Columbus, Lincoln, Central City, and Omaha, all in Nebraska. Chaplain Beatty speaks several foreign languages, including Hebrew. After starting his career as a college professor at Northwestern, he was called to the Methodist ministry and served congregations across Nebraska for 33 years. He has traveled extensively in Europe and in the Holy Land.

Chaplain Beatty, retired after 46 years in the Methodist ministry, has been the chief of the chaplain service at the Grand Island, NE, Veterans' Medical Center for the past 8 years.

Chaplain Beatty is known and respected for his devotion and dedication to his patients at the VA hospital. He is chief of a staff including three other chaplains at the center—a VA center that serves thousands of patients a year—serving 50,000 square miles, 45 Nebraska counties, and 12 Kansas counties.

It is a very special honor for the members of the Grand Island Veterans' Administration Medical Center to have their Chaplain Beatty, with his long record of inspiration, faith and service, offer this special prayer to the House of Representatives.

NEW GI BILL CONTINUATION

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1085) to amend title 38, United States Code, to make permanent the new GI bill educational assistance programs established by chapter 30 of such title, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "New GI Bill Continuation Act".

SEC. 2. SHORT TITLE OF THE NEW GI BILL.

Section 701 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 38 U.S.C. 101 note) is amended to read as follows:

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Montgomery GI Bill Act of 1984'.".

SEC. 3. CONTINUATION OF ALL-VOLUNTEER FORCE VETERANS' EDUCATIONAL ASSISTANCE UNDER THE NEW GI BILL PROGRAM.

(a) ACTIVE DUTY PROGRAM.—Section 1411(a)(1)(A) of title 38, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988," and inserting in lieu thereof "after June 30, 1985,".

(b) ACTIVE DUTY AND SELECTIVE RESERVE PROGRAM.—Section 1412(a)(1)(A) of title 38, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988," and inserting in lieu thereof "after June 30, 1985,".

SEC. 4. CONTINUATION OF EDUCATION ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE UNDER THE NEW GI BILL.

Section 2132(a)(1) of title 10, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988" and inserting in lieu thereof "after June 30, 1985".

SEC. 5. REVISION OF DECLARED PURPOSES.

Section 1401 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (2) and redesignating clauses (2) and (3) as clauses (4) and (5), respectively;

(2) by inserting after clause (1) the following new clauses:

"(2) to extend the benefits of a higher education to qualifying men and women who might not otherwise be able to afford such an education;

"(3) to provide for vocational readjustment and to restore lost educational opportunities to those service men and women

who served on active duty after June 30, 1985;";

(3) by striking out the period at the end of clause (5), as redesignated by clause (1) of this section, and inserting in lieu thereof "; and"; and

(4) by inserting at the end the following new clause:

"(6) to enhance our Nation's competitiveness through the development of a more highly educated and productive work force.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, I will not take up the time of the House because of the long day that we have before us, but I would ask the good chairman if he would explain the matter before us.

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

Mr. SOLOMON. Mr. Speaker, I yield to the gentleman from Mississippi for that purpose.

Mr. MONTGOMERY. Mr. Speaker, as the gentleman knows, the House passed H.R. 1085 on March 17, by a vote of 401 to 2. On May 8, by a vote of 89 to 0, the Senate passed the bill with minor amendments.

We have met with the leadership of the Veterans' Affairs Committee in the other body and with the leadership of the House Armed Services Committee, Mrs. BYRON and Mr. BATEMAN and have resolved our minor differences. The proposed House amendment to the Senate amendment would change the House-passed measure by adding three new purpose clauses to the declared purposes of the new GI bill.

The new purposes would be as follows:

First, to extend the benefits of a higher education to qualifying men and women who might not otherwise be able to afford such an education;

Second, to provide for vocational readjustment and to restore lost educational opportunities to those servicemen and women who served on active duty after June 30, 1985; and

Third, to enhance our Nation's competitiveness through the development of a more highly educated and productive work force.

These are the only amendments to the House-passed bill. They would have no budgetary impact.

I urge the adoption of the proposed House amendment to the Senate amendment.

Mr. SOLOMON. Further reserving the right to object, Mr. Speaker, I would like to begin by thanking everyone who has been involved in making the new GI bill permanent including WAYNE DOWDY, chairman of the Education, Training and Employment Subcommittee and the ranking member of the subcommittee, CHRIS SMITH. I wish to particularly commend the hard work and diligence of Mr. MONTGOMERY. It was his dedication to our men and women in uniform which made this legislation a reality.

Clearly, the primary objective of assisting veterans in obtaining an education is the most important benefit of the program, although we must acknowledge the benefits of the program in attracting high quality young people to our military services.

Mr. Speaker, as the pool of eligible recruits for our Armed Forces shrinks from 9.5 million people in 1987 to 7.8 million people by 1995, this legislation will continue to be one of the best recruitment tools we possess.

Within 3 years, the competition between private industry and our military for entry level jobholders will be intense, and without the GI bill, the Pentagon will be hard pressed to meet its recruitment goals. By the early 1990's it appears that it will be necessary to recruit into the military one out of every two eligible noncollege males. The success and very survival of the All-Volunteer Force are at stake.

As a readjustment mechanism for veterans returning to the civilian world;

As an incentive to attract high quality young people into the military service; and

As an investment in the men and women who have served their country.

It would be difficult to design a better program than the Montgomery GI bill.

Mr. Speaker, I would hope that every Member of the House would support this bill today, because the very future of America, and particularly our young people, are at stake with this legislation.

Again, I take off my hat to the chairman of the full committee, the gentleman from Mississippi, SONNY MONTGOMERY, who has done such an outstanding job in leading this bill to its fruition as a permanent piece of legislation. It is altogether fitting that the legislation which established the new GI bill be named for SONNY MONTGOMERY.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Mississippi [Mr. MONTGOMERY], the distinguished chairman of the Committee on Veterans' Affairs, and the gentleman from New York [Mr. SOLOMON], the ranking minority member, for bringing this measure back to the floor in such a prompt and expeditious measure that will be strongly supportive of providing motivation for our fine young people to pursue a career in military service.

On March 17 of this year, the House adopted H.R. 1085, the Montgomery GI bill of 1987, by a vote of 401 to 2. This legislation was more recently considered in the other Chamber on May 8, when it was adopted with minor amendments, by a vote of 89 to 0. It is my understanding that an agreement has been achieved between the two bodies, and that this motion to concur in the Senate amendment with an amendment will meet with no opposition in the other body. I wholeheartedly urge my colleagues to offer their like support.

H.R. 1085 makes the new GI bill education assistance program permanent. Authorized under Public Law 98-525, the current demonstration program has been a tremendous tool in recruiting and enlisting talented young persons to serve in our Armed Forces. With funding from both the Veterans' Administration and the Department of Defense, basic grants are provided to eligible military personnel of $300 per month for up to 36 months. To be eligible servicemen and servicewomen must have a high school diploma or its equivalent; have been honorably discharged from the service; and have served either a minimum of 3 years in active duty or 2 years in active duty and 4 years in selective service.

The proposed House amendment to the Senate amendment would change the House-passed measure by adding three new purpose clauses to H.R. 1085 as follows: First, to extend the benefits of a higher education to qualifying men and women who would not otherwise be able to afford such an education; second, to provide for vocational readjustment and to restore lost educational opportunities to those service men and women who served on active duty after June 30, 1985; and third, to enhance our Nation's competitiveness through the development of a more highly educated and productive work force.

In closing, I would like to take this opportunity to thank the distinguished chairman of the Committee on Veterans' Affairs, Mr. MONTGOMERY, and my dear friend, the ranking minority member, Mr. SOLOMON, for their dedication in serving our Nation's veterans. Accordingly, I urge my colleagues to support the House amendment to the Senate amendment to H.R. 1085.

Mr. DOWDY of Mississippi. Mr. Speaker, earlier today the House again demonstrated its full support for H.R. 1085, as amended, a bill to make the new GI bill a permanent program. This measure was enthusiastically endorsed by the House on March 17, 1987, and returned to us with minor amendments following a Senate vote of 89 to 0 on May 8. We

resolved our differences with the other body in record time and expect that H.R. 1085 will be on its way to the President for his signature next week.

All of us in the House can take pride in today's action. The new GI bill has proven to be a great success and will provide educational assistance benefits to hundreds of thousands of young people who demonstrate their commitment to our Nation by serving in the Armed Forces.

I want to commend the chairman of the Committee on Veterans' Affairs, my dear friend and colleague from Mississippi, the Honorable G.V. (SONNY) MONTGOMERY, for his tenacious advocacy of the new GI bill. The existence of the new GI bill today is due to his determined leadership on this issue.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1085.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RAISING THE DEBT CEILING

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

Mr. MATSUI. Mr. Speaker, today the House will vote to raise the debt ceiling, and for the sake of the integrity of U.S. financial markets, I urge a "yes" vote.

If we do not enact a higher debt ceiling today, we will create economic chaos both here at home and abroad.

Without a higher debt ceiling, the United States—like Mexico and Brazil—would not be able to pay the interest or the principal on its foreign debt. For the first time, we would default on credit extended through foreign loans.

Mr. Speaker, I don't want to see the United States become a credit risk like some of our neighbors in the Third World. Defaulting on loans affects the way the world treats us in the world market.

We would be sending a signal to investors on Wall Street and overseas that the United States cannot honor its contractual obligations. We would be telling investors, in effect, to stop investing in the United States.

And we would be condemning ourselves to pay more in interest payments to borrow money in the future, thus adding to the Federal deficit and further exacerbating our economic situation.

Mr. Speaker, if we do not enact a higher debt ceiling today, we will pay the consequences by destroying the financial integrity of the U.S. financial markets.

PERSECUTION OF THE IRANIAN BAHA'I POPULATION AND THE REACTION OF THE INTERNATIONAL COMMUNITY

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

Mr. GILMAN. Mr. Speaker, ever since the advent of the Iranian revolution, Americans have been concerned about the human rights violations in the Islamic Republic of Iran.

Singled out for special persecution have been Iran's Baha'is, who, because their faith is considered an outgrowth of Islam, are treated as apostates, and have no legal status or rights.

It is quite evident that the fate of the Iranian Baha'is, and other human rights abuses in Iran, continue to need to be addressed by the international community.

Yet we have learned that the United Nations may be on the verge of dropping the human rights issue in Iran from its agenda.

In early March, countries such as Brazil, China, Pakistan, India, East Germany, Nicaragua, and Sri Lanka voted in the U.N. Commission on Human Rights—with Argentina, Colombia, Japan, and Cyprus, among others, abstaining—for a motion to defer action on Iran. That motion failed by a tie vote.

A similar resolution may be brought before the Economic and Social Council, which is now meeting in New York.

Mr. Speaker, let us not stand for the callous dismissal of the cries of the oppressed in Iran by indifferent members of the international community and let us support the efforts of the administration to assure that this issue remains on the international agenda.

APPOINTMENT AS MEMBER OF FEDERAL COUNCIL ON AGING

The SPEAKER. Pursuant to section 204 of Public Law 98-459, the Chair appoints as a member of the Federal Council on Aging on the part of the House the following person from the private sector:

Mr. Virgil S. Boucher of Peoria, IL.

APPOINTMENT OF MEMBERS TO ATTEND THE MEMORIAL SERVICE FOR THE LATE HONORABLE STEWART B. McKINNEY

The SPEAKER. Pursuant to House Resolution 161, the Speaker appoints as members of the committee to attend the memorial service for the late Stewart B. McKinney the following Members on the part of the House:

Mr. GEJDENSON of Connecticut; Mr. MICHEL of Illinois; Mrs. KENNELLY of Connecticut; Mrs. JOHNSON of Connecticut; Mr. MORRISON of Connecticut; Mr. ROWLAND of Connecticut; Mr. ST GERMAIN of Rhode Island; Mr. FISH of New York; Mr. McDADE of Pennsylvania; Mr. ALEXANDER of Arkansas; Mr. FRENZEL of Minnesota; Mr. RANGEL of New York; Mr. GILMAN of New York; Mrs. BOGGS of Louisiana; Mr. JEFFORDS of Vermont; Mr. MINETA of California; Mr. SCHULZE of Pennsylvania; Mr. MARKEY of Massachusetts; Mr. THOMAS A. LUKEN of Ohio; Mr. LEACH of Iowa; Ms. OAKAR of Ohio; Mr. WEISS of New York; Mr. GREEN of New York; Mr. CLINGER of Pennsylvania; Mr. DANNEMEYER of California; Mr. SENSENBRENNER of Wisconsin; Ms. SNOWE of Maine; Mr. WOLPE of Michigan; Mr. PARRIS of Virginia; Mr. DREIER of California; Mr. FRANK of Massachusetts; Mr. GUNDERSON of Wisconsin; Mr. WORTLEY of New York; Mr. CARR of Michigan; Mr. McMILLAN of North Carolina; Mr. SLAUGHTER of Virginia; and Mr. GALLEGLY of California.

THE FEVER AND CHILLS OF THE DOLLAR

(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, in analyzing the British monetary experience for the years 1931-39, the late American monetary scientist, Benjamin M. Anderson wrote:

> The prestige of a great government and a long-established government can go far in upholding the value of its paper money even if the rational foundations for the value of paper money have waned. The pound sterling made a brave show on the basis of this kind of prestige. There was no great capital flight from Britain. As the sterling went low, the outside world bought it. London thought she had made a new discovery. But all was not well, and sterling unanchored to gold was subject to constant fevers and chills * * *.

History tells the rest of the story. The fevers and chills led to the loss of the empire, and the humiliation of Suez. John Bull had to go begging, hat in hand, to the European Common Market for a place in the sun.

Mr. Speaker, as the dollar goes low, the outside world is still buying it. But we should not kid ourselves that we have made a new discovery. Rather,

we should ask ourselves: "Where will Uncle Sam go begging when the dollar, too, succumbs to its bout of fevers and chills?"

Members have a chance today to say that enough is enough. We should vote "no" on this 60-day extension. There are conditions that should be added to extending this debt, this madness, this debt on future generations. A modest step is just to suggest that we can correct Gramm-Rudman by inserting a provision whereby we estimate the deficit for fiscal year 1988, and automatically the duty of the President to sequester comes into existence. It seems to me we should exert the courage to do at least that much.

SMALL BUSINESS WEEK

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

Mr. HATCHER. Mr. Speaker, as many of you know, this is National Small Business Week, and I would like to take this opportunity to salute our country's small businesses. The men and women who own and operate small businesses truly comprise the backbone of our economy. They develop new products and services, and provide jobs and opportunities for millions of Americans. Their creative responses to the ever-changing economic and market conditions produce new and innovative ideas all the time. We have just passed a comprehensive trade bill designed to make our country more competitive. The fact is that dynamic and innovative small businesses will create new and better products, as well as new jobs, as long as we provide them with a stable and growing economy. In the long run, this is what will make us truly competitive in the world market. Our role in this body should be to do all we can to maintain a stable economy which will allow our small businesses to flourish on their own.

Let us then take time this week to recognize the invaluable contributions that small businesses make to our American society—we salute you and we thank you.

MAY 15, POLICE MEMORIAL DAY

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

Mr. BILIRAKIS. Mr. Speaker, it is with great respect and appreciation that I rise today to recognize this Friday, May 15, as Police Memorial Day. At 11 a.m. on that day, a moment of silence will be held across this Nation so that we may offer our deepest sense of gratitude to those officers who gave their lives in a supreme effort to "protect and serve."

The police officer is the front-line representative of the criminal justice system, and in that position is the most visible and perhaps the most valuable to the Nation. He stands on the front line of law enforcement ready to defend and protect our neighborhoods and communities from the scourge of crime. All too often, however, his brave service goes unnoticed and indeed unappreciated by many law-abiding citizens.

Far from being the glamorous profession that is often depicted on television, law enforcement officers are faced with a job that poses numerous risks and uncertainties as they approach their duties each day.

Mr. Speaker, since 1960, 2,600 officers of the law have perished in the line of duty. On May 15, I urge all of my colleagues to observe a moment of silence in honor and remembrance of the brave men and women police officers who gave their lives defending our communities.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

(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 rise today to urge the Members of the House to support the increase in the public debt limit when we consider that legislation later today.

If we do not increase it, we are subjecting an already fragile economy to a shock that could do serious harm. We have a record trade deficit. The dollar has plunged in value in the last year. Interest rates are rising. The American public and foreign investors, on whom we have become increasingly dependent, have doubts about the ability of Congress and the President to reduce the Federal deficit. I think that the economy is going to improve, but given the immediate problems we have we cannot afford to give the impression that this Government does not take its fiscal responsibility seriously. Members should realize that the first default on Federal obligations in our history will occur within a couple of weeks if we do not raise the limit. There just is not any wiggle room this time around because of the way the debt limit will actually be slashed by $200 billion at midnight this Friday and because of the way we have limited the flexibility to borrow from trust funds that the Treasury used to have. Think about the effect on confidence in our Government and our economy if on June 1 banks tell Social Security recipients that they will not cash their checks and the Government tells bond holders that they will not get their monthly interest payments.

If we want to instill confidence in the Government and the economy we need to eliminate our debt, not repudiate it.

TEMPORARY INCREASE IN THE NATIONAL DEBT

Mr. BRENNAN. Mr. Speaker, in recent years the national debt has increased by huge amounts to the extent that we actually have doubled it in just 6 years. What we are doing is enjoying benefits today and forcing our children and grandchildren to pay for them tomorrow. It is a little like inviting all your friends and relatives to the very fanciest restaurant in town and ordering the most expensive foods and wines and when the check comes say "My son or daughter will be along to pay for it in a few years." I say it is morally irresponsible. Today, in order to avoid the sorry spectacle of the richest country on the face of the Earth having its checks bounce, we will be asked to increase the national debt by $20 billion for 60 days.

Today I urge my fellow Members to do the responsible thing and not to demagog and not to posture, and support the increase now so that the U.S. Government might avoid the embarrassment worldwide of our checks bouncing but at the same time commit ourselves to reducing the amount of debt that we are leaving as a legacy to our children.

SHAME ON YOU, JAPAN—SHAME ON YOU, JAPAN

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

Mr. RAVENEL. Mr. Speaker, the migration route for the remnants of the east coast right whale population lies off the coast of my home State of South Carolina. It was the first whale hunted in North America because it was slow moving and floated after it was killed. That's why it was called the "right" whale. The numbers of these gentle giants fell sharply by the middle of the 19th century. Despite total protection for over 50 years, the right whale has not recovered, only about 350 remain. The International Whaling Commission attempted to prevent a recurrence of this tragedy by voting a moratorium on commercial whaling. Japan will ignore this moratorium via a new scam; they will continue whaling for the "benefit of science". Rather than learning from the tragedy of the right whale, they are seeking to create similar tragedies with other species of whales—shame on you, Japan—shame on you, Japan.

RAISING THE DEBT CEILING OR "LET'S MAKE A DEAL"

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

Mr. WISE. Mr. Speaker, the debt ceiling is up again and it is time to reenact that famous TV game show "Let's Make a Deal." In the words of that show's inimitable host, Monty Hall, "Come on down, come on down." Today we are offering potentially the best deal of a fiscal lifetime, a 2-month's extension of the debt ceiling that is clean, no complicating amendments. Many of us often refuse to vote for the debt ceiling extension. So where is the deal? Because we vote for extending only 2 months.

But there is more. We also give notice that we will not extend again unless Gramm-Rudman is reformed including a sequestration mechanism. And there is more: No more extensions unless there has been a fiscal policy commission working out a budget putting everything on the table: Spending cuts, taxes, budget reform, accounting practices. That is the deal. Vote "no"; you do not send a message, you put the Government in default. You do not force all parties to come to the table.

So come on down Republicans, come on down Democrats, and most importantly, come on down Ronald Reagan. Without you there is no deal.

CONGRESS MUST DEAL WITH THE DEADLY AIDS VIRUS QUESTION IMMEDIATELY

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

Mr. BURTON of Indiana. Mr. Speaker, since yesterday 5,000 to 10,000 new people have been infected with AIDS. Every day we tarry another 5,000 to 10,0000 Americans are infected with the deadly virus AIDS and at least half of those people are going to get full blown AIDS and die.

We have prostitutes in this city and in other cities in the country who know they have the AIDS virus, who continue to ply their trade infecting innocent Americans who in turn go home to their wives and loved ones and infect them. The epidemic spreads unchecked.

We have 2 million to 4 million people at least with the AIDS virus and it is doubling every 10 to 12 months. We have an epidemic, an invisible forest fire virus spreading across this Nation and this body is doing nothing.

Congressman DANNEMEYER of California and I have legislation that will deal with facets of this terrible epidemic. And the committees of the House will not hold hearings on them. Mr. Speaker, I submit this as something that we must deal with immediately and I urge those committee chairmen to get on with holding hearings on this legislation.

WE MUST RAISE THE DEBT CEILING

(Mr. DURBIN asked and was given permission to address the House for 45 seconds and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, today when we consider the debt ceiling extension, I hope my colleagues will join me in voting for it.

A letter recently sent to Members of Congress by the Secretary of the Treasury, Mr. Baker, summarizes what we are faced with. He said in that letter:

> Our Founding Fathers regarded the full faith and credit of the United States as a sacred trust, and for over 200 years the United States government has upheld this fiduciary duty. The United States has never defaulted on its debt obligations. To do so would be unthinkable and irresponsible.

The strength of our economy is grounded on the fragile balance of trust. Let us hope that those who are moved today to make pious statements about their fiscal purity by voting against this extension will keep that in mind. A lot of Americans will be watching.

DEBT CEILING EXTENSION

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

Mr. FLIPPO. Mr. Speaker, I rise today in support of raising the debt ceiling limit. Action on this issue is both vital to our Nation's financial security and the only course available to the responsible men and women of Congress.

Only one true question exists: will the U.S. House of Representatives faithfully discharge its duties to the American people, of preserving the solvency and integrity of the Nation's Government.

The facts of this issue are well known. The temporary debt limit of $2.3 trillion reverts to the $2.1 trillion permanent ceiling at midnight May 15. This is the law which Congress passed, and there is no longer any doubt that failure to establish a new temporary debt ceiling will force the Federal Government into bankruptcy before the end of the month.

Let there be no doubt: I am not happy to stand here today calling for a new debt ceiling. Nothing would please me more if the extension of a new ceiling were not a fundamental necessity. Yet, ladies and gentlemen, that is what we face today: an issue on which political posturing cannot be accepted and our personal preferences must be set aside.

Failure to pass an extension of the debt ceiling limit would mean economic chaos at home and around the world. There can be no pride in placing the United States of America in the same category with impoverished Third World nations unable to pay their debts. But the heaviest burden of shame would come from failing to meet our Nation's financial obligations to our own citizens.

Not one Member of this body was sent here to stand by while the Federal Government defaulted on its commitments to the American public, including social security recipients, veterans, the military, civil servants, and farmers. We may individually and collectively be dedicated to balancing the budget, but that is not the issue we face today. The only issue before us today is meeting our duty to preserve the financial honor of the Nation. I strongly urge my colleagues to support extension of the debt ceiling limit.

□ 1030

GRAND VALLEY POWERPLANT

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

Mr. CAMPBELL. Mr. Speaker, on January 5, 1986, the contract for the operation of the Grand Valley powerplant, near Grand Junction, CO, expired.

In the original law (Public Law 71-708) Congress made no arrangements for the plant's continued operation, and as a consequence, the plant was shut down.

On April 30, 1986, the Bureau of Reclamation entered into an interim contract for the operation of the powerplant until new legislation is passed. The interim contract expires on December 31, 1987.

In consultation with the Bureau of Reclamation, the Grand Valley Water Users Association, the Orchard Mesa Irrigation District, and the staff of the House of Interior Subcommittee on Water and Power Resources, I have introduced legislation which will allow the plant to be operated for an additional 25 years. The legislation also makes it possible for the title to the reclamation project and the powerplant to be transferred to the Grand Valley Water Users Association, if the parties so desire.

Federal funds have never been expended on the powerplant, and will not be expended under the proposed legislation. I also believe the U.S. Treasury will benefit from the acceleration of repayments mandated by the legislation.

I ask for your help in passing this measure, and I look forward to work-

ing with you to ensure that once expensive reclamation and hydropower projects are built, they do not go to waste.

DEBT CEILING EXTENSION

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

Mr. VISCLOSKY. Mr. Speaker, I rise in strong support of H.R. 2360, a bill to temporarily increase the debt limit to $2.32 trillion through July 17, 1987. I wish to also lend my support to Chairman ROSTENKOWSKI's amendment to permanently increase the debt ceiling to $2.578 trillion, the amount requested by the administration in a May letter from Treasury Secretary Baker to the chairman. The Rostenkowski amendment would save a great deal of time and energy that could be dedicated to reducing the deficit, instead of being expended on intermittent debate on the debt ceiling.

On this occasion, I am happy to agree with the administration that the extension of the debt limit should be accomplished with alacrity. From here we must move forward and concentrate our efforts on responsibly handling the fiscal and procedural problems involved with the budget. It is imperative that we exercise the political will for which we were elected to ensure the financial viability of our Government, instead of reverting to political posturing and rejecting an increase in the debt limit. If we do not raise this ceiling, we will precipitate a crisis of confidence as we fail to meet our foreign and domestic obligations.

Should H.R. 2360 be defeated, we will be forced to default on credit extended through foreign loans; suspend the issuance of Treasury securities; and, terminate benefit payments to Social Security and welfare recipients, paychecks to Federal employees, and refunds to taxpayers. To allow these disastrous consequences would be a serious breach of the American people's faith in us as their elected representatives.

I urge my colleagues to join me in supporting a clean extension of the debt ceiling to avert this catastrophe and to provide us with the opportunity to concentrate on the challenge of responsibly reducing the growth of spending and decreasing our monstrous debt.

AMERICA MUST STOP BORROWING FROM FOREIGN SOURCES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, more than 200 years ago, our Founding Fathers drafted the Declaration of Independence, a spirit of national independence that has guided our Nation since its inception.

But for the past 6 years, this administration has promoted economic policies not true to the spirit of that grand document. Their policies can only be described as a "Declaration of Dependence." They'll borrow from anybody to keep our ship of state afloat. An estimated 25 percent of all commercial and industrial loans in the United States are held by foreign banks. Only 1 of the top 10 banks in the world is U.S. owned.

The impact of foreign control over our economy becomes clearer every day. At last week's Treasury bond auction, Japanese investors bought half of the bonds. Headlines tell the story. The New York Times, May 7: "Bonds Dive as Japanese Hold Back." Foreign investment in our marketplace is causing volatile swings on Wall Street that are unhealthy for our financial stability.

Foreign interests should not have that kind of leverage over our financial markets. And, if we look at those industries vital to the Nation's defense: Machine tools, metal fasteners, steel, autos, bearings, and even textiles, we see parts of America being sold to pay our foreign creditors. This is unprecedented in our history.

As a nation, we must begin the job of reclaiming America. This means getting the budget and trade deficits under control. It means investing our own dollars again and stop borrowing from foreign sources. As we vote on the debt ceiling today, we should ask ourselves how America can pay its own way and stop borrowing from foreign creditors.

RAISING THE DEBT CEILING

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

Mr. LELAND. Mr. Speaker, it is not often that I find myself rising to advocate a position taken by the administration. But today, Congress is faced with an issue that transcends partisan ideology. That issue is: Will this country honor its credit obligations, or will it renege on those commitments?

Secretary James Baker has advised us that unless we vote today to raise the temporary debt limit, which expires at midnight, May 15, this country will run out of money to pay both its domestic and foreign debts on May 28.

Defaulting on our credit obligations would send shock waves throughout the international financial community. Our position as the world's most trustworthy credit risk would collapse.

Never in this Nation's history have we defaulted on our debt obligations. Let's not let it be recorded that the 100th Congress breached the sacred trust of the full, faith, and credit of the United States.

Secretary Baker has urged us to act quickly to increase the current debt ceiling. For once, Mr. Speaker, I want to urge my colleagues to follow the administration's advice.

AIDS BRIEFING

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

Mr. DORNAN of California. Mr. Speaker, at 12 noon, which is only 1 hour and 25 minutes from now, I am going to be sponsoring a briefing on AIDS downstairs in room H-139.

I first did this over 1½ years ago, back in September 1985, and we only had four Members show up. Since then, two of them have been very active in legislation, the gentleman from California [Mr. DANNEMEYER] and the gentleman from Indiana [Mr. BURTON].

After a passage of 2 more months, because a fool could see how these death rate figures were going off the charts, I had another briefing by Health and Human Services, and only three Members showed up.

I had a third luncheon early in 1986, and only two Members showed up.

Now that a Member has died, Stewart McKinney of Connecticut, of AIDS, and there are rumors that one more Member in this—I will not even identify the body, either the other Chamber or here—may have tested positive for the AIDS virus, I think it is time for us to really start getting knowledgeable on AIDS.

Twelve noon, downstairs, H-139. Let me have Members from both sides of the aisle. How about a dozen Members? Would that not be good, to learn about the plague? Some 21,000 will be dead this week. We must act. But first we must get educated.

A SPECIAL COMMISSION ON AIDS

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

Mr. LEVIN of Michigan. Mr. Speaker, it was announced recently that President Reagan will appoint a special commission to oversee the battle against AIDS. All Americans should applaud that decision.

Several weeks ago, after considerable silence, the President labeled AIDS public health enemy No. 1. That underlines how crucial it is whom the President appoints to the commission.

I urge the President to select members based on their expertise, not their ideology. Clearly, society's response to AIDS involves issues of basic values,

but there is a supreme value at stake in this battle: life itself.

It will not wait as some fight over other issues or interests.

Today the special committee investigating Irangate holds the glare of publicity. As critical as that proceeding, it is possible that the President's place in history will be judged even more by the nature of his response to the spread of AIDS.

A commission can be an important tool. It is critical the President construct it well.

VOTE FOR CLEAN 60-DAY EXTENSION ON DEBT CEILING

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

Mr. MACKAY. Mr. Speaker, I speak on behalf of a bipartisan group which is trying to use the leverage of the debt ceiling expiration to force fiscal discipline. Some persons are surprised that our group is supporting a clean 60-day extension of the debt ceiling.

We are because we believe it is irresponsible to risk default and the ruining of America's credit. But let it be clear that this is not the end of the debt ceiling issue. This is the beginning.

Now that everyone is focused on the problem of fiscal discipline, we believe the 60 days will allow an orderly period of time during which we can arrive at a consensus as to what this country should do to learn how to live within its means.

We urge everyone to vote today for a clean 60-day extension. We want to make it clear that on July 15, we will oppose further extensions absent a rededication to deficit reduction. We hope we will have arrived at a consensus by that time that we are going to take steps to resolve the problems of fiscal policy.

WE CANNOT IGNORE OUR DEBT OBLIGATIONS

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

Mr. CARDIN. Mr. Speaker, as a freshman Member of the House, this is my first experience with the process by which the Congress addresses the statutory debt ceiling of the United States.

My previous experience was in the State legislature. The task of preserving the fiscal integrity and good name of the State of Maryland, I'm pleased to say, was taken seriously. We didn't play games, and we certainly didn't engage in the kind of brinksmanship that some have threatened in this process.

Every Member of this body understands the need to end the tidal wave of red ink. Members who are concerned about the deficit should work through the legislative process to enforce the spending and revenue decisions we approved in the budget.

But it is irresponsible to hold the national and international financial community hostage with threats to renege on obligations secured by the full faith and credit of the U.S. Government. I strongly urge my colleagues to support the amendment that will be offered by the chairman of the Ways and Means Committee to increase the debt ceiling sufficiently to last through fiscal year 1988. We have a responsibility to reduce the deficit. But we have no right to ignore the obligations we have already incurred.

□ 1040

PUBLIC DEBT LIMIT INCREASE

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 165 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 165

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2360) to provide for a temporary increase in the public debt limit, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived, and all points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except an amendment printed in section two of this resolution by, and if offered by, Representative Rostenkowski of Illinois, or his designee, which shall be considered as having been read, which shall be debatable for not to exceed thirty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, which shall not be subject to amendment, and all points of order against said amendment for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 2. Strike out subsection (a) of the first section of the bill and insert the following: "That (a) subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof '$2,578,000,000,000'.".

Amend the title to read as follows: "A bill to increase the statutory limit on the public debt.".

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] pending which I yield myself such time as I may consume.

Mr. FROST. Mr. Speaker, House Resolution 165 is a modified closed rule providing for the consideration of H.R. 2360, to increase the temporary limit on the public debt. The rule provides for 1 hour of general debate on the bill which is to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against the consideration of the bill for failure to comply with the provisions of clause 2(L)(6) of rule XI which requires a 3-day layover of measures reported from committees prior to consideration by the House. The Committee on Rules has recommended this waiver for the simple reason that expeditious consideration of the increase of the temporary debt limit is of critical importance. As Members know, on Friday of this week, the ceiling of $2.3 trillion on the public debt expires reverting the ceiling to $2.111 trillion. Outstanding public debt already exceeds that level. The Committee on Ways and Means reported H.R. 2360 on Monday, and in order for the bill to be considered today, it is necessary to waive the 3-day layover requirement.

Mr. Speaker, the rule also waives all points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI. Clause 5(a) of rule XXI prohibits the inclusion of appropriations in a legislative bill. However, since an increase in the public debt limit is an appropriation and is within the jurisdiction of the Committee on Ways and Means, the Committee on Rules recommends this waiver.

The rule provides that after general debate the bill shall be considered as having been read for amendment under the 5-minute rule and no amendment to the bill shall be in order except a committee amendment by, and if offered by, Representative ROSTENKOWSKI or his designee. The amendment shall be considered as having been read and shall be debatable for 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and shall not be subject to amendment. The rule also waives all points of order against the committee amendment for failure

to comply with the provisions of clause 5(a) of rule XXI, which prohibits the consideration of appropriations in a legislative bill. The committee amendment made in order in the rule extends the public debt limit to $2.578 trillion which is the level estimated to be necessary to carry the Government through fiscal year 1988.

Finally, the rule provides that at the conclusion of the consideration on the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Mr. Speaker, we are once again faced with the necessary task of extending the limit on the public debt and we are once again facing that task at the 11th hour. If the public debt limit is not increased, beginning on May 16, the Treasury will not be able to issue new securities and by May 28, the United States will run out of cash and begin defaulting on its obligations salaries and benefits due June first would not be paid. The possibility of the U.S. Government defaulting on its obligations is intolerable.

H.R. 2360 provides for a 60-day temporary increase of the public debt limit and increases that limit from the current $2.3 trillion to $2.32 trillion. The limit provided in the bill would revert to the permanent limit of $2.111 trillion after July 17. As my colleagues know, when the House and the Senate reach agreement on a conference report on the budget, the special process of amending the permanent limit will commence. The budget conference began yesterday and there is every reason to believe the conferees will reach agreement prior to July 17.

The committee amendment made in order in the rule increases the debt ceiling to $2.578 trillion, the amount estimated in the President's budget to be necessary for fiscal year 1988. The administration requested this amount if Congress was not willing to adopt an increase to $2.8 trillion, the amount sufficient to get us through the November 1988 election.

Mr. Speaker, the rule provides for full consideration of the temporary increase in the debt limit and of the administration's requested level of increase. The rule before the Members is fair and responsible and I urge its adoption.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I urge adoption of the rule. The bill this rule makes in order raises the current temporary public debt limit from $2.3 trillion to $2.32 trillion, an increase of $20 billion. The current debt limit will expire after this Friday, at which time the limit would revert to the permanent debt limit of $2.111 trillion. At this time, the present outstanding public debt already exceeds $2.2 trillion. This means that beginning Saturday, May 16, if the public debt limit is not increased, the Department of the Treasury will be legally unable to issue new securities and by May 28, the U.S. Government would exhaust its cash reserves and begin defaulting on its obligations. The Department of the Treasury has notified the Congress that even if the Secretary of the Treasury disinvested the trust funds, the Federal Government would still be unable to pay Federal salaries and benefits due on June 1.

That we have no choice but to increase the public debt limit is not in doubt. The bill's $20 billion increase should cover Government borrowing until mid-July. This is the correct approach. It will allow the Congress and the administration 2 months to resolve differences relating to the fiscal year 1988 budget and also determine what changes should be made to the Gramm-Rudman-Hollings Act which is now in a serious state of disrepair because of last year's Supreme Court decision.

Mr. Speaker, there will be an amendment offered by the chairman of the Committee on Ways and Means to extend the debt limit through fiscal year 1988. However, I feel that the 60-day extension is the proper approach. The House should follow that 60-day approach in order to keep the pressure on to correct deficiencies in the budget process which must be corrected if we are to follow Gramm-Rudman-Hollings.

Mr. Speaker, I urge adoption of the rule, and as much as I hate to say so, I urge the Members to pass the bill so that this Government can continue to operate. Historically, I have always voted against an increase in the debt limit, but there is a time when we here in the House must rise above politics and vote to keep this Government of ours running.

Mr. Speaker, I intend to do that. I urge adoption of the rule and passage of the bill when it is presented to the House this afternoon.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 165 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2360.

□ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2360) to provide for a temporary increase in the public debt limit, with Mrs. SCHROEDER in the chair.

The Clerk read the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the current ceiling on the public debt of $2,300 billion expires this Friday, May 15. The debt ceiling then reverts to its permanent level of $2,111 billion.

This bill, H.R. 2360, provides for a temporary increase of $20 billion in the public debt limit, increasing it to $2,320 billion July 17, 1987. Under this bill, the limit on the public debt will revert to its present law, permanent limit of $2,111 billion on July 18, 1987.

Without a further increase in the debt limit, it will be impossible for the Federal Government to borrow from anyone or to roll over existing Treasury obligations which mature after May 15. Furthermore, after May 15 there can be no savings bond sales. No State and local government series sales, and no investment of new money for any trust fund including the Social Security funds.

The Treasury has enough cash to redeem obligations coming due on May 21, but will not have enough on hand to redeem those coming due May 28. If the Treasury is forced to redeem maturing obligations with cash on May 21, many small investors will receive cash instead of an automatic rollover of their Treasury note and consequently lose interest earnings. If the debt limit is not increased prior to May 28 when the Government does not have sufficient cash to redeem its obligations, then the Government will default.

When the debt ceiling was increased last fall, the May 15 date was selected in order to force us to expedite the budget process for fiscal year 1988 and determine what changes should be made to the Gramm-Rudman-Hollings Act. Although considerable progress has been made on a budget resolution for fiscal year 1988, we do not expect to pass a conference committee report on the budget resolution this week. Passage of such a conference report would, under the House rules, auto-

matically send a debt ceiling bill to the other body.

In response to this situation the Committee on Ways and Means reported H.R. 2360, which provides 2 additional months for Congress to resolve those budget issues.

Failure to enact a debt limit bill prior to May 28 will produce cataclysmic results. Foreign and other investors will be reluctant to buy U.S. securities. Consequently, borrowing costs to the U.S. Treasury will increase significantly. Because U.S. Government obligations form the centerpiece of the international financial system, default on those obligations even for a short period of time, would threaten international financial stability.

On May 1, Secretary of the Treasury James Baker wrote to the Committee on Ways and Means urging an increase in the public debt limit in order to avoid default. In his words, and I quote:

> The United States has never defaulted on its debt obligations. To do so would seriously erode this country's premier credit position and break faith with our citizens.

Madam Chairman, I urge the adoption of this legislation.

□ 1055

Mr. DUNCAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, first I would like to commend my chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI], for the leadership that he has taken in this matter in trying to solve a very difficult situation.

Madam Chairman, today we face another difficult decision on the public debt limit. We can vote to increase the ceiling for 60 days, or for a fiscal year. We can argue about the choice, but we must do one or the other. To do nothing would be to court disaster.

Specifically before us is H.R. 2360, providing a temporary increase in the statutory limit on the public debt to $2.32 trillion. This legislation would expire at midnight on July 17, and further action on the limit would be required before that time.

We also have an opportunity to vote on a Ways and Means Committee amendment which would raise the statutory limit to $2.578 trillion. This is the amount which the Treasury Department estimates would be sufficient to last through fiscal year 1988. The amendment responds to the administration's request for a clean, long-term debt limit extension, and would avoid disruptions caused by the prospect of a series of short-term extensions.

The current debt limit of $2.3 trillion will expire at midnight on May 15—this Friday. At that time, it will revert to its permanent ceiling of $2.111 trillion, which will be about $160 billion above actual outstanding debt.

After May 15, the Federal Government will be unable to borrow from the public to finance any current obligations, or to roll-over existing Treasury obligations which mature after May 15.

The current situation is very different from what has happened in the past. In recent years, debt limit extensions have been required as the Government "bumped up" against the ceiling. Under those circumstances, Treasury had some administrative flexibility—including deferring investment in—or disinvesting—trust funds—in order to continue, on a short-term basis, to borrow from the public to pay bills due, make benefit payments and meet other obligations.

Those circumstances do not apply today. When the debt limit expires, on May 15, it will revert to a level that is $160 billion below actual debt subject to limit. Treasury spokesmen have testified that there is no administrative flexibility to manage cash when the debt is well in excess of the permanent limit. No new Treasury securities can be issued, and maturing issues must be redeemed as long as cash is available.

Officials have testified that the Treasury will run out of cash on May 28. On that date, Treasury bills totaling $14.7 billion will mature and in the absence of an increase in the debt limit, Treasury will have to refund those maturing obligations from its current operating cash balance. A similar refunding will occur on May 21. Treasury has reported that it will not have sufficient cash to refund those obligations and that the U.S. Government would then be in default. Such a default would be unprecedented, and one could only speculate upon the adverse reaction in financial markets to such an occurrence.

With regard to Social Security and other benefit payments due in June, Treasury has stated that it would be unable to make those payments, even if the trust funds were disinvested. This is because the debt is so far in excess of the permanent limit that disinvestment of the trust funds would not provide sufficient additional borrowing authority to allow Treasury to raise the cash needed to pay benefits. I should make it clear that I do not favor disinvestment because it costs taxpayers a lot of money in the long run and it confuses beneficiaries. But that is not a real alternative now, in any case. According to Treasury, disinvestment would not work this time.

The requirement for increases in the debt limit is always a contentious issue, and this year is no exception. Particularly when our fiscal house is so badly in need of repair, there are tremendous pressures to try to resolve budget policy and budget process issues, with the debt limit bill held hostage to that effort.

I can't quarrel with those who argue that the budget process doesn't work and perhaps should be completely reworked, or with those who argue that we need to correct the constitutional flaws of the Gramm-Rudman law and restore its effectiveness. I would only say that we have limited time in which to resolve these issues, if they are linked to the debt limit extension, and I would hope that we can start that essential process today.

The simple truth, Madam Chairman, is that the way to control our public debt is to control our tendencies here to authorize and appropriate more than we can afford. By the time we are asked to raise the legal ceiling, the money already has been spent, and creditors are knocking on our door. I understand that many of my colleagues feel that a vote on the debt limit is the only lever available to express their opposition to congressional spending excesses. But, unfortunately, the bills for past expenditures are being presented and we are honor bound to pay.

Madam Chairman, until a few years ago I did not vote for extensions of the debt limit, but times and economic conditions have changed. Today, I can see that we face, potentially, a very catastrophic time, and I want to see my Social Security recipients and my veterans receive their checks when they are due. If Members are opposed to this, I presume that they would vote against the debt extension, but I for one am certainly going to support my chairman, my committee, and my President.

Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Madam Chairman, it is with reluctance that I take the floor and suggest to my colleagues that the only responsible vote on this issue is to reject both the amendment that would get us through fiscal year 1988 as well as the 60-day extension.

The reason that I say that is because about the only time that we get the attention of the spenders that dominate this institution, both Houses, those who pay more attention to those who receive the money than the taxpayers who pay it or the unborn children who will be fastened with this debt that we are creating here today, is when push comes to shove at a sensitive time like this when something has to give.

There are alternatives to this default that we are talking about. For example, we all know of Gramm-Rudman-Hollings, which was adopted several years ago. It was designed to bring the deficit under control. Let us look at it a moment. The Gramm-Rudman-Hollings deficit projection for fiscal year 1986, last year, was as

we all know some $174 billion. How much did we increase the national debt by last fiscal year? Would you believe $285 billion? That is right, that was the measure of the deficit, not what the Gramm-Rudman-Hollings target was.

The deficit projection for fiscal year 1987, our current year, is $144 billion. Do you know how much we are going to increase the national debt by this fiscal year? Try about $200 billion.

□ 1105

The Members know what the Gramm-Rudman-Hollings deficit projection for next fiscal year is, the one we are working on right now, $108 billion.

How much are we projected to increase the national debt by in the next fiscal year? Try about $198 billion. In other words, in just 3 fiscal years we are going to add two-thirds of a trillion dollars to the national debt of this country.

You do not have to be a graduate economist. You do not even have to be a graduate of high school to figure out, just common sense, that something is fundamentally wrong with the economic system of this country, when all the best minds in the Congress of the United States can do is to bury this Nation in debt in the magnitude that I have described.

It is about time that the Members recognize that the experiment with the paper dollar that was started in 1968 has been interesting, but we should declare it to be over and done and ended.

Let economists in future times write about this history from 1968-87 with interest and judgment, but those of us who have the responsibility of running the fiscal affairs of this Nation should recognize that it should be over.

Ask ourselves this question: How much did we sell U.S. debt instruments for before 1968 when we separated the link between the dollar and gold? The answer: Under 3 percent.

How much is the average cost of maintaining the national debt today, some $2.3 trillion? Answer: About 9½ percent.

What happens when the historic link is restored between the dollar and gold? We drive down the cost of interest expense in maintaining the national debt back to three or lower, and in so doing, reduce the annual interest expense by over $125 billion a year.

That is a pretty good reduction in the deficit.

That is the option we should be pursuing.

Mr. DUNCAN. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Madam Chairman, I believe the Members have heard and will hear considerable dialog here this morning about the great tragedy that will befall this country if we do not extend this debt limit.

I would suggest to the Members that on this day, if the debt limit is not extended, two very good things will happen.

Instead of the market coming apart at the seams, as some would suggest, I think the world market, the American market, is sophisticated enough to approve our action in not extending the debt limit.

The market is scared, because we go on year after year and month after month without facing the real task ahead.

If we, today, refuse to extend the debt limit, the market will know that at least we are serious.

The other good thing that will happen is, that having refused to extend the debt limit in the remaining days before the crisis is supposed to come, something will be done.

Mr. DUNCAN. Madam Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, it is interesting that the previous speaker and I share a common background in the sense that we were in the banking business for a number of years, and so I have a tendency to approach this question of the debt ceiling from that vantage point.

I realize that we are talking to three different groups here today. We are talking to groups who basically have supported the various programs that our Government is involved in, supported those issues.

I would expect those individuals to continue to support those programs by extending the debt ceiling. There are other groups, other individuals, that fall into a second group that say, look, I have never supported the spending programs. I am not going to support an extension of the debt ceiling, and there will be people that will fall somewhere in between those groups, but say that the time has come that we do something about reforming the budget process, about Gramm-Rudman, and putting the fix into place.

I think my remarks are really directed more at the individuals who fall in those second two categories, and I think of it from this vantage point.

I mentioned a moment ago the banking background. In banking we issue lines of credit or credit limits on individual credit cards or the credit line usually has with it some kind of condition upon borrowing.

In December 1985, when we passed Gramm-Rudman, we basically said to the Nation, to the Executive, that additional borrowing is based on new conditions that we established in December 1985. One of those conditions was the establishment of the targets of borrowing, and as one of the previous speakers has indicated, those targets were $108 billion for this year. We are not going to meet it. We did not meet it last year.

Put yourself in a position of either being an individual having a credit card or having a credit line, and going back in to your banker not having complied with the conditions that has been established in the first place and asking for an increase in the credit line.

The average banker would say, that is not going to happen. There are other things that have to take place beforehand. We have to go down the conditions that we established initially, see what can be done to correct those conditions.

What the gentleman from Florida [Mr. IRELAND] and I and other Members are asking you to do today is to defeat the extension of the debt ceiling either for 60 days or longer.

There is time to force both the administration and others to become involved in making the right kinds of decisions about putting the proper conditions on future borrowing of the Federal Government, and one of those conditions has got to be the correction of the Gramm-Rudman trigger.

I would ask those Members who fall in those two categories, either having turned down spending programs in the past or who have some concern about the necessity for reform, now is the time to bring pressure to bear.

I would remind each of the Members that we never would have passed Gramm-Rudman in December 1985 if we had not continually been in a position to place pressure both on the administration and on this body and the other body.

Without that pressure, we cannot be successful. I urge a vote against the debt ceiling extension.

Mr. DUNCAN. Madam Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, when I sent out my questionnaire this year, my first questionnaire being a freshman Member of the House, one of the questions I asked was: "What do you consider the most serious problem facing America as a whole today?"

I got back 5,000 responses. Fifty-three percent of the people who responded from my congressional district, the First Congressional District of South Carolina, said the Federal deficit.

I come from a State where we have a constitutional amendment that requires a balanced budget. We also require statutorily a midterm correction like you folks try to get, those of you who are in the Congress. So if the

funds do not come in, the target is not met and you sequester the funds. That is the teeth in South Carolina that gives us the triple A rating and keeps our ship of state on a firm course.

I just got here. I did not make this mess, and I am not going to vote for any extensions of the debt ceiling. I am not going to become a debt-aholic. I am not going to be like that alcoholic who takes that one more drink, that womanizer who makes that one more call to the girlfriend, or that person who is hooked on cigarettes who smokes that one additional cigarette.

What we have going on up here in this Congress is a Chicken Little situation. My colleagues all remember that story. An acorn fell and it hit the chicken in the head, Chicken Little, and he went running around saying, "The sky is falling, the sky is falling."

The sky is not falling. Until we send a message to our fellows and send a message to the administration that we ain't going to go along with any more extension of the debt ceiling, nothing is going to be done.

I would say to those of my colleagues on my side of the aisle, was it not nice that the Secretary of the Treasury condescended to come down and for 10 minutes patronize us and say if we did not do something by the 15th the sky would fall, and by the 28th we would run out of money.

My colleagues all know, Wall Street knows, the world knows that if we hold their feet to the fire, by George, they will pull their feet out and put on some responsible shoes.

Mr. DUNCAN. Madam Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Madam Chairman, I agree with my colleague, the gentleman from California [Mr. DANNEMEYER]. The only time we get the attention of the big spenders is when the bill becomes due and it is time to have it paid. Then they ask for help to bail them out of the predicament.

This is precisely the time to say no. We will help you out by saying no and forcing some reform in the system.

The response is: "We need just a little bit more time," but that is always the response. This is the time when the pressure requires action.

We have 2 whole weeks, and when there is something as important as this on our agenda we can accomplish some reform in the system in 2 weeks.

In his new book, "Beyond Our Means," by Alfred Malabre, who, by the way, is the news editor of the Wall Street Journal, the point is made that we will have a catastrophic economic downturn in this country because we have been spending and borrowing beyond our means. I commend this sobering book to all of my colleagues.

The author notes that our private and corporate and Government debt in this country now totals $7 trillion, $35,000 for every man, woman, and child in this country. We have got to stop this unrestrained borrowing and spending, and the only thing I know to get the attention of those who are in a position to do something about the Government portion of the problem is to say no to increasing the debt ceiling.

My colleagues have all heard the slogan for another disease that afflicts our society, "Just say no." That is what I commend to my colleagues in voting against both of the propositions to raise the debt ceiling.

Mr. ROSTENKOWSKI. Madam Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. Madam Chairman, I speak today on behalf of a bipartisan group who are urging that the debt ceiling be extended clean for 60 days, but who are also making it clear to the leadership of both parties that at the end of that 60 days our group expects to dig in its heels and get some results on the questions that we have not been able to deal with.

What is not recognized here is that tax reform and spending reform are not separate issues. They are two sides of a single issue. That issue is properly known as fiscal policy. The question is why we cannot have a coherent fiscal policy in America. All of the world waits for the answer to that question.

Our group believes that we are not going to be able to deal with the question of fiscal policy unless we deal with that question in a bipartisan manner. We believe that the model that could be followed very well by this Congress is the model that was followed in the tax reform debate.

Previous speakers have emphasized the fact that the financial markets are looking to see whether we are going to act responsibly. The fact is there are two mistakes we can make. The first would be to allow America to default on our financial obligations. This would clearly be disastrous. The other mistake, equally disastrous, would be to indicate that we do not recognize the urgency of our situation by continuing to avoid putting our fiscal house in order.

Our group is saying we are willing to allow 60 days for the development of a bipartisan consensus. We think that can be done. Short-term, this means cleaning up Gramm-Rudman. We think there are modest things that can be done that will make that mechanism work the way it was intended to work.

Before we approve a further extension of the debt ceiling on July 15, we also want an assurance that a bipartisan mechanism will be established to deal with the long-term aspects of the problem.

□ 1120

The long-term mechanism should be either a bipartisan commission patterned after the 1983 Social Security Commission, or else some type of fiscal policy summit. The important thing is that all issues involving fiscal policy must be on the table.

Mr. CHANDLER and I believe our bipartisan plan will convince not only the financial markets, but also our constituents that we are prepared to act responsibly, without resorting to unnecessary brinksmanship.

Mr. DUNCAN. Madam Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Madam Chairman and Members of this body, it is not a pleasant situation for me and I think many of my colleagues on my side of the aisle to be in to oppose the administration, oppose some of my leadership, but I think that we have got to put ourselves in a position where we do something to get the attention of this country, this body about the problem of our deficit spending.

What was done last year with the debt ceiling extension, the way we restricted further borrowing, was done deliberately. It was done in order to bring us to this point where we would have to address this problem, we would have to do something about Gramm-Rudman-Hollings, about fixing that up.

There is a crisis today in the United States but the crisis is one of deficit spending. The crisis is one of debt. The crisis is not that that will temporarily afflict us if we do not pay our bills next week.

A 60-day extension will be better than nothing but I would suggest, Madam Chairman, that we have known this date was coming for a long time. What is to say that in 60 days we are going to solve this problem? We should begin by solving it today, begin by saying "no" to the debt extension, "no" to increased spending until we resolve this problem.

Mr. DUNCAN. Madam Chairman, I yield 5 minutes to the gentleman from Washington [Mr. CHANDLER], a member of the committee.

Mr. CHANDLER. Madam Chairman, I urge you today to support the 60-day extension of the debt limit. Frankly, I believe it would be irresponsible to do otherwise. We risk default on our obligations, we could miss Social Security payments, we could fail to meet Federal payrolls and much more. Obviously that is clearly unacceptable. But I also want to say that it is now an opportunity to act, a unique opportunity to finally get our fiscal house in order. We should say "no" to the higher debt ceiling without meaningful reform. We should use this opportunity for a bipartisan approach to this problem. I want to thank my colleague, Mr.

MACKAY of Florida, as we have worked together on this. I believe that we have an idea, an idea that could result in a fix for Gramm-Rudman and more.

We can demand realistic revenue estimates, we can adopt sensible accounting procedures, we can pass a reconciliation bill that really will reduce the deficit.

Madam Chairman, I think a look at history might be in order.

Between 1787 and 1981 we accumulated our first trillion dollar debt, 194 years. Five years later we had another trillion dollars and by the end of fiscal year 1988 it will have reached $2.5 trillion. As a nation we spend $10 for every $8 we collect in taxes; 14 percent of our budget goes to pay interest on the national debt, a debt that is so huge that a 1-percent increase in the interest rate adds $20 billion to the deficit. We have accumulated a huge foreign debt. We have become the largest foreign debtor of any nation in the world. And this year's deficit alone would have run the entire Federal Government in 1968.

I do not blame the Speaker of the House, nor do I blame the Democrats in this body; I do not blame the Senate, nor do I blame the President. Congress has tried.

In 1982, there was enacted the largest tax increase in the history of this country. Every year we pass a well meaning reconciliation bill. In 1985, we adopted Gramm-Rudman. Frankly it was compromised beyond recognition, then dismantled by the Court and I think is now being abandoned by the Congress.

We need an extraordinary effort to find a solution.

In the next 60 days we should revitalize Gramm-Rudman, mandate realistic baseline projections and revenue estimates, reinstate sequestration. Be realistic and add a year to the Gramm-Rudman timeframe.

Then we should convene a bipartisan commission, a commission to reach the kind of budget accord that solved the Social Security crisis in 1983, a commission that can bring about the kind of bipartisan approach that resulted in tax reform last year.

The commission might draft a multiyear reconciliation bill. It could suggest budget-scoring reforms. It could propose the tough solutions which frankly elude us in a highly charged political environment.

My colleagues, this is not passing the buck; a commission can propose but the Congress must enact whatever is proposed.

I am reminded that 200 years ago in Philadelphia, during a hot summer, the Founders of this Nation brought about a near miracle. They gave life to this great country. Today that country is under economic siege; mortgaging its children's future, running huge trade deficits, destroying the very confidence other countries have had in us all along.

Our forefathers rose to the challenge before them then and I think we can do so now. To succeed the President must be involved, the House and Senate leaders must be involved, we need a bipartisan solution.

Yes, we should vote today for the 60-day extension but we should vote against the long-term extension of the debt limit.

We must maintain the pressure. My colleagues, we must maintain the pressure on ourselves.

I thank you for your attention.

Mr. DUNCAN. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL], a member of the committee.

Mr. FRENZEL. Madam Chairman, I have voted both ways on debt ceilings.

I have looked for pressure points. I have tried to use those points in such a way that the Congress would be forced to match our resources with our willingness to tax ourselves. I believe that when you get to the debt ceiling, the spending is already over. The sins have been committed. The entitlements have been passed; the appropriations have been passed; and what we are talking about now is the due bill to the piper.

We have all danced, and the piper has some claim on each of us. Some of us, of course, have danced a lot harder and faster than the rest. Those spenders are the ones who should carry the burden of passing the extension of the debt ceiling.

Even so, it is, a matter of responsibility for all of us to see that the debts voted by some of us are paid. We have tried to amend our debt ceiling extension procedure so that we can extend the debt ceiling simply by passing the budget. Then those who vote for the budget, mistaken as they may be, can spend wantonly and carry the burden for extending the debt ceiling all in one easy vote. Because the Senate did not go along with that House procedure we are in the position that we find ourselves in today.

I, myself, am going to support the amendment of the chairman to extend the debt through fiscal year 1988 until October 1988. The only sensible way in which we can sit down to reduce the deficit and straighten out our fiscal position is one in which we are not forced to vote every other month on debt extensions.

Others may feel otherwise. To me, the most responsible position is, however, to provide the working room in which we would hope that this craven collective could at least assemble some courage and do the job that needs to be done.

Mr. ROSTENKOWSKI. Madam Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Chairman, if we do not take this opportunity to act responsibly here today and enact this resolution we will bear the responsibility of further destabilized markets, further economic travail and perhaps something we cannot even control, the free fall of the dollar.

I really had not intended to speak today until I had heard some of my colleagues acting in a fashion which really amounts to a temper tantrum. But this is not merely a partisan responsibility of the majority to act responsibly to pay our bills. This is really an opportunity for us to act in a bipartisan way to fulfill our bipartisan responsibility, to pay the bills that we have in a bipartisan way incurred.

I look at my friend, Mr. DANNEMEYER from California. Mr. DANNEMEYER has come to our Subcommittee on Energy and Water Appropriations for over a billion dollars to help solve the flooding problems in Orange County, CA. We readily gave support. It was warranted. It seems to me we have acted in a mutually beneficial way to aid all those people who have come with legitimate projects that have cost-sharing attached to them and we have given them what they deserve to help their people at home.

It is that kind of open-handedness and perhaps excessively bipartisan approach that has caused me to say "BILL, come and join us today and pay the bills we have written out of the national checkbook.

Mr. DANNEMEYER. Madam Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Madam Chairman, the gentleman knows as well as I do that that was an authorization measure, not an appropriation measure. Does the gentleman agree that the most constructive thing we can do today is to correct the minor deficiency in Gramm-Rudman by just inserting a little——

Mr. FAZIO. If the gentleman will allow me to reclaim my time I think the most constructive thing we can do today is to follow the direction of Mr. CHANDLER and Mr. MACKAY who are asking us not just say "no" but let us do something constructive to move on from here. Let us use this opportunity first to act responsibly and pay the bills we have already incurred but to ask more of the system, create a commission that would help us by externalizing this problem, finding a solution to the need for long-term deficit reduction. This is not really something that should be stunning to any of us. We know we failed as a group. We have not acted responsibly in an economic sense. But let us not compound it by political irresponsibility here on the floor today. This is a chance for us

to look to revenues, yes; to entitlement reform, yes, to further restraint on all forms of spending, not just SDI on our side of the aisle or education on the Republican side. This is really an opportunity we can all take to move on from this very difficult crunch that we face here today.

Madam Chairman, I rise today to urge my colleagues to take expeditious action in approving a clean extension of the debt ceiling bill.

Our approval today of H.R. 2360 is imperative. The United States has never defaulted on its obligations—either domestic or foreign. Failure to act will result in a crisis of confidence both here and abroad. How do we tell the American people, including Social Security recipients, that they won't be receiving their monthly checks because we failed to act? Of equal import, our standing in the world as a strong trustworthy credit risk would be severely damaged.

We need to act now and pass a clean bill today because, as we all know, we have reached the limit of the debt ceiling. We no longer have the luxury of taking our time on this action. Simply put, we do not have flexibility to deal with extraneous amendments and the consequences of failing to act on a clean bill are clear.

To those of my colleagues who want long-term reform, they will have their opportunity. The efforts of Mr. MACKAY and Mr. CHANDLER are to be commended and they hold the promise of long-term deficit reduction if the administration will participate in a bipartisan commission. However, now is the time to live up to our obligation to the American people by approving this legislation without extraneous amendments. I urge your support.

But I would hope we would have a strong bipartisan vote, because none of us want to take full responsibility for something we all created and none of us should be left out of the responsibility to pay the bills that benefit all our constituents when spent out as appropriations.

Mr. ROSTENKOWSKI. Madam Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Madam Chairman, today, we have a chance to do that thing which none of us likes to do—vote for an increase in the debt ceiling. Republican don't like it. Democrats don't like it. I don't like it.

Having said that, a majority of my colleagues later today will approve a 60-day extension of the debt ceiling. It is the responsible thing to do. Our President has requested it. So have our legislative leaders. Today, I plan to do the responsible thing.

To the President and our leaders I would add, don't count on me and scores of my colleagues in 60 days to do the same thing unless some changes are made.

Those changes are outlined in this letter that I hold, to the President and our legislative leaders.

What changes?

First, we want to revitalize the intent of Gramm-Rudman to ratchet down the budget deficit over a reasonable number of years and by a reasonable amount each year.

How?

First, mandate the use of realistic economic assumptions and baselines in both the President's budget and ours;

Second, replace the constitutionally defective sequestration mechanism with one that will pass constitutioned muster; and

Third, face reality and add 1 additional year to the Gramm-Rudman timetable, and, then let's meet that timetable.

Next, let us elect to convene a Fiscal Policy Commission to do for the budget process what a similar commission did for the Social Security system in 1983. Regrettably, the President has resisted a better ideal—a budget summit—where we would put on the table the components to a real solution to our budget dilemma: entitlement program reform, revenues, budget procedure reforms and accounting changes.

We need to find a way to depoliticize a difficult, prickly problem if we are to have a decent shot at resolving it. The statement that persists on the budget must be addressed. Our failure to do so invites consequences that none of us want to think about.

In conclusion, if our friends over at 1600 Pennsylvania Avenue are listening, if our legislative leaders are listening, please hear this message.

Today, I will follow a course that you tell us is responsible. I plan to heed your counsel. If we return here in 60 days and have made no progress on the proposals addressed in this letter, that I hold, I will vote then in a way that you will deem less responsible. But in doing so, I will be responsible to those Delawareans who have elected me to represent them to deal effectively, and soon, on putting our fiscal house in order.

The CHAIRMAN. The gentleman from Illinois [Mr. ROSTENKOWSKI] has 19 minutes remaining and the gentleman from Tennessee [Mr. DUNCAN] has 3 minutes remaining.

Mr. DUNCAN. Madam Chairman, I yield my remaining 3 minutes to our Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. ROSTENKOWSKI. Madam Chairman, I yield 1 additional minute to the gentleman from Illinois [Mr. MICHEL], the Republican leader.

The CHAIRMAN. The gentleman from Illinois [Mr. MICHEL] is recognized for 4 minutes.

Mr. MICHEL. Madam Chairman, raising the debt ceiling is not a popular issue to talk about in a positive way. But I am compelled to support the increase to keep our Government from defaulting on its obligations. This is not a routine exercise we are going through today as has been the case in years past when you recall that the consequences were only shutting down the Government for a day or two to make a point and there were those who frankly reveled in the prospect of doing that.

So what if Social Security benefits did not go out or the farm loans or other obligations, the world would not come to an end. But you will recall that last year we changed the law so we are talking about something completely different today.

□ 1135

While the permanent ceiling reverts to the temporary ceiling this coming weekend, there still will be enough cash on hand, because of income tax receipts and all the rest, to run through the end of the month, possibly to the 2d, 3d, or 4th of June, I am not sure, but then, frankly, it is lights out, period, on all our obligations, foreign and domestic.

We read so often in today's papers about some of the debtor nations around the globe, particularly to our south, whether they will default on their obligations. What would happen if, after 200 years, the greatest of them all, the United States, finds itself in that kind of position to default on its obligations? What kind of message would that send around the globe?

I, for one, cannot see my country taking that route.

I know there is frustration, particularly on my side. I understand that. We do not control the Congress. We have not controlled it for all the time I have been here, for 30 years I have been a member of the minority. I could always cop out and say that I did not do it, I did not do it. But, I did some of it. I cannot back away from all of it.

We do have the Presidency, however. I am grateful for that. The President cannot spend a dime, however, unless Congress first appropriates the money. I wish we would give him a line-item veto and a few other things to maybe have a little bit more executive control over what this body and the other body over there do collectively.

Quite frankly, hearing a few of our freshman Members, I do not feel that any freshman Member on either side of the aisle has any obligation at all to vote for this thing. They were not a part of this. They could probably say that those of us who have been around as long as we have and longer are more responsible and I suppose we are. We have got to answer to our folks for that. The new Members did not cast the votes for spending that brought about the problem that we are confronted with today.

I guess I made my own mark in this House of Representatives before I became leader when I was a member of the Committee on Appropriations and offered amendment after amendment to do the things we felt necessary to hold down spending and the Federal deficit. We won on some, lost on others. Now I am the leader on our side and I have to put myself above it all and simply do what I think has to be done to keep our Government financially afloat.

During the next 60 days, we do have an obligation in the Congress, on both sides of the aisle, to really do something meaningful about coming to grips with budget reform, whether it is a Gramm-Rudman fix or whatever. I personally happen to think maybe because the targets were so far afield when we initially began Gramm-Rudman that that has got to be adjusted, but let us do something that is realistic and meaningful and then stick to our guns.

The budget process just falls apart if there is meaningful reconciliation. It is one thing to set a goal at the beginning of the year, and another to completely default on our obligation when we come to September and October. The whole idea of the Budget Act was that we would have reconciliation to bring the two parts together in order to really make it a meaningful process, and then, of course, to have a realistic enforcement mechanism.

Personally, I will vote for the chairman's amendment to extend through September 30, 1988, but in the interest of getting some kind of agreement for the next 60 days, I will certainly support the 60 days.

Mr. ROSTENKOWSKI. Madam Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Madam Chairman, as someone who has never voted for a permanent debt ceiling increase in the time that I have been here, I am rising today to urge my colleagues to listen very carefully to what the gentleman from Washington [Mr. CHANDLER] and the gentleman from Florida [Mr. MACKAY] are suggesting with respect to this idea of giving everyone notice that we are going to vote just this once for a 60-day increase in the debt ceiling to hopefully create an environment with which we can do what we all know has to be done, and that is get the President and the players in this body and across the rotunda together to do what is responsible.

We are going to have to reduce some spending; we are going to have to deal with entitlements; we are going to have to deal with revenues. Hopefully within this 60-day period of time, we can also come to grips with budget reform.

I strongly support the idea of cleaning up Gramm-Rudman. I want a real wall if we can build it and a real trigger if we can do it.

We are saying to the leaders of this country that we are going to work with them for 60 days to accomplish these things, but we are putting them on notice that if we are not together in 60 days, do not count on our support for a permanent increase in the debt ceiling.

I think it is very important also for us to take into consideration what the minority leader has just told us about the change in law that has occurred in the last year.

A year ago, we had some fudge time when we got to this point in the process. This year, we do not have that. We are right at the edge of the cliff when we run out of authority for the debt ceiling and we cannot go any further.

The minority leader is right. The responsible thing for us to do is to pass the 60-day temporary debt ceiling increase and give everybody notice that we want a summit, we want some budget reform in this period of time, and if we do not get it, do not count on our support for a permanent debt ceiling increase.

Mr. DUNCAN. Madam Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Madam Chairman, I rise in strong opposition to this amendment.

Madam Chairman, the statutory limit on the public debt has never proven to be very limiting. Every time we hit the ceiling, Congress jumps in and jacks that ceiling up another notch to accommodate more spending and more red ink.

And—here we go again—we are going to do it again today.

Despite its failings, the statutory limit on the debt does serve a purpose. It does tell us loudly and clearly—in no uncertain terms—that something is very, very wrong. It tells us that the engines of Federal spending are being over-reved and that we are entering the danger zone.

And, Madam Chairman, the debt ceiling gives us an opportunity to do something about it.

Unfortunately, this resolution we are considering today, ignores that warning and ignores the opportunity we have to do something about it. This is the perfect opportunity to strengthen the budget process. This is the perfect opportunity to restore the teeth in the Gramm-Rudman Act. This is the perfect opportunity to give the President the powers he needs to reduce unnecessary spending. But we are going to pass up these opportunities and pile another stack of IOU's on our children's backs.

If we pass this resolution without taking advantage of any of these opportunities, it will only prove that there is no limit—no limit at all—to fiscal irresponsibility in this body.

Mr. YOUNG of Florida. Madam Chairman, with the U.S. national debt once again at the statutory limit set by Congress, it would be useful, I believe, for us to take a look at what is the major cause for the increase in our national debt. The major cause is not the payment of Social Security benefits to our Nation's older Americans, and it is not strengthening of our national defense. The major cause is the annual interest payment the Treasury must make on our national debt.

When President Reagan was sworn into office in January 1981, he inherited a $1 trillion national debt, a debt that he had nothing to do with creating but for which he is responsible for making the annual interest payments.

The interest payment on the debt included in President Reagan's first budget, for fiscal year 1982, was $117.2 billion. The annual interest payment for the current fiscal year is now $191.8 billion. That is a 64-percent increase over 6 years making our annual interest payment on the national debt the fastest growing component of our Federal budget. The annual interest payment has grown 20 percent faster over the same 6-year period than President Reagan's much criticized national defense program.

The first full fiscal year during which President Reagan was in office, fiscal year 1982, had a $127.9 billion deficit. But $117.2 billion of the $127.9 billion was the interest payment on the national debt he inherited. For fiscal year 1983, the budget deficit was $207.8 billion, but of that amount $128.6 billion was the interest payment on the national debt. The Federal deficit in 1984 was $185.3 billion, but again the annual interest payment was $153.8 billion of the $185.3 billion.

The 1985 Federal deficit was $212.3 billion, of that annual interest payment was $178.8 billion. Last year, fiscal year 1986, the Federal deficit was $220.7 billion with the annual interest payment being $190.2 billion of it.

Finally, the projected fiscal year 1987 Federal deficit is $173.2 billion. The estimated annual interest payment is $191.8 billion. This means that if it were not for the interest payment on the national debt, the Federal budget would show an $18.6 billion surplus, the first budget surplus in almost two decades.

The funds that are appropriated to pay the interest on the national debt will not provide any hospital or medical care. These dollars will not provide for the education of our children, and will not build roads or bridges, nor improve our national defense. We are getting nothing for that money except paying the interest on the national debt, most of which the incumbent President inherited when he took office.

In six budgets President Reagan has submitted to Congress, from fiscal year 1982 through 1987, he has had no choice but to request and spend $960.7 billion just to pay the interest on the national debt. Of the $1.369 trillion increase in the national debt since President Reagan submitted his first budget, $960.7 billion, or 70 percent of that increase, has been used to pay the interest on the national debt.

Those who would blame President Reagan for the mounting budget deficit that we are faced with today are laying their blame on the wrong doorstep. The facts show that 70 percent of the increase in the national debt since President Reagan took office is due to interest

payments on the national debt he inherited and that came about because of Federal spending programs that he had practically nothing to do with.

Mr. Speaker, Congress has the constitutional responsibility to make Federal budget and spending decisions. The President cannot spend any Federal funds that have not first been approved and appropriated by the Congress. We find ourselves in a situation today where the Federal Treasury has reached another ceiling on the Federal debt because a majority of the Members of Congress have not been willing or able to make the difficult and politically sensitive votes to control Federal spending, reduce our Federal deficit, and move closer to a balanced budget.

Our Nation's economy, burdened with a public debt of more than $2.3 trillion, is on the brink of disaster. Budgetary gimmicks such as Gramm-Rudman-Hollings, budgetary summits between the President and Congress, and fiery rhetoric with no supporting action won't reverse the tide of red ink we find ourselves in today.

What is required is a commitment by this House and the Congress to establish Federal priorities and make the difficult decisions about how we are going to rein in Federal spending and reverse the tide of deficit spending. There is no easy solution to this problem. The solution clearly lies in a willingness by each and every Member to cast the difficult votes on authorization and appropriation legislation that comes before us.

Mr. SCHUETTE. Madam Chairman, I find myself today in the somewhat unusual position of rising in support of a resolution to increase the temporary ceiling on the national debt ceiling for 60 more days. Although I have voted only on very rare occasions to do the same in the past, I do support H.R. 2360 today for two very important reasons: First, because we must take steps to guarantee the solvency of the Nation; and second, because a temporary extension of 60 days will provide this body with a vehicle to begin to implement much-needed budget reform.

Regarding the former, I cannot emphasize enough the importance of H.R. 2360 for ensuring the continued ability of the Nation to pay its bills. If the Congress fails to adopt an increase in the national debt ceiling by May 28, the statutory debt ceiling will revert back to last year's level of $2.1 trillion—$144.9 billion more than the amount outstanding less than 1 week ago.

Under these circumstances, the Federal Government would be forced to default on all its obligations after that date. There simply would be no money available to honor its checks. That means that groups such as the Nation's farmers, the elderly, and the poor would have to go without their June payments or benefits. In effect, the Federal Government would be reneging on past agreements made to these groups. This would unfortunately be true because there will be no financing gimmicks allowed this year.

But perhaps even more important than preserving the ability of the Government to cover its checks, I support H.R. 2360 because it offers an excellent opportunity for the Congress to finally inject a much-needed dose of fiscal discipline into the budget process. This bill buys us more time to flesh out the discussion about how we might reintroduce a Gramm-Rudman type mechanism of expenditure restraint that will force the hand of the Congress to begin to make the difficult choices needed to balance the budget.

While I do not believe that this is a panacea for the bigger fiscal problem, it does represent the best short-term possibility for us to begin to move substantively in the direction of expenditure restraint. Therefore, Madam Chairman, I encourage my colleagues to adopt H.R. 2360, to extend the temporary debt ceiling for 60 more days. At the same time with the adoption of this resolution, it is my hope that the Congress will work diligently toward adopting the necessary budget reform during the intervening period.

Mr. SHUMWAY. Madam Chairman, today marks the 18th straight year in which Congress has been forced to raise the debt ceiling. Sadly, this practice has become an annual Capitol Hill ritual.

As the record shows, the 100th Congress is already losing the war against the deficit. Since convening in January, Congress has overridden two Presidential vetoes of multibillion-dollar budget busting spending bills and has rejected all of the President's requested spending cuts without proposing any new deficit reduction ideas of its own, except to continue to raise taxes. In short, congressional spending continues at a whirlwind pace.

The bill which we consider today, H.R. 2360, increasing the debt ceiling to $2.32 trillion, merely reaffirms the fact that Congress has still to become serious in its efforts to curtail runaway Federal spending. Increasing the statutory debt limit again today assures that similar actions will be taken in the future. Unfortunately, with each succeeding step a $3 trillion or even a $4 trillion national debt becomes an ever increasing economic reality. Given the burdens placed upon our Government and economy by a $2.285 trillion national debt, further increases do not bode well at all for our future welfare.

I will not engage in this ritual today. Instead, I choose to vote against this bill in order to halt the congressional spending juggernaut and to ensure a future unencumbered by the burdens of a gargantuan national debt.

Mr. GALLO. Madam Chairman, today the House of Representatives will decide whether to extend the debt ceiling. If the debt ceiling is not extended, massive disruptions in the operations of the Federal Government will take place. If this House does nothing by May 28 our Government will be in default.

This is a crisis situation, but it is also an opportunity to get our fiscal house in order, once and for all.

Therefore, I rise in qualified support of a 60-day extension of the debt limit in order to use these 60 days to achieve some fundamental reforms in our budget process.

Let me make clear that this is the last debt ceiling extension I will vote for unless major budget reforms are achieved. Specifically, I join with the Republican leadership in calling for a revitalization of the intent of Gramm-Rudman by mandating the use of realistic economic assumptions and by reinstating a sequestration mechanism for achieving a balanced budget.

If this objective is not achieved within the 60 days, I will not support any further extension of the debt limit.

The American people deserve more responsible action by this body. The spending practices in the House of Representatives are out of control and the budget process is nonexistent. If the average American household ran its financial affairs the way that this Congress does, it would face financial ruin.

The American public has placed in our hands the responsibility to be fiscally responsible. The average American expects this Government to pay its bills on time and to live within its means, just as they must do. Without a major reform of the budget process, we will betray that trust.

Mr. INHOFE. Madam Chairman, last August, Congress raised the debt limit ceiling on Federal borrowing from $2.0 to $2.1 trillion. In October it was raised to $2.3 trillion. Now we are again asked to raise the Federal debt ceiling to over $2.5 trillion.

It is my view that extending the debt without making necessary reductions in spending in the coming fiscal year represents a seriously flawed fiscal policy. Passage of the debt limit extension bill sends out a message to the American people that Congress isn't serious about balancing the budget nor reducing deficit spending.

Recent legislation passed by this body will do three things:

First, it would increase spending over and above last year's level;

Second, it would raise taxes by over $118 billion over 3 years; and

Third, it would increase future deficits.

The legislation I am referring to is the first concurrent budget resolution and the supplemental appropriations bill for fiscal year 1987. This reckless and unnecessary spending represents the most irresponsible action of Congress. In fiscal year 1987 Gramm-Rudman requires that the deficit not exceed $144 for the current fiscal year. However, according to recent estimates by the Office of Management and Budget [OMB] the fiscal year 1987 deficit will exceed $190 billion: an excess of approximately $50 billion.

If these reckless policies continue, the Congressional Budget Office [CBO] predicts the fiscal year 1988 deficit will top $169 billion, making the 3-year deficit a whopping $581 billion. Serious long-term economic consequences will result if we do not address deficit spending.

FUTURE GENERATIONS FORCED TO PAY FOR CURRENT DEFICITS

Previous spending has already led to an exorbitant $10,000 debt being borne by every American. This massive debt does not disappear; it must be paid by our kids and future generations. Currently, over 15 percent of total expenditures go to pay the interest on outstanding debt. Incredibly, that means the U.S. taxpayers are forced to pay $170 billion in taxes for the sole purpose of paying interest on the debt.

NATIONAL DEBT

In the last 5 years the United States has gone from being the world's biggest lender to the largest debtor nation. The debt is now over $2 trillion with Federal IOU's equaling 50

percent of the gross national product [GNP]. Next month, Congress will have to come face to face with raising the debt ceiling or face a Government shutdown.

SLOWS BUSINESS GROWTH

Foremost among the problems of this borrowing is the prospect of slower economic growth. Business activity slows when the U.S. Treasury's borrowing clashes with the needs of the private sector. Alarmingly, the annual deficit is now absorbing 30 percent of all capital available in the private market. Furthermore, every dollar that Uncle Sam borrows is a dollar that can't be channeled into productive resources by corporations, small business operators, and home buyers.

INFLATION THREAT

The debt is also boosting the odds for another inflationary spiral. The reason is that the Federal Reserve may increase the money supply to keep interest rates down, thereby, halting economic recovery. If the economy slows and begins heading toward a recession—productivity falls and the inflation rate goes up.

DEPENDENCE ON FOREIGN CAPITAL

A bigger part of the U.S. demand for cash has been met by a huge flow of capital from overseas investors. In 1985, foreign investors held 12 percent of the Federal debt. In 1986 foreigners held even more of the debt causing the U.S. Government to owe more to foreigners than the U.S. banks and lenders loaned overseas.

A slide in the dollar could prompt foreigners to stop investing in the United States forcing the Treasury to take a bigger share of domestic savings to pay the debt. In effect, forcing a "run" on the U.S. Treasury causing the Government into bankruptcy.

CLOSING

In closing, I believe we owe it to succeeding generations to do something to halt the growth of the debt. Future generations deserve a fair chance, one without the burden of out of control debt. Congress must begin to curb the debt by cutting spending and not increasing the debt limit ceiling.

Mr. ROSTENKOWSKI. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to House Resolution 165, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 2360 is as follows:

H.R. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) during the period beginning on the date of the enactment of this Act and ending on July 17, 1987 the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be equal to $2,320,000,000,000.

(b) Effective on and after the date of the enactment of this Act, section 8201 of the Omnibus Budget Reconciliation Act of 1986 is hereby repealed.

The CHAIRMAN. No amendments to the bill are in order except an amendment printed in section 2 of House Resolution 165, by, and if offered by, Representative ROSTENKOWSKI, or his designee, said amendment is considered as having been read, is not subject to amendment, but is debatable for not to exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROSTENKOWSKI: Strike out subsection (a) of the first section of the bill and insert the following: "That (a) subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof '$2,578,000,000,000'.".

Amend the title to read as follows: "A bill to increase the statutory limit on the public debt.".

POINT OF ORDER

Mr. MACK. Madam Chairman, I have a point of order on the Rostenkowski amendment.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. MACK. Madam Chairman, I make a point of order against the amendment on the grounds that it violates clause 7 of the rule XVI, the germaneness rule, and ask to be heard on my point of order.

Madam Chairman, subsection (a) of H.R. 2360, the reported bill, makes a temporary and indirect change in the permanent public debt limit through July 17, 1987.

The amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] makes a permanent and direct change in existing law. It directly amends title 31, section 3101 of the United States Code. The base does not.

Let me cite three precedents in support of my position:

Procedure in the House, 97th Congress, chapter 28, section 19.1:

To a bill proposing a temporary change in law, an amendment making permanent changes in that law is not germane.

Chapter 28, section 19.3:

To a bill reported from the Committee on Ways and Means providing for a temporary increase in the public debt ceiling for the current fiscal year not directly amending the Second Liberty Bond Act, an amendment proposing permanent changes in that Act and also affecting budget and appropriations procedures was held not germane.

Chapter 28, section 19.4:

To a proposition authorizing appropriations for one fiscal year, an amendment making permanent changes in law is not germane.

The CHAIRMAN pro tempore. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. ROSTENKOWSKI. I do, Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized.

Mr. ROSTENKOWSKI. Madam Chairman, in 1983 the rule providing for the consideration of H.R. 2990, to increase the public debt limit, provided for a waiver of clause 7 of rule XVI, the germaneness rule, against an amendment in the nature of a substitute recommended by the Committee on Ways and Means. The germaneness waiver was necessary because the committee amendment to repeal the temporary debt limit and to make the entire ceiling permanent was not germane to the original bill which only provided for an increase in the temporary debt limit.

With the enactment of H.R. 2990 into law in 1983, the distinction between the temporary and permanent public debt limit was eliminated. It was only with the passage of the 1986 Budget Reconciliation Act that we again temporarily increased the public debt limit.

I would argue that the committee amendment to the bill before us is germane because, first of all, the fundamental purpose of the committee amendment is consistent with that of the bill, namely a temporary increase in the public debt. The bill before us provides debt authority, which is estimated to be sufficient until July 17, 1987. The committee amendment provides debt authority until October 1, 1988. Both the bill and the amendment provide debt authority, which eventually will prove to be insufficient and, therefore, both are temporary in nature. In addition, the bill has the effect of amending the same section of the United States Code as the committee amendment. Finally, I would argue that the amendment is germane because it passes the common sense test of not introducing a subject matter which is "different from that under consideration."

The issue before us is how long to increase the public debt. The amendment gives the House two choices on these issues. I urge the Chair to rule the amendment germane.

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The CHAIRMAN (Mrs. SCHROEDER). If there are no further speakers on the germaneness issue, the Chair is ready to rule.

The gentleman from Florida [Mr. MACK] makes a point of order that the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] is not germane. The amendment would directly amend existing law by striking the existing dollar limitation in section 3101 of title 31 of the United States Code and inserting a new dollar figure, with the intention to increase

the Government's borrowing authority for an unspecified but necessarily temporary period of time.

However, the bill, H.R. 2360, in subsection (a), refers to, and in the opinion of the Chair, is tantamount to, a change in the same provision of the law as the amendment.

Both the bill and the amendment are based upon estimates of sufficiency of the total amount of borrowing authority over different periods of time. For this reason, the Chair believes the amendment to be closely related to the fundamental purpose of the bill, and to accomplish that purpose by amending the same section of law referenced in the bill.

Therefore, the Chair overrules the point of order.

Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the amendment that the Committee on Ways and Means is offering to H.R. 2360 would raise the debt limit to a permanent level of $2,578 billion. This amount, sufficient to meet the Treasury's needs through fiscal year 1988, was officially requested by Secretary of the Treasury James Baker, on behalf of the administration.

I would urge my colleagues to vote for this amendment. It is of vital importance that we vote for a permanent increase in the public debt limit. Delaying action until July will only bring us to the brink of default for a second time this year.

There are those who would like to attach budget reform proposals to the debt bill. No matter how well intentioned and founded these changes may be, this is a very dangerous effort, for it tampers with the financial stability of the United States. Budget process reform should stand on its own and not hold the debt bill hostage.

I urge my colleagues to adopt this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. DUNCAN. Madam Chairman, I rise in support of the extension and of the request made by the chairman of the committee, and I yield 3 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Madam Chairman, I thank the gentleman for this time.

Madam Chairman, the argument that my colleagues, the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Washington [Mr. CHANDLER] have made sound very reasonable because in 60 days we can work something out. What is needed to be worked out is known by every Member of this Chamber who has been around here at least a week. When the U.S. Supreme Court struck down a legitimate effort to put some restraints on the spending tendencies of this body, all it did was trigger into existence the alternative method whereby Gramm-Rudman-Hollings would serve to bring some discipline to this institution; namely, all we have to do as a body is adopt a resolution which fixes the projected deficit for fiscal year 1988. When we do that by resolution, we fix Gramm-Rudman-Hollings, that is, at least the provision that was struck down by the U.S. Supreme Court. That is all we have to do. It is a simple act.

When we look at the rule for this provision, there is nothing here, because the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] does not have that provision in it, and I will suggest to my colleagues why that simple provision is not here.

The Members of this institution, the spenders that control it, do not want the discipline that comes from the imposition of sequestration that automatically follows once we have established what the projection of the deficit is for fiscal year 1988. All we have to do is put that provision in here. We do not need 60 days to do it. We could do it this afternoon, at 3 o'clock. All we need is the will to do it.

I would submit it would be interesting in the sense of accountability for our constituents to find out by a rollcall vote, up or down, how each of us stands on an effort to control this massive, runaway spending in this country.

The reason that provision is not in here is because the Members who run this shop, the Democratic leadership, do not want it there, because it would establish accountability for all of us as to where we stand on modestly restraining deficit spending in this country.

So that deficit in this provision is why I reluctantly cannot support even a 60-day extension. If that provision were in here, I think that would make some sense in terms of how the debt problem could be resolved.

Madam Chairman, for these reasons, I think the responsible vote is to vote "no" on both occasions, "no" on the long-term extension and "no" on the 60-day extension.

Mr. DUNCAN. Madam Chairman, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Madam Chairman, this is clearly the key vote today, and I urge my colleagues to vote "no." I do so with all due respect to the chairman of the committee and certainly to my friend and colleague, the gentleman from Tennessee [Mr. DUNCAN], the ranking member of the Committee on Ways and Means, my new committee assignment.

If we extend this debt ceiling beyond the 60 days, as proposed in the original bill, we have let the camel's nose in the tent, the horse out of the barn, and the spenders loose, and we have lost the ball game. What we really need is the kind of pressure that I think my colleague, the gentleman from California [Mr. DANNEMEYER] has referred to. And he has referred to me as "reasonable." Maybe "Reasonable Rod" will be my nickname from now on.

But I think it is reasonable to say to all concerned, with all due respect to the President and the leaders of the Congress, that you have 60 days, but that is it. We face a crisis soon if we do not extend the debt limit. Yes, that is true. The immediate crisis should be avoided. But let us bring that crisis about 60 days from now if our demands are not met. Pogo said that "we're the enemy," and that is right. We, in one way or another, brought about this situation, and only we can fix it. But we cannot do it with a Democratic proposal, nor can we do it with a Republican proposal, nor can the President suggest an idea that will succeed. It has got to be one that is reached by all parties involved, one that can come to the floor and be defended as the suggestion of the Congress of the United States, with both parties and all Members working together to bring it about.

Madam Chairman, if we do not rise to that level of statesmanship we are not going to succeed.

Mr. DUNCAN. Madam Chairman, I yield 1 minute to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Madam Chairman, I want to concur with the previous speaker, the gentleman from Washington [Mr. CHANDLER]. I think it is imperative that this House begin to exercise a reasonable degree of fiscal responsibility on both sides of the aisle.

As we look at foreign policy since Vietnam, we understand that we have a left and we have a right here in the House, and I think it is time on foreign policy and on domestic affairs that we try to find an accommodation.

On foreign policy we are talking about maybe the Vandenberg-Truman bipartisan foreign policy so this Nation can speak with one voice.

So it is true that in matters of fiscal and domestic responsibilities, this is the most serious issue facing this Nation. The debt ceiling is probably the only vehicle that we have to work with.

So I am going to vote for the short-term, 60-day limit here to give us a chance to have this House develop a bipartisan policy and solve the domestic issue of our day, that is, the rising

national debt. There has been a lack of discipline in this House, and I think the Democratic Party can contribute in that respect, and if the Republican Party can make its contribution, I think we can solve this problem.

Mr. DUNCAN. Madam Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I just rise to ask my colleagues to vote no twice. I will tell them why I think they should vote no twice.

I just had nine homebuilders from Georgia in my office. They are very worried about interest rates, they have seen a dramatic increase in interest rates, and they said to me, "We want confidence."

I said, "Fine. You tell me how to vote today. I can vote for confidence for 60 days or we can force a crisis to make this system pay attention to try to put Gramm-Rudman back into effect, to make sure that in the long run we have real change. Which would you rather have me do?"

They voted 9 to 0, and one of them characterized it as the "confidence of the ostrich." He asked, "Does anybody in this building really think we don't know what is going on? Does anybody in this building really think we don't understand that you don't have the deficit under control, that you don't have spending under control, and that the long-term money markets are basically saying that we should be worried about America because its politicians are totally irresponsible?"

They said, "Look, we have been through crunches. We were through a crunch in 1974, and we were through a crunch in 1981. Put the Government through a 2-week crunch. Make it stop and pay attention. Make all the Members quit their junkets and their trips. Make everyone stay in this building for 24 hours a day, if you have to, but when you finally pass the debt ceiling, make sure you have teeth attached to it so you really bring it under control."

I would just say this to my friends: Those who want to vote for the 60-day extension, having covered themselves by voting "no" on Rostenkowski, what are you going to accomplish in the next 60 days that you could not accomplish in the next 6 days? It is not an issue of inventiveness, it is not an issue of ingenuity, it is an issue of will power and determination, and if we stick together and say we are not going to leave this room and we are not going to leave this city until we fix Gramm-Rudman, we will accomplish our purpose. I would accept a Gradison fix of an extra year, and I would accept a little bit of a fix that spreads it beyond defense a little bit more. But we need to do it now, and we need to stop kidding ourselves.

Mr. DUNCAN. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. MACK].

Mr. MACK. Madam Chairman, I thank the gentleman for yielding this time to me.

Again I would say to my reasonable friends and Members on the other side of the aisle, who I believe are well intentioned about getting someone's attention during the next 60 days, that I know that they believe that, but I would suggst to them, as the last speaker just did, that 60 days from now the speakers who support this—and Jim Baker will make exactly the same arguments all over again—must realize that the calamity that they talk about will be no different 60 days from now than it is today.

If we really want to get the President's attention, if we really want to put a commisson together, we should force him to do it now, not 60 days from now, because they will be able to convince us 60 days from now that the calamity is so bad, that interest rates are going to go up, that the dollar is going to come down, and that confidence in the American system is going to be eroded, and they will tell that to us again and everybody will rush back out here to extend the debt ceiling one more time.

Madam Chairman, if Members are really serious about it, they will vote no on both issues before us.

Mr. DUNCAN. Madam Chairman, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

□ 1200

Mr. ARMEY. Madam Chairman, I thank the gentleman for yielding.

There is an old adage in politics that if you have the votes, vote; if you do not, debate. Apparently those of us who are asking for a no vote are the only ones debating, so the outcome is probably predetermined.

I do not like brinksmanship. I think the chairman makes a good case and I think the Secretary of the Treasury makes a good case of the kind of brinksmanship we have by way of threatening the security of the world financial markets if we do not extend this debt ceiling and do it clean; but on the other hand, we are on the brink. We are on the brink of stagflation, and even worse, perhaps on the brink of depression if we do not get control of our spending habits in this body. We can only get control if we get busy with serious budget reform and serious decisions about reforming our whole structure of Federal spending.

People ask for time. I would like to see us have time, but I am afraid if time is granted here, time will wound all heals.

Mr. DUNCAN. Madam Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL], a member of the committee.

Mr. FRENZEL. Madam Chairman, the Rostenkowski amendment would extend the debt ceiling through fiscal year 1988. That is what we did when we passed the budget. I did not vote for the budget. My friends on my left did so. When they voted for that budget, they in effect extended the debt ceiling through that period.

Now we are faced with the expiration of the debt ceiling and we must extend it.

In my judgment, it makes great good sense to extend the ceiling through the fiscal year so that we are not stuck with having to extend it many, many times through the next year, perhaps as often as every other month.

Now, a number of our colleagues here have indicated that the Ways and Means Committee is not using its important authority because we have not seen fit to freight down the debt ceiling extension with some amendment or other that satisfies their particular desires with respect to cleaning up the fiscal nightmare in which the Congress has plunged this country.

I can understand the efforts of the gentleman from Washington [Mr. CHANDLER] and the gentleman from Florida [Mr. MACKAY] who want to create a commission in connection with the debt ceiling extension. And I can understand those who want to make sure that Gramm-Rudman is a functioning bit of law that actually forces us to do those things that this Congress has refused to do time after time after time. However, those amendments are quite clearly not germane to the function of our committee or to the extension of the debt ceiling.

To those who happen to sit with me on this side of the aisle, I think it is also fair to say that if we are to add things that are not germane, or even that are, to a bill of this kind, they are not likely to be the things that we in the minority suggest. Therefore, what is left to us is the responsible course and that is to continue to vote against the ridiculous budgets which this House promotes and which this House has just passed. Those budgets are what put us into this trouble.

To continue to vote against the ridiculous entitlements that skyrocket our expenses in the future and to continue to vote against the ridiculous appropriations that pick up everything the entitlements do not pick up will only put us in deeper trouble. Part of our problem in the minority is that we have not been successful in convincing our constituents, the national electorate, that our vision and fiscal sobriety is one the country ought to adopt. But merely because we have not been successful on the floor we should not then try to organize the defeat of the debt ceiling extension, which will plunge our country into even deeper economic distress. The idea of creating

some ashes from which the Phoenix ought to rise is one that is a little radical, even for fiscal conservatives.

I say to them first of all, that you do not have the votes to do it, and I say second, that the price you pay for doing it is extreme.

In my judgment, we ought to adopt firmly the process of having the budget extend the debt ceiling. Then those who want to support enormously swollen budgets can take whatever shame comes with extending the debt ceiling.

For the time being, as long as we are forced to abide by the process that is now before us, we ought to pass the chairman's amendment. Then we can take up the new fiscal year's budget and make such adjustments as we know are necessary.

Madam Chairman, I yield to the distinguished gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Madam Chairman, I thank the gentleman for yielding to me.

From my standpoint, the gentleman makes a good point. I would like, however, to state that the appropriate approach here is to extend this for 60 days and I will strongly support the underlying bill which does extend the debt ceiling for 60 days.

The reason being that I do think there is an opportunity here to address some of the fundamental budgeting problems that we have in the House and this mechanism allows us to put some pressure on the parties who are involved in correcting those budgeting mechanisms and we should pass it for that reason.

Mr. ROSTENKOWSKI. Madam Chairman, I have no further requests for time and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 259, not voting 11, as follows:

[Roll No. 116]

AYES—162

Ackerman
Akaka
Alexander
Anthony
Aspin
Atkins
Bateman
Beilenson
Berman
Biaggi
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Borski
Bosco
Boxer
Brooks
Brown (CA)
Bruce
Buechner
Cardin
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coyne
Davis (MI)
de la Garza
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Espy
Evans
Fascell
Fazio
Foglietta
Foley
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Goodling
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Horton
Houghton
Howard
Hoyer
Hyde
Jenkins
Johnson (CT)
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Manton
Markey
Matsui
Mavroules
McDade
McGrath
McHugh
Mica
Michel
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Oakar
Oberstar
Obey
Owens (UT)
Panetta
Parris
Pease
Pepper
Perkins
Petri
Pickle
Price (IL)
Rahall
Rodino
Rose
Rostenkowski
Russo
Sabo
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sikorski
Skaggs
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Swift
Synar
Towns
Traxler
Udall
Vander Jagt
Vento
Visclosky
Volkmer
Waxman
Weiss
Wheat
Wilson
Wolf
Wortley
Wylie
Yates

NOES—259

Anderson
Andrews
Applegate
Archer
Armey
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bates
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bonker
Boucher
Boulter
Brennan
Broomfield
Brown (CO)
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Feighan
Fields
Fish
Flake
Flippo
Florio
Ford (MI)
Gallegly
Gallo
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
Jeffords
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kemp
Kolbe
Konnyu
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Leland
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McEwen
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Neal
Nelson
Nichols
Nielson
Nowak
Olin
Ortiz
Owens (NY)
Oxley
Packard
Pashayan
Patterson
Penny
Pickett
Porter
Price (NC)
Pursell
Quillen
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Savage
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Upton
Valentine
Vucanovich
Walgren
Walker
Watkins
Weber
Weldon
Whittaker
Williams
Wise
Wolpe
Wyden
Yatron
Young (AK)
Young (FL)

NOT VOTING—11

Annunzio
Boner (TN)
Conyers
Ford (TN)
Jones (NC)
Miller (OH)
Rangel
Ray
Roybal
Tauzin
Whitten

□ 1225

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Jones of North Carolina against.

Messrs. SPRATT, MARTINEZ, and JOHNSON of South Dakota changed their votes from "aye" to "no."

Mr. STOKES and Mr. TOWNS changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. FOLEY], having assumed the chair, Mrs. SCHROEDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2360) to provide for a temporary increase in the public debt limit, pursuant to House Resolution 165, she reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

91-059 O-89-42 (Pt. 9)

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 296, noes 124, answered "present" 1, not voting 11, as follows:

[Roll No. 117]

AYES—296

Ackerman
Akaka
Alexander
Andrews
Anthony
Aspin
Atkins
Badham
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Biaggi
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell
Cardin
Carper
Chandler
Chapman
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Coyne
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Emerson
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hiler
Hochbrueckner
Horton
Houghton
Howard
Hoyer
Huckaby
Hughes
Hyde
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rhodes
Ridge
Roberts
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wylie
Yates
Yatron
Young (AK)

NOES—124

Anderson
Applegate
Archer
Armey
AuCoin
Baker
Ballenger
Bartlett
Barton
Bates
Bentley
Bereuter
Bilirakis
Boner (TN)
Boucher
Boulter
Brown (CO)
Bunning
Burton
Callahan
Carr
Chappell
Combest
Courter
Craig
Crane
Crockett
Daniel
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Dyson
Eckart
Edwards (OK)
English
Erdreich
Fields
Florio
Gallegly
Gilman
Gingrich
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Holloway
Hopkins
Hubbard
Hunter
Hutto
Inhofe
Ireland
Jacobs
Jontz
Kasich
Kemp
Kolbe
Konnyu
Kyl
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Lujan
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
McCandless
McCollum
McEwen
Molinari
Moorhead
Myers
Neal
Nelson
Nichols
Nielson
Oxley
Packard
Porter
Ravenel
Regula
Richardson
Rinaldo
Ritter
Robinson
Roemer
Roth
Schaefer
Schulze
Sensenbrenner
Shumway
Shuster
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Spence
Stangeland
Stump
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Torricelli
Upton
Vucanovich
Walker
Watkins
Weber
Weldon
Wyden
Young (FL)

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—11

Annunzio
Conyers
Ford (TN)
Jones (NC)
Miller (OH)
Parris
Rangel
Ray
Roybal
Smith, Robert (OR)
Tauzin

□ 1240

The clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Robert F. Smith against.

So the bill was passed.

The result of the vote was announced as above-recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1988

The SPEAKER pro tempore. Pursuant to House Resolution 152 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1748.

□ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1748) to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 12, 1987, the amendment printed in section 2 of House report 100-84, relating to the C-17 aircraft program, offered by Representative DARDEN as the designee of Representative ASPIN, had been disposed of.

Pursuant to House Resolution 160, it is now in order to debate the subject of ballistic missiles for 60 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

At the conclusion of such debate, it is in order to consider the amendments relating to ballistic missiles, contained in section 1 of House report 100-84, by, and if offered by, the following Members, or their designees, which shall be considered in the following order only:

(A) By Representative HERTEL;
(B) By Representative FRANK;
(C) By Representative DELLUMS;
(D) By Representative KYL;
(E) By Representative DICKINSON;
(F) By Representative WEISS;
(G) By Representative FEIGHAN.

Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, the amendment I will be offering would transfer all funds for procurement of the Trident II, or D-5 missile into an account for procurement of the Trident I, or C-4 missile. The amount to be transferred is $2.26 billion.

All of us want to ensure that the United States maintains a secure retaliatory deterrent against Soviet nuclear attack. However, the proposed new D-5 missile threatens to make our submarine force a less effective deterrent against Soviet attack but one more likely to set off a nuclear war.

The current plan is to deploy 480 Trident II, D-5 missiles, which would carry approximately 4,000 warheads. This large a force of warheads, which can be delivered with an accuracy never before achieved by a submarine-launched missile with a yield almost five times that of the C-4, would enable us to destroy the entire Soviet land-based missile force. The flight times of both C-4 and D-5 missiles to their targets would be as low as 15 minutes, half of the time it takes for a land-based missile to travel between the Soviet Union and the United States.

We know that we will never launch a first strike against Soviet missile silos. Nevertheless, with the D-5 we would have the capability to destroy them all if we ever did. The simple fact of our having that capability will cause the Soviets to take steps which will threaten our national security.

Faced with an overwhelming United States capability to strike its missile silos, the Soviets will have a much greater incentive to launch a preemptive strike against us in a crisis. The D-5 would destabilize the strategic balance, increasing the danger for both of us. Furthermore, deploying a D-5 force would push the Soviets to adopt a launch-on-warning policy, which would dramatically increase the danger of accidental nuclear war.

Beyond the destabilizing effect the D-5 would have on the strategic balance, it would undermine our efforts in arms control. For a decade now we have demanded that the Soviets reduce the size of their ICBM force because of the threat it poses to American land-based missiles. We fear that the Soviets could use these missiles to destroy our ICBM silos in a first strike. But the Trident II will pose an even greater threat to Soviet land-based missiles. How can we expect to get the Soviets to negotiate cuts in their hard-target killing missiles, when we are deploying a new generation of our own? The Trident II will kill the chance of reducing strategic weapons just as negotiations in Geneva are starting to make progress.

We also need to look at history. History shows us that no matter what weapon we deploy, the Soviets are not far behind. It is likely that sometime next decade, the Soviets will develop their own accurate SLBM. We could then face a force of Soviet submarines, stationed just off our shores, armed with missiles that would give us almost no warning time before they could reach targets on our soil. It is a daunting prospect. But there is a way to avoid it. We should forgo the Trident II now, and try to negotiate a ban on SLBM's more accurate than the S-4.

What makes this destabilizing weapon an even worse defense idea is that it comes at an extremely high cost. A CBO study released last August shows that if we had chosen Trident I instead of Trident II last year, the taxpayers would have saved between $9.6 and $11.3 billion. Estimating conservatively, we can still save at least $7 billion if we choose Trident I this year. In this time of desperate budget deficits, does it make sense to deploy a destabilizing weapon that will exact such a high cost, both financially and strategically? I urge you to support my amendment to transfer the $2.26 billion from the D-5 account to the account for the procurement of the C-4 missile.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to the amendment to be offered by Mr. FRANK to delete the 12 MX test missiles. The funding of these MX test missiles does not increase the number of MX missiles in our strategic arsenal—it just ensures that the launchers and ground crews work. In essence, Mr. FRANK's amendment can be called the antimissile safety amendment.

These missiles would not be added to the strategic arsenal. They are for testing purposes only. They carry dummy warheads only. They will all be fired from Vandenburg AFB, in my district. As my colleagues are aware, America's Space Program, both military and civilian, has been badly hit with tragedies and failures. We witnessed the shock of the *Challenger* crash. We have seen many Atlas, Titan, Delta, and Minuteman rockets malfunction and crash. Just last week an American-made Polaris missile launched by the British in a test off Florida had to be destroyed. Ballistic rockets are complex mechanisms. They also form an important leg of our strategic triad. It is paramount for strategic stability and deterrence that we know that these delivery vehicles perform according to design. These MX test missiles are also needed for safety and reliability reasons. Remember, these are nuclear weapons with immense destructive power. Congress rightly insists on the most stringent testing requirements for safety and effectiveness of other weapons systems. It does not make any sense to have lesser standards for our ICBM's upon which the United States and our allies must rely for deterrence. Recent Minuteman launch failures dictate that a continuous testing of rockets and crews are needed.

Delaying the procurement of test missiles, which this amendment would do, only makes them more expensive. Why pay more tomorrow and wait for something that you need today and can get today for less? This amendment would cause excessive costs to reassembly production infrastructure and restart production to buy the test missiles. It would cost over $2 billion. That's right, $2 billion. I know Mr. FRANK purports that the $200 million for two missles keeps production lines open. But, this low level is far below the fixed production line costs and would, in essence, result in a production shutdown—MX production capability would cease. Because the Air Force needs more than two tests a year, the adoption of this amendment would result in us soon running of test missiles leading to at least a 4-year moratorium on in flight testing. This would have a very serious, negative impact on our Flight Testing Program.

The Frank amendment is a very poor and dangerous way of eliminating MX/Peacekeeper production. I emphasize to my colleagues that these missiles do not add to the total number of MX missiles. Whether or not you are for or against the MX/Peacekeeper, Congress has already deployed the MX and not buying sufficient test missiles makes absolutely no sense. It's like buying a new aircraft and then not authorizing flying hours. Congress has fully supported the full Minuteman and other missile test programs. The MX testing requirement is the lowest of all and according to two CBO reports is the most austere missile program. I urge my colleagues to oppose this very shortsighted and antisafety amendment.

□ 1255

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, the first amendment that will come up after this hour's debate will be my amendment to delete $250 million for the MX rail garrison system.

First of all, I would like to point out that we have had over 30 basing modes suggested by the Department of Defense over the last few years. All have been rejected by this Congress for good reason because just as we see with this one, we gain no deterrence

whatsoever by putting MX missiles on railroad cars.

Second, we know that the Department of Defense, for the last 2 years, has already had $172 million to do various studies of basing modes. So we see that with this $250 million, which is a great deal of money, they would go forward, not only to develop, but to deploy this MX garrison system at this time.

It does not make any sense at all.

First of all, it would take 4 hours, and these are the Air Force figures, 3 to 4 hours to remove the missiles, put them on the tracks, take them to a firing location. Unfortunately, because of this terrible period in which we live, when launch time has gotten down to minutes, we would have 3 or 4 hours to get them to their firing point. Therefore, they would be sitting-duck targets in the garrisons. So we gain no deterence whatsoever. We gain no threat, no use for this MX missile with the rail garrison system.

The opponents are going to say that it is better than putting them and leaving them in the silos. That is not true. That is not true because you can actually have a softer target by putting them on the rail lines than by having them in the silos themselves and certainly by having them in the garrison. That is no advantage; that is no gain.

There will be some talk about this being used with a small mobile as a combination. It does not help the small mobile, in fact, it is just another reason for the administration to have more MX missiles that this House has said time and time again we do not want to purchase.

Everytime we take money and put it someplace else, that slows down the development of the small mobile.

By the way, we are talking about dispersal time for a small mobile of less than 10 minutes, probably 6 minutes, according to the Air Force figures, versus 3 or 4 hours for the MX rail system.

Many of you have probably heard from the public that they think this is an outrageous idea. I certainly did. In fact, I think the Air Force had a lot of nerve, to say the least, to release this latest basing mode shortly after the very tragic railroad accident that we had between Washington and Baltimore.

We know that we have a great problem with our tracks being unsafe. We certainly do not want MX missiles on these railroad tracks in populated areas, and the Air Force has those plans. We know that by putting them on railroad tracks, we would vastly increase the opportunities for sabotage or terrorism or the types of terrible accidents that we have seen in our past history with railroad tracks.

The Air Force claims that they would only be putting these missiles on the railroad tracks during time of alert. But because of all of the arguments that I have already brought out as to how vulnerable these missiles are in the garrisons, it seems only a matter of time that the Air Force might recommend to some future administration, or the administration itself in the future might decide that these missiles would be clearly less vulnerable if they were on the tracks for a longer period. Maybe some future administration would decide constantly and maybe they would have new definitions of what alert status is for different weapons systems.

That is the only thing that would make tactical sense and, of course, that is a frightening thought because we would never want these MX missiles on railroad tracks constantly or on a regular basis because, as I point out, there are too many chances for great disasters to occur.

They would be the simplest target for sabotage, for terrorism, and for the unforeseen accident.

I ask you to join with me and once again tell the administration they have a bad, unusable basing mode, and once again, we do not waste this money on MX missiles, and once again tell them, once and for all, that we reject having additional MX missiles.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we enter into the general debate on the subject of missiles, we are addressing several types of missiles and several basing modes.

We have already heard from the gentleman from New York, who is unhappy with the D-5 missile and who proposes to offer an amendment that would take the money out of the D-5 program.

Just to put this matter in perspective and to show you how unrealistic such a proposal would be, we have gone forward with the Trident submarine. We have made the conscious decision, voted on in this House, to upgrade the missile aboard the submarines from the C-4 to the D-5. We have already started manufacturing the submarines that will use the new missile. They will soon have an operational capability. We are giving it a hard-target kill capability. We are working with the British who will also have the system in the future.

We have already committed on the D-5 and to take money out at this time, and go back to put money into a C-4 line that is not even in existence just makes no sense at all. You could not build them if you wanted to at the present time without starting from scratch.

Another two missiles that will be under discussion today are the MX and the small mobile ICBM. To put the MX into perspective, the Department of Defense determined some years ago that they needed a follow-on missile to the Minuteman 3. I think perhaps it is unfortunate that they did not just name this the Minuteman 4 and go on and build it, but instead, they called it the MX, "X" for experimental, and finally this administration gave it the name of Peacekeeper.

Because the MX appeared to be a totally new system compared to the Minuteman, it came under a great deal of attack and scrutiny and it has been controversial ever since.

We have had a long series of studies and proposals on how to best base the MX missile. The first to receive serious consideration may have been the best: the multiple protective shelters.

□ 1305

That concept was to build a number of shelters interspersed throughout the countryside on arid and nonused land, and to put missiles only in a small fraction of those shelters. The concept resembled the pea under the shell game, and an enemy could not attack the missiles with any degree of certainty because they would not know which shelters contained missiles.

Technically, this may have been the best solution that has been put forth by the Department of Defense. But for political reasons, not technical, the concept was killed. The State of Utah, the State of Nevada, and other Western States, where the missiles were supposed to be based, on Federal reservations for the most part, said they did not want the missiles. After a study was conducted, western Senators came back and said this was not the best basing mode. So the Pentagon looked for some alternative basing mode.

Then we came up with a series of different basing modes, all of which were designed to try to make the MX missile survivable. We knew that we could not just set it up on a pedestal, like you would fire off an old Atlas rocket, because that would not be survivable in that mode. So the problem was how to best to make it survivable. We all knew that MX in a silo, like the Minuteman III, was unacceptable, because in a race of hardness versus accuracy, accuracy is going to win every time. We could watch the tests of the Soviets and we could see that their missiles were getting more and more accurate and approaching the same degree of accuracy as United States missiles, and we realized that it would be very difficult, if not impossible, to harden silos sufficiently to give any degree of certainly that missiles in those silos would survive an attack.

So what other alternative did we look to? We looked to dense pack basing, in which you would put silos close together, preferably behind a

mountain, so that attacking missiles would create such a cloud of debris and rocks that subsequent incoming missiles would be destroyed. This phenomenon is referred to as fratricide.

So dense pack did not work out too well. Then the Pentagon came up with the idea of race track basing, in which missiles were to be placed on big oval tracks on some relatively unused land in the West. At different points on the track would be hardened stations, where the missile could be hidden.

That concept did not work out too well either. Next, the Pentagon came up with another idea: I thought it was a joke when I first heard it, but it was a serious proposal, known as the big bird concept. The idea was to build a fleet of big airplanes with diesel engines, and they were going to keep half of them flying at any one time, so that the missiles could be launched from the air. I was surprised that the big bird concept did not die from being laughed at, but there were some serious proponents of it. It did not get very far.

Then someone came up with the dumbest of all, and that was the DUB basing mode. That is the deep underground basing mode. In this concept, missiles would be placed several thousand feet underground and covered up. Then, if there were a nuclear exchange, after the initial attack, the missile would burrow itself out and be launched—perhaps after the United States had been annihilated.

I could go further through this litany of basing modes, because there were many more studies. Everyone recognizes that there has to be a survivable basing mode for MX if our deterrence is to be credible.

I think that the rail garrison concept is probably the best available to us now. There is some $250 million in this bill to go forward with a study to determine the feasibility of this concept.

This rail garrison concept has nothing to do with the so-called Midgetman, the single-warhead missile that will be independently conveyed in its own hard mobile launcher. This concept simply recognizes that we cannot sufficiently harden silos. Rail garrison is an attempt to come up with a viable solution to the ICBM vulnerability problem, and this money is to study, not to deploy, a rail garrison. I do not know where my friend, the gentleman from Michigan [Mr. HERTEL] has gotten his information, but he is certainly reading from different sources than this Member and the committee. He says it takes 4 hours to flush the missiles from the garrison. Nothing could be further from the truth. Under the concept, you could fire the missile without deploying it at all. You could fire it from the rail system itself in the garrison. You could send it 5 miles or you could send it 50 miles. Four hours to deploy and fire is ridiculous. It would not take any more time to fire it than it would take for the Midgetman or that it would take to flush out bombers. Everybody recognizes that there would be some time, some notice, some warning time.

Mr. HERTEL. Mr. Chairman, will the gentleman yield to me?

Mr. DICKINSON. I will when I have finished my presentation.

The whole concept is not to run missiles up and down the public highways or railways. The missiles would be on Federal reservations, capable of being moved out promptly on notice. To say that they are any more vulnerable than the Midgetman is ridiculous.

Do the Members know what the proposal for basing the Midgetman is? They propose to put the missiles right next to the silos containing MX missiles. They will have to deploy the Midgetman just the same as you would have to get ready to shoot the MX from its own silo.

Rail garrison is a reasonable approach that calls for further study of the survivability of the MX. The committee agreed that this was so, and we put money in for it. Both of these figures were adjusted in committee. There was money taken out for the small mobile, and there was money taken out for the rail garrison. As a matter of fact, we have already taken out 57 percent of the requested money for the rail garrison, and we took out only 8 percent for the small ICBM. What we are attempting to do in the rail garrison concept is no threat to the small mobile.

In the language that was adopted in the committee I specifically, made it a generic term for the transport of any ICBM. It could be the small mobile, it could be the MX, it could be a follow-on missile. It is not married to nor is it necessarily a component of the MX missile.

We had an agreement some time back that we were going to develop both systems, that we would go forward with the MX and cap it at 50. I was in the conference when we agreed to do that. And we said we would go forward with the small mobile and develop that concept. I was in the conference when we agreed to that.

I would not, at the present time, try to attack either system, but if the gentleman wants to attack part of the agreement and take out the rail garrison, then it makes just as much sense to me to go after the most vulnerable, the more economically unsound of all the systems, and that is the small mobile.

I am quite content to let both programs go down dual tracks until they prove themselves, but certainly we should not delete the funds for either system now. I think it would be very unwise at the persent time to do that.

So, Mr. Chairman, I think that we should keep the committee bill as it is. We have heard the testimony in committee, we have heard witnesses, and we have been a party to prior arrangements and agreements as to what we were going to develop to determine what our total ICBM posture is to be. So I am hoping that the committee and the whole House will allow the committee position to stand, that we would not take out the rail garrison money for a study and development of the concept.

That being the case, there is no reason to even bother the money for the small mobile that is in here, because we are going forward with that concept, too. So I would hope that the D-5, the rail garrison, and the small mobile funds provided for in the committee by the committee members who are knowledgeable of the subject would be allowed to remain intact, and that the Hertel amendment would not be adopted.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 7 minutes to the chairman of the Subcommittee, on procurement and military nuclear systems the distinguished gentleman from New York [Mr. STRATTON.]

Mr. STRATTON. Mr. Chairman, the rail garrison mode of the MX is, I think, a very fine proposal, one that brings the MX missile, as the gentleman from Alabama has already indicated, into a better position than it has been in the past.

Some years ago the Senate indicated that they were not going to support any more than 50 missiles, although the President wanted 100 and President Carter wanted 200 missiles. But they would only go for 50 MX missiles because they did not believe there was an appropriate basing mode; and so they said they would only approve more MX missiles if they knew that a new basing mode was guaranteed.

Well, that is precisely what the Secretary of Defense, Mr. Weinberger, has come up with. It is the rail garrison mode. The gentleman from Michigan [Mr. HERTEL], I think, has not designated it very clearly or plainly. It is not an operation that is going to go out on the railroad lines and compete with the railroad trains that are coming down from New York or going back up into Boston. It is instead a reasonable and, I think, a rather ingenious effort to insure that the MX will be a tough target to destroy.

What the problem of the Soviets will be with the rail garrison mode is that they will find it almost impossible to designate a precise firing spot when the MX in the rail garrison mode is moved along even a small railroad track where they will find it almost impossible to designate a target. That

is the beauty of the rail garrison mode. In fact, what we are doing is following what the Soviets have also done. The X-24 and the X-25 are rail garrison operations for the Soviet version of the MX, and I think what has been planned and is already underway is in the case of Warren Air Force Base, which is a few miles north of Cheyenne, WY, the rail lines that go into the Warren Air Force Base. Inside the base will be sections of railroad tracks which will move out of the base and finally come to a precise point. They do not have to go out 25 miles; you do not have to go 50 miles, nor do you have to take a railroad trip even into Cheyenne. If the train moves down 3, 4, or 5 miles away from the garrison, the Soviets will have problems in trying to determine whether they have an exact fix on that car, and they will not know whether it is moving forward or backward.

So I think, as the Soviets themselves have recognized, that this is something that will be difficult to destroy.

Also, in connection with this general debate, I would point out that the one thing that is most important in terms of American security is to have something that can take on the Soviet's SS-18 and SS-19. It seems to me that what we need to watch are the Soviet land-based ICBM's. We need something that can take on the SS-18's and the SS-19's, which are the most destructive weapons and the most damaging weapons in the Soviet arsenal aimed at us.

□ 1320

And yet the proposal of the gentleman from Massachusetts [Mr. FRANK] would eliminate the MX spares. The gentleman from Massachusetts [Mr. MAVROULES] who has been a very staunch opponent of the MX has acknowledged that if you are going to have the MX as a weapon, you have to have a certain number of test missiles, and what has been provided in the vote of the Armed Services Committee is an additional 21 spares and those spares are going to make the system operable and we will then know that it can be operated and can be fought and fired if necessary; but if we are going to eliminate the spares, we might as well give up and allow only the Soviet long-range missles to be the ones that are going to be flying through the atmosphere. I think that is a short sighted kind of thing and certainly if we should be confronted with an emergency, those missiles could be fired to take out the incoming 18's and 19's.

I think is it very foolish to cut those spares.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I have for some time contended, as many others have, that we need to move our strategic weaponry to nontargetable modes. The sooner we do that, the safer America will be and the more secure our deterrent capabilities will be and will be perceived to be by our potential adversaries. For that reason, we really must move toward deployment of the Midgetman, and if possible, toward moving the MX to a nontargetable mode. That I hope will continue to be the emphasis of this body and the United States as we consider the committee's recommendations, which are appropriate and consistent with those objectives. The sooner we can replace those vulnerable MX missile silos with alternative nontargetable strategic weaponry, the safer the United States will be.

Furthermore, those weapons are inherently destabilizing.

But today I would like to concentrate my remarks on the single most important weapon that we can move into our arsenal. I am talking about the D-5 or Trident II missile. The amendments that will be offered by the gentleman from New York [Mr. WEISS] and the gentleman from Ohio [Mr. FEIGHAN] should be opposed by Members of this body. The D-5 missile is our deterrent ace in the hole. We must deploy it as we have previously, frequently, indicated we would.

The *Ohio*-class submarines were designed for the D-5.

There are a variety of reasons why the arguments that have been offered previously against the D-5 are invalid. Opponents of this weapon are concerned primarily, it is said, about the potential contribution to instability in a crisis situation. I contend, among other things, their arguments are wrong because they are confusing "hard-target capability" with "first-strike capability." They are not the same.

The United States must develop and maintain a counterforce capability to hold at risk the full range of Soviet nuclear capabilities, particularly their missile silos capable of being reloaded, their hardened command and control facilities and their nuclear weapons storage dumps.

The weapon that we must have in reserve in case a nuclear war does begin that has full deterrent capability is the nontargetable one that is underseas—the D-5. That hard-target kill capacity weapon must be there in deterrent reserve should a nuclear war begin.

More importantly, however, I think the more likely threat to this country really comes through the possibility of nuclear blackmail. As long as we have those D-5's deployed in a nontargetable mode, as long as we have alternatives on land and sea, we are in far better shape to prevent a nuclear holocaust.

Stick with the decision to deploy the D-5 missile on our *Ohio*-class based submarines. It is the most important weapons system we will have for the remainder of the century. It is a peacekeeper.

Mr. Chairman, we have been told that the D-5 missile is a highly accurate, hard-target weapon capable of transforming the undersea leg of the American nuclear triad from a nonprovocative deterrent into a highly destabilizing force of over 4,000 silo-busting warheads. Opponents of this weapon are concerned primarily about its potential contribution to instability in a crisis situation. In short, we are told that if the United States acquires this weapon we may one day find ourselves in a crisis situation where the Soviet Union will be forced either to fire first or face the prospect of losing all their missiles in the event we might fire first. Opponents ardently believe that by procuring this weapon the United States is increasing the chances of an inadvertent nuclear war.

I contend that this argument is profoundly wrong for a variety of reasons and that those errors are in part the result of confusion on several strategic nuclear issues.

I would like to remind my colleagues that hard target capability is not the same thing as first-strike capability.

First-strike capability means the ability to deliver, in a preemptive first strike, an attack so devastating that a nuclear retaliation will not cause unacceptable damage to the attacker. In other words, first strike is the capability to disarm the enemy without deterring fear of retribution. Neither country has, nor likely will have, a first strike capability if both the United States and the Soviet Union maintain a significant percentage of their strategic offensive forces at sea, immune to a coordinated preemptive strike, through deployment of relatively invulnerable ballistic missile submarines [SSBN] and in other non-targetable or difficult-to-target modes. Consequently, the United States cannot acquire a confident first strike capability, nor is it our policy to seek such a capability.

Nevertheless, it is absolutely crucial that the United States develop and maintain a counterforce capability to hold at risk the full range of Soviet nuclear reloaded, their hardened command and control facilities, and their nuclear weapons storage dumps. It is most preferable that we deploy this counterforce capability on nontargetable platforms in order not to provoke or tempt preemption during a period of crisis. The ultimate purpose of this counterforce capability must be to curtail the Soviet Union's ability to proceed to higher and higher levels of U.S. destruction if, for what ever reason, a nuclear war begins.

Contrary to the analysis offered by its opponents, the D-5 missile will contribute to enhanced deterrence because any enemy planning a preemptive attack will know that the D-5 can continue at risk a full range of targets. I realize this begs the question of why, given the mutual vulnerability afforded by the submarine forces, either power could contemplate such an attack. I will take up this point momentarily. For now I wish to emphasize that the most realistic defined deterrent is one that

carefully provides for defense should deterrence fail.

There is an additional reason why we should acquire the D-5. Without this potent and highly accurate missile, our only continuing retaliatory capability after a nuclear war could begin would be against so-called soft targets, a strategic phrase which, shorn of its technical fur means people, specifically the Soviet people. Although opponents of the D-5 missile likely do not prefer, in time of nuclear war, the destruction of an enemy's population to destroying its remaining missiles their preference for the lesser accurate C-4 missile would actually only leave our leaders with no other choice. This is a troubling point with further implications.

I invite my colleagues to consider the following wartime scenario. The Soviets fire a volley of highly accurate missiles that eliminate—or requiring us to use if in a use-it-or-lose choice—our land based deterrent including whatever hard target capable land forces that we may have at that time. Absent a deployed D-5 missile on submarines our leaders would then be left only with the choice of responding with our present seabased C-4 missiles against Soviet "soft" civilian targets with the likely result the Soviets would further respond or threaten to respond in kind against our civilians with their remaining secure hard target missiles. I believe it is indeed possible that our leadership might be tempted to succumb to such a situation of nuclear blackmail. Therefore, how credible a deterrent do we really have without the D-5? If under wartime conditions we have the capability to respond with the C-4 but choose not to do so, we will have effectively permitted the Soviets a successful first strike. Should we not take measures to prevent such an occurrence? Should we not take measures to prevent even the appearance that such an option might even exist for the Soviets? If instead we acquired the ability to destroy remaining hard target Soviet missiles, would we not spare ourselves the risk of nuclear blackmail leading either to the United States accepting a global defeat or assuring the destruction of the United States or both populations?

I realize that thinking through a war-fighting strategy is not a very appealing exercise. Nevertheless, it must be done if we are to ensure that we have an effective deterrence to nuclear war. Those who oppose the D-5 on the grounds that it might prove destabilizing in a crisis situation are no doubt partially correct. The point is, however, that the increased Soviet apprehension with the D-5 affords beneficial aspects that outweigh the negative aspects.

Therefore, I urge my colleagues to oppose the Weiss amendment that would transfer production funds from the D-5 [Trident II] missile to the much less accurate C-4 [Trident I] missile. The cause of peace demands no less.

At this time in our history the D-5 Trident II missile, deployed on submarines is by far the single most important weapon that either can be placed or is now deployed in our arsenal. The D-5 missile is our deterrent ace in the hole. The *Ohio*-class submarine was designed for the D-5. We must continue with this deployment decision. We must defeat the amendments of the gentlemen from New York [Mr. WEISS] and Ohio [Mr. FEIGHAN].

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Chairman, I thank the gentleman from South Carolina for yielding this time.

I rise in support of the Hertel amendment to strike funding for rail mobile basing of the MX ICBM.

The purpose of rail mobile basing is not to provide a survivable basing mode for the MX ICBM. It is to protect a future request to buy more MX missiles.

And even if you agree that rail basing might be attractive to use in combination with the small mobile missile, the MX system remains extremely vulnerable to a host of threats including sabotage and submarine launched cruise missile attack.

No matter what is said about rail mobile basing, ICBM's based in this manner are soft targets. They can be destroyed by older generation Soviet missiles using only a relatively few warheads even after dispersal.

I hope my colleagues approve the Hertel amendment and urge a "yes" vote.

Mr. SPRATT. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, as we begin debate on specific amendments, one of the amendments to be first addressed will be the Hertel amendment, which will deal with the striking of $250 million left in the bill after the Aspin amendment, which is allocated to rail mobile basing of the MX missile.

I would like to point out, Mr. Chairman, that in the last 3 fiscal years we have provided substantial funds for hardening and for alternative basing modes for the MX. In fiscal year 1985, we provided $220 million for silo hardening experimentation and studies.

In fiscal year 1986, we provided another $52.2 million for alternative basing mode studies, and last year, or this fiscal year, we have provided $120 milion; so in the last 3 fiscal years we have provided $392.2 million for alternative basing mode studies as to the MX.

Now, we have available from those prior year moneys, including fiscal year 1987 moneys that we have budgeted, some $85 million to $90 million, most of which has been unexpended, earmarked, allocated to rail mobile basing.

The point I am making is simply this. Out of prior year allocations for studies on rail mobile basing and other alternative basing modes for the MX, we have provided $392 million, a substantial sum of money by any measure and a substantial sum of money, $85 million to $90 million remains available to study the concept, to find the rail mobile garrison basing mode for the MX, $85 million to $90 million; so if we knock out, if we eliminate the $250 million still in the budget for rail mobile garrison basing, there will still be $85 million to $90 million for concept formulation, and surely that is enough money to conceive a lot of concepts.

What we are really talking about therefore, and what we will be talking about under the Hertel amendment is not concept design, it is not analysis of rail mobile basing, what we are talking about is the startup of a major program. We are talking about the downpayment on the expenditure of some $8 to $10 billion, because that is what it will cost to build and to deploy 25 MX carrying trains, garrisons at some 10 site bases, special track laid, and it will cost another $3 to $4 billion to acquire 50 more MX missiles to deploy on these 25 trains that will be used in the rail mobile basing mode.

We are talking therefore today about the downpayment, a very small downpayment, on a very substantial sum of money. The total, it is not an exaggeration to say that the total expenditure which we are about to commit ourselves to if we go with the $250 million downpayment is somewhere in the range of $12 to $15 billion altogether, because basically what we are committing ourselves to is the program of rail mobile basing of the MX, not concept formulation, that money is already there. A substantial sum, $85 million to $90 million was appropriated last year. If the Air Force needs a few million more to better conceive or work out the idea, it can take it out of their own budget, come back to us for reprogramming, and surely we can come up with that.

So the issue is not concept formulation. We are not precluding that when we knock out the $250 million. What we are precluding is a startup on this major program.

What is really at issue under the Hertel amendment, what is really at issue in the debate today is a choice between the Midgetman, the single warhead mobile missile, and the rail mobile garrison basing.

The gentleman from Nebraska [Mr. BEREUTER] just said that what he favors is both, and it would be nice to have both, but in truth we have one mobile system already, and that is our Trident, as the gentleman indicated. We are bringing on line an excellent missile there that is mobile that operates in the opaque seas, the D-5 missile, that will vastly enhance our strategic capabilities, particularly with our sea-based leg of the triad.

Now we have a choice between two land-based modes of an ICBM that are mobile. It would be nice to have both if you wanted to augment our strategic forces as much as possible, but we have limited resources and we have a budget choice to make this year.

I submit to the House that if we are looking at this matter in terms of cost effectiveness, if we want to buy the system which has the most survivable warheads, then the system we ought to buy is the single warhead system, the Midgetman system.

Sure, we can buy the MX. It would be cheaper to deploy and cheaper to procure, cheaper to maintain, cheaper life cycle cost. If we do that, we will end up with a system, number one, which is vulnerable to a bolt out of the blue.

The Air Force dispenses with this argument by saying it will be all right to cluster these MX missiles at these garrisons and leave them there vulnerable to a bolt out of the blue attack, because the Soviets are very, very unlikely to strike us with a bolt out of the blue.

Well, the Japanese were very unlikely to strike us at Pearl Harbor.

We will have a window of vulnerability, that bolt out of the blue, that surprise attack, still unaccounted for in our land mobile missiles if we go with the rail mobile basing mode. We will not have that window of vulnerability if we go with the Midgetman single warhead mobile missile as an alternative to it.

One final point. We have bought to date 86 MX missiles. We will buy if we go through with our budget plan in this bill 12 more. We will be buying MX missiles if we buy the 193.

We have 9 more years to procure the MX missile. We have an open line at our present rate of procurement for 9 more years.

We have got the future in which to commit ourselves to this $10 billion expenditure if the Midgetman does not come through, if arms control falls apart. We can consider this later on. In the meantime, we have adequate money there to study the concept. I submit to the House that we should spend that money and not commit ourselves this year to $9 or $10 billion more for this system at this time.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DAVIS].

Mr. DAVIS of Michigan. Mr. Chairman, I want to talk in this general debate about the amendment of my colleague and friend on the rail garrison. It is nice sometimes to be a friendly adversary, but I have to rise in opposition to the amendment on the rail garrison to cut off the funds. I think we are talking about promising technology and the possibility of cutting off funds in research and development right now, I do not think makes sense.

Mr. Chairman, our ICBM's have always been a crucial part of our strategic triad and thus an important element of our deterrent. In fact, it is so important that the Skowcroft Commission—which has been embraced by people of all political persuasions—called for 200 MX missiles. The Congress looked at the MX question last year and capped the total at 50 deployed missiles. With that cap came a message to the Pentagon: If you want more MX's, come back to us with a smarter basing mode.

Now the Pentagon has come back with a basing mode that at least appears to have merit. During periods of normal relations, missile carrying trains would be securely garrisoned on existing military bases. In time of crisis, however, they would be disbursed on a national rail system with more than 18,000 miles of track. Mobility would equal survivability and that would equal deterrence. Put yourself in the shoes of a Soviet planner trying to track these missiles as they disburse from 10 MX installations across the country.

Would this work exactly the way we want it to? We don't know yet. That is why we need this R&D funding. Is the rail garrison plan perfect? Probably not, but no system is. What rail garrison offers is the best available mix of cost and survivability.

I urge my colleagues not to oppose rail garrison funding in a knee-jerk fashion simply because of opposition to the MX. The results of this technology may have some important implications for other missiles, including Midgetman and future generations of ICBM's.

I urge my colleagues to fund this research and hear the results before making any decision on additional deployment of MX missiles.

□ 1335

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. I thank the gentleman for yielding time to me.

Mr. Chairman, the debate that we have today is many times shaped politically very stark. We either have one side or the other, and it is clearcut and Members are for this system or against this particular one, but we have a number of amendments today that can be confusing and I want to express my views and let the House know my position, before we start these debates.

I am going to go in reverse order of how the amendments are offered. First, I am strongly opposed to the Weiss and Feighan amendments on the Trident D-5's. I think that it is absolutely essential that we continue to develop and eventually procure the D-5's. I think that they are one of the truly survivable deterrents that we have today, and it is important that we continue that development. I do not think that it is a first-strike weapon, and I do not think that it is destabilizing, as some would indicate.

The other amendment, though, that we face concern two systems that this country is yet to settle on or to resolve, and that is the issue of the MX and the Midgetman. I have been a strong proponent of the small mobile ICBM. I think that it is important that we have a mobile ICBM—it has been dubbed "Midgetman."

It is a survivable system. It is one that I think we should move forward with aggressively and we should continue to fund. There are those who argue that we need to MIRV it—put more warheads on it. The cost/benefit ratio improves if you do that. I do not think that is the argument. I don't believe that that is the argument we should be concentrating on today.

It is important that we go mobile. The Soviet have done it. Over the past decades we have urged through arms control proposals and by the pressure that we have been placing on the Soviets for them to go mobile, they have finally gone mobile. The second they do it then we sit around and cannot get our act together and cannot decide on which systems we are going with.

Mr. Chairman, it is important that we continue the funding for Midgetman.

The next amendment is to cut the MX test missiles offered by the gentleman from Massachusetts [Mr. FRANK]. I will oppose his amendment. The gentleman from Massachusetts [Mr. MAVROULES] and I offered the amendment a couple of years ago to freeze the MX's at 40, which eventually became 50, and that was the basis of an agreement in exchange for Members to support the mobile systems, Midgetman, and to protect the current system.

I will live up to that agreement, and I think that MX test missiles are important, and that his effort to cut them is not proper.

The issue though of rail garrison is a much more difficult issue, and I want to quickly try to explain my position. In committee I agreed that moving to procurement of MX for rail garrison is not a very wise move at this point—additional MX's. I think it does make sense, however, for us to continue some research, generic research, to see whether or not rail garrison can offer a survivable mode either for Midgetman or perhaps even the original 50 MX's.

Because of that I have a hard time supporting the gentleman's position. I understand that we need the leverage when we go to the Senate to debate and perhaps work an agreement on Midgetman versus MX, but I think that in the long term the bottom line, the end result, should be that we have some generic research, and I think that the gentleman from Alabama [Mr. DICKINSON] would not disagree with that.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, I believe that the debate on the ballistic missile section of this bill comes down to one simple thing: are we in favor of developing the best, most survivable missile system at the lowest costs possible?

Like it or not, in my opinion there was a deal made several years ago that we would deploy the MX in silos while a mobile basing system was developed. At the same time, as the gentleman said, we would begin work on developing a small ICBM, the Midgetman.

Well, now that a mobile basing mode for the Peacekeeper has been identified, some Members want to kill it. I find it ironic that those same individuals who opposed the MX because it was in the silos—calling it sitting duck—now oppose the rail garrison mode.

Mr. Chairman, I would argue that we cannot have it both ways. If the MX is not survivable in fixed silos—and some say that it is not—then we should continue with the agreement that we made in the 98th Congress and the 99th Congress, and that was to develop a survivable mobile base system. We have that system before us today.

We are going to hear arguments, "Oh, no. Don't base the MX in a rail garrison mode because it will be destabilizing."

I would argue that if 50 mobile MX missiles are going to be destabilizing, then what will the 500 planned Midgetman missiles be?

I think that we are going to hear about cost. "Rail garrison will be too expensive."

I would say that a mobile basing system would require a lot less money—significantly less money—than the Midgetman itself. If we continue with the Midgetman production, we will spend somewhere around $42 billion.

Mr. Chairman, I believe that we need to make a choice, and I have said repeatedly that we should not continue to try two missile systems. I am prepared to support not only the gentleman from Alabama [Mr. DICKINSON] and the gentleman from Arizona [Mr. KYL], but I would even support the gentleman from California [Mr. DELLUMS], who proposes scrapping the Midgetman missile altogether, saving some $2 billion in the first year.

Mr. Chairman, I would merely argue that we need to put a plan together and move forward and save some dollars and do the right thing if we really are in favor of this missile system.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. I thank the gentleman for yielding time to me.

Mr. Chairman, let me try to clean up some of the inconsistencies and mistakes that Members have made in the debate.

I agree with the last gentleman, it is kind of strange that the Members who were fighting to have the MX built and put in silos are now admitting in this debate that the MX missiles in silos are vulnerable. I did not want them in the silos, but many of the Members who are talking about having more MX missiles are the very Members over the last few years who voted and fought to have the MX go ahead into development and to be put in these very vulnerable silos. I am glad now that at least everyone agrees and admits that they are vulnerable in the silos.

Now that does not solve the problem, though, of taking another bad basing mode, because I agree with the ranking minority member from Alabama, all the way through the first part of his remarks he talked about why all of the systems that have been brought up over these years are so bad, and some were even laughable, he said. He was right.

Unfortunately, well, this one sounds better, but it is not better. I point out to the gentleman that the information that I listed as to 6 to 10 minutes for the small mobile being deployed versus the MX rail being deployed is 3 to 4 hours for the MX rail, 6 to 10 minutes for the mobile midget. What is the comparison? I mean, I wish the situation were not that we are talking about launch in a matter of minutes, but that is the terrible reality. There is no comparison.

So as the gentleman from South Carolina pointed out, if you save a few dollars and have a system that is still vulnerable, as vulnerable as the silos when it sits in the garrison, and as the gentleman from Indiana pointed out, where the Soviets can use cheaper, older weapons to target the garrison and the rail system, then you do not pick up a thing. You just kid yourself to have more MX missiles for no purposes of deterrence.

□ 1345

Mr. MARVOULES. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, the one point I wanted to make, I notice we have three amendments with reference to the Midgetman. We have terminated, we have cut, we have cut.

We continue to get the same story that the Midgetman will be so much more expensive than the rail garrisons, the MX'd missiles or the siloed missiles, whatever.

It is only fair to state that to all of the Members, that about 85 percent of the technology being used on the MX missile can be transferred over to the Midgetman missile, so the figures that are being kicked around probably are not factual at this point.

It is much too early to determine the total cost of a Midgetman missile and, of course, the mobile system.

Mr. HERTEL. I thank the gentleman.

Let me point out a few other things. The gentlemen are honest; they are talking about the fact that this $250 million is for going forward with the MX garrison system.

We have already pointed out that we have already spent $172 million over the last few years. They are now saying they are for that, for going ahead with it.

The issue is honest. It is not for study. It is to go ahead with the MX garrison system.

The administration backs it, and other Members have talked about going in favor with it today.

That is the issue, whether we do it or do not do it.

I point out to the gentleman from New York, those are public railroad tracks that we are talking about. We are not talking about tracks on a reservation, or something like the Midgetman missile on a reservation.

We are talking about public railroad tracks to be used to transport MX missiles during an alert.

The House is going to have to decide, and I hope for the last time, whether we want to go forward with another MX basing system that is not a deterrent, that is still vulnerable or whether we want to save our money and the taxpayers' money for a system like the Midgetman that is not a first-strike weapon.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, the question is, are we serious about defending the United States, or are we not.

We have the very best weapon, the very best strategic weapon under development now, the MX missile, partially deployed. It is the most accurate. It is the most ready to launch. It provides flexible targeting, and it is the most cost-efficient strategic weapon we have got.

Are we serious about our defense or not? Are we going to protect this weapon or not?

The MX was recommended by the Scowcroft Commission suggesting, however, that we should study a more survivable basing mode. So this Congress, the other body and the House, recommended that study. Pursuant to congressional direction, the Air Force has been doing precisely that.

The administration requested $591 million, but the committee only authorized $250 million.

To the gentleman's point a moment ago that there may be some money left over we could just use, my guess

is, that is simply as a result of the way we spend the money around here, that it is part of the 2-year authorization process; and the same thing is true with respect to the $1.1 billion for the Midgetman. You will find not all of that has been spent yet; but my guess is by the time the fiscal year 1988 budget money is ready to be spent, that money in large part will be gone.

The Soviets have already recognized the advantages of dispersal, as has every military establishment in the history of the world. Von Clausewitz, the Soviets, the Germans, the United States—you do not give the enemy a fat target to attack. The Soviets recognize this. They disperse their weaponry; and, of course, so does the United States.

The Soviets have already tested their rail-based ICBM SSX-24, and they are beginning deployment of that system this year.

I would like to quote somebody who is frequently quoted by Members on the other side here, Senator NUNN.

I am quoting from the Aerospace Daily of May 12, 1987:

> Senate Armed Services Chairman Sam Nunn has declared that it is important to preserve intercontinental missile options for the next President and fund both the rail garrison MX and the Midgetman missile programs.
>
> In a talk to a closed Capitol Hll session sponsored by the Institute for Foreign Policy Analysis, Nunn was asked if he felt rail garrison MX and Midgetman should be funded this year and next to provide a land-based mobile missile option for a new President in 1989.
>
> "I think we need to preserve the MX possibilities on the rail garrison; I think we certainly need to preserve the Midgetman," he replied. "I think the only hope for a consensus is some combination of those two. I think we will end up with both those programs as live possibilities."

I agree in this case. It is important to integrate both systems, and that is why I will be opposed to the Hertel amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has 1 minute remaining.

Mr. DICKINSON. Mr. Chairman, I yield the remaining 1 minute to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I hope we go back and think about this deployment of the MX. Years ago we stood here in 1981 and debated where we would put it.

I remember when candidate Ronald Reagan came to Salt Lake City and talked to a group of us; and he said, we are not going to put this in the MPS system if I become President of the United States.

That was the idea where you build huts, travel around, and it would pop out at the right time, kind of a modified rail garrison, you could call it.

The MX, probably the best missile we have ever come up with, and those of you who have gone to Vandenberg and seen this thing fly, we have finally learned how to make something that works.

This one works and works better than anything we have played with. We are always fussing about the B-1 and the trouble it has and the C-5 and the Bradley fighting vehicle, and now we have got a bird that really hits the target.

I was so impressed when I was at Vandenberg, let me just say, we are now down to the point, how can we deploy it. We have come up with the Scowcroft Commission has one accurate way to do it. We are now finding another accurate way; and if it comes right down to it, the smart thing for us to do would be to accept the rail garrisons, to make this thing fly.

The CHAIRMAN pro tempore. All time has expired on general debate.

AMENDMENT OFFERED BY MR. HERTEL

Mr. HERTEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment it as follows:

> Amendment offered by Mr. HERTEL: Strike out subsection (b) of section 201 (page 30, lines 6 through 9) and insert in lieu thereof the following:
>
> (b) ALTERNATE ICBM BASING TECHNOLOGIES.—Of the amount appropriated for the Air Force for fiscal year 1988 for research, development, test, and evaluation, none may be used under the ICBM modernization program for concept formulation and analysis of rail basing schemes for intercontinental ballistic missiles. The amount authorized in section 201 for research, development, test, and evaluation for the Air Force for fiscal year 1988 is hereby reduced by $250,000,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Michigan [Mr. HERTEL] will be recognized for 10 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to restate a few of the points I made in general debate because they bear upon this particular amendment.

First of all, let me make the point that we have already allocated $392 million to studying alternative basing modes. What we are talking about in this particular bill is not further study, because the money for further study is already available. Last year we provided $120 million more to study alternative basing modes for the MX. Those moneys are still available in this fiscal year. Some $85 million to $90 million has been earmarked for concept formulation, concept definition, analysis, engineering studies and design, whatever they may need it for to flesh out this idea of rail mobile garrison basing for the MX.

There is already available $85 to $90 million, and by voting to knock out or eliminate this $250 million we are not precluding further study or exploration of the idea of rail mobile basing as an alternative basing mode for the MX missile.

What we are precluding at this point in time is a go-ahead, a startup on a program which will ultimately cost $10 to $15 billion, because the $250 million which is in the bill now is not for concept exploration. It is the initial installment, the first downpayment on a train of outlays that will ultimately in the aggregate equal $10 to $15 billion, and will lead us to 25 hardened trains deployed at some 10 SAC bases with 50 additional MX missiles deployed in addition to those that are deployed now in Minuteman silos. The cost of that is not $250 million or $691 million as the President requested this year; it is $15 billion.

So the choice before my colleagues is a choice between a Midgetman and survivable warheads, or the MX, and still in a very vulnerable basing mode.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is a thinly veiled attempt to kill the MX or any other type of weapon system that might be deployed in a rail garrison basing mode.

What is wrong with the rail garrison concept? The answer is nothing. As I have said in general debate, we have tried for a long time to come up with a successful, survivable basing mode for U.S. ICBM's. We considered the multiple protective system [MPS] to hide a number of ICBM's in a large number of holes in the ground. MPS failed for political reasons. We considered the racetrack basing mode. Racetrack also failed. The list goes on and on.

We have presently put our MX missiles in Minuteman III silos which are fixed, identified, targets. For political reasons, this is the best that we could come up with.

We continuously hear that opponents of MX oppose it because it is vulnerable in a fixed silo. So why not harden it?

The fact is, you cannot adequately harden missile silos because improvements in missile accuracy will overcome silo hardness every time. You cannot adequately harden a silo against a direct hit or a near hit of a nuclear weapon.

Just as we have increased our missile accuracy, so too have the Soviets. So we know we must have a more survivable system.

To reiterate, the Defense Department has been attempting to develop

such a survivable system. They came up with an idea of housing it in, and launching it from an airplane. This idea fell by the wayside.

They came up with the idea of burying missiles thousands of feet under ground, so that when the shooting was over, it could dig itself out and be launched. We have considered numerous schemes, some good, some bad. At present, the administration has come up with a basing mode similar to that the Soviets are using on their SS-24's.

The Soviets have built and are in the process of deploying a rail mobile SS-24 missile system. They do not worry about public opinion in the Soviet Union, so their mobile systems are not even stationed in garrisons. But as the Soviets realize and our own intelligence experts tell us, there is no way you can target all rail mobile systems. You cannot be sure where they all are all the time. This is what we are proposing to do with rail garrison, except we will station them in garrisons until such time as there is a threat. Rail garrisoned missiles will not be roaming the rail network during peacetime. Rail garrison is similar to how we disperse our aircraft in times of an alert, and similar to how we plan to disperse our small mobile missile when deployed. In the event of a Soviet nuclear attack, we will have some warning time, and it does not make any difference if we can only disperse them 5 miles, 50 miles or 500 miles. You have built in an uncertainty factor and a survivability factor so that a potential enemy could never be sure that a first strike will be successful.

This is what Congress asked and the Scowcroft Commission recommended the Defense Department to do—build a more survivable system.

The money is in here because the Members of the committee thought it the responsible thing to do. We are going forward to develop the concept. Although the MX will fit on it, the small mobile will also fit on it, as will any follow-on missile. But we are only developing a concept, and the committee has approved $250 million for this, which incidentally is a reduction of about $250 million from what the administration requested. We would like to develop the concept.

In no way is rail garrison a threat to the small mobile missile. In fact the small mobile missile could ultimately be deployed on this rail concept.

Please do not deny the Department of Defense the capability of developing this concept. This is a research and development program to develop the rail garrison concept so that in time of crisis or even war we could disperse a percentage of our ICBM's as we would disperse the small mobile missile, our bombers, and the other strategic systems.

□ 1400

Rail garrison makes sense, it is what we have been working toward. It is less expensive than the alternatives that have been proposed and certainly much cheaper than the basing and operational plan for Midgetman. It is about $15 billion compared to $45 billion.

According to the Air Force, the small mobile missile will call for 10,400 additional personnel than we presently have just to man and protect the system. So the Congress and the administration agreed that we would take a dual track in modernizing our ICBM force. I hope we keep the rail garrison money in the defense bill. It makes sense. If some in Congress are going to breach the agreement, others, myself included, will try to cut the small mobile money out of the bill. So if we are going to reduce rail garrison, then we are going to try to reduce the Midgetman money also.

Mr. Chairman, I reserve the balance of my time.

Mr. HERTEL. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

Let us see if we can get this argument back in perspective here and I probably will respond to my very dear friend from Alabama on some of the statements he has just made.

I wonder if any of you realize that this is the first time the Air Force has come forth volunteering except for one other program which happens to be an airplane with a 20-year life cycle program. I am talking about the Midgetman missile, when we talk about the expense of the Midgetman missile. They do not volunteer these programs to anyone. I think what they are trying to do is say to us "We don't want the Midgetman, what we do want indeed is 50 more MX missiles come hell or higher water." Quite frankly, I think I am being very candid when I say that, I believe that is the bottom line where the Air Force is coming from.

By the way, when the Scowcroft Commission, Mr. Chairman, had recommended 50 MX missiles—they recommended 100 but said they could live with 50—and the reason they went to 100 was not a military decision, by the way, it was an economic decision. I think it is safe to say that before the House today so that all of us will have all the facts in front of us.

And by the way, I think it is also fair to say that the Air Force back in the 1960's, if you recall, rejected, absolutely rejected any rail launching of missile systems because they did not feel it would work accurately.

Mr. Chairman, I have been briefed on this subject as have many other members of the committee. I promised to keep an open mind, knowing, of course, and realizing, I think, people realize my position on the MX missile from day one. Yet while their position and their line, official line is that this is a generic basing mode, while the official line is that no judgment has been made on the deployment of a second set of 50 MX missiles, let us be very clear, I repeat, heck or high water they want an additional 50 MX missiles any way they can get them.

If the rail garrison is funded, Members of the House can count on additional MX debate next year and perhaps the year after that leading eventually perhaps to another agreement to settle this problem.

Now, we have a compromise in place: 50 MX missiles in Minuteman silos. We do have a small mobile missile in full scale development. By the way, the Secretary of Defense has used that argument, the Soviet Union with all their mobile systems.

This Congress has funded properly, at proper levels the amount of money necessary to get the Midgetman missile going on a mobile system for that deterrent factor which is very important.

So therefore, Mr. Chairman, we can get into facts and figures all day long. The bottom line is this: If you vote for the rail garrison you are going to kill the Midgetman missile.

Mr. Chairman, I rise to speak in support of the Hertel amendment, and urge my colleagues not to fund the rail garrison initiative.

It was 2 years ago that Congress agreed to compromise language limiting deployment of the MX missile to 50. It was a good compromise that put to an end, 3 years of very hostile and acrimonious debates on the MX Program.

Last December, I traveled out to the Air Force's Ballistic Missile Office at Norton Air Force Base in San Bernardino, CA. I was briefed on the concept of rail garrison, and while it is well known that I am not an MX supporter, I promised the Air Force I would keep an open mind.

Yet, while the official line is that this is a generic basing mode—while the official line is that no judgment has been made on the deployment of a second set of 50 MX missiles—let us be very clear what is at issue today.

The Under Secretary of Defense for Policy, Mr. Fred Ikle in testimony to the other body, has made it very clear that the issue before us is the deployment of an additional 50 MX missiles in the rail-mobile system. That would lead to a total of 100 missiles deployed.

If rail garrison is funded, Members of the House can count on additional MX debates next year and perhaps the year after, leading eventually to another compromise to settle this problem.

We have a compromise in place. Fifty MX missiles in minuteman silos. We have a small mobile missile in full scale development. We have an advanced technology bomber, and other strategic systems in production.

Mr. Chairman, more MX missiles is not the answer.

Support the Hertel amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. I thank the gentleman for yielding.

Mr. Chairman, it is interesting as we discuss this particular point of this MX and the deployment, again we go back to the issue of how do you want to do this? I think it seems abundantly clear that the rail garrison as it would be used on the MX, the same type of principle could be used for another missile. Of course, we have to realize that President Jimmy Carter wanted 200 missiles at the time. Now we have heard every scenario from 200 on down to nothing, which has been brought up. When the Air Force talked about the 60 that the gentleman from Massachusetts was talking about he was basically talking about the theory of shooting them all around the country. They would be on the system that was used for civilians. Now that would have a big problem interfacing with what the civilians would do so you could not use this. So we have another system here.

So when you talk about the MX now being used, the system of 50 in the hardened and the additional in the rail garrison, it seems to be abundantly clear that we are promoting and pioneering something that could be used for other missiles at that time. I would hope that members of the committee and Members would look at that carefully when they get to the point of voting on this rail garrison and realizing the importance of promoting this idea for the MX, which in my humble opinion, as I said before, is one of the best things we have got going and it seems a shame we do not come up with another system besides the hardened silos.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Alabama [Mr. DICKINSON] has 12 minutes remaining and the gentleman from Michigan [Mr. HERTEL] has 5 minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the Chairman.

Mr. Chairman, I certainly understand the arguments of the gentleman from Massachusetts but I want to tell you that this is not a debate about whether we are going to have 50 more MX's or what we are going to do with the 50 MX's we currently have. This is a debate about mobility. This is a debate as to whether we should take our land-based systems and make them mobile.

You know, Scowcroft said they ought to be mobile. He made that argument in the Scowcroft report. The Congress itself said we ought to explore the possibility, we ought to come back with a better basing mode, which means mobility. We said that in 1986.

Arms control experts, both liberal and conservative, even the chairman of this committee, I am sure, believe mobility makes more sense in terms of how we want to base our land-based strategic systems. The Soviets themselves are moving toward mobility with the SS-25. There is not anybody I can think of who does not think that mobile systems are ultimately the answer for greater stability with land-based forces, with our land-based forces and with the Soviet land-based forces. And now it may be we are not comfortable with putting 10 warheads on a mobile system but as the gentleman from Alabama pointed out, this is not just a mobile system to accommodate MX, this is a mobile system that can accommodate the single warhead system.

So, ladies and gentlemen, if you want to provide for greater stability vis-a-vis the Soviets and them vis-a-vis us, we ought to be moving toward mobile systems, not these hardened silos that can clearly be targeted. If you have a mobile system you confuse military planners on both sides of the ocean in terms of this debate and it makes abundant sense to move toward mobility. Let us defeat the Hertel amendment. This is not a vote on MX. This is a vote on whether we want our land-based forces to be mobile and provide greater stability and greater security in the world today.

And I say, my goodness, there is not a more important vote we are going to cast today than this vote to defeat Hertel, keep Midgetman alive and, my goodness, give ourselves a chance to put this land-based vulnerable force in a mobile mode that will provide greater security for the entire world.

Mr. HERTEL. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. I thank the gentleman for yielding.

Mr. Chairman, again what we are talking about today is really not a program for MX mobility development, it is a program for more MX's, period.

It has been understood with the Congress and the administration for some years that the MX Program has been capped and that is definitely the case and, as has been stated previously, the MX on a mobile basing system mode would be extremely vulnerable to Soviet sabotage and other countermeasures. In a time of budgetary stringency we are also talking about throwing $15 billion or so out there at a rate and a figure that we do not need.

So I say again very strongly support the Hertel amendment.

The CHAIRMAN pro tempore. The gentleman from Michigan [Mr. HERTEL] has 4 minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 2 minutes remaining.

The gentleman from Michigan is entitled to close debate.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time, 2 minutes, to the distinguished gentleman from Arizona [Mr. KYL].

Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I think what we are seeing here is pretty obvious, one in a series of attempts to absolutely do away with our ICBM system. Following this there will be an amendment to take out all the test missiles, then take out all the testing of nuclear warheads. I believe this is just one of a series of things to just denude us of our nuclear capability. I hope that the Members realize that. And also realize that by defeating this amendment we will obviate two more amendments and save a great deal of time.

Mr. KYL. I appreciate that gentleman pointing that out. As a matter of fact, I was going to mention the same thing.

Both Mr. DICKINSON and I have an amendment which would reduce the funding of the small ICBM but only in the event that the Hertel amendment should be adopted. Therefore, the best way to defeat our two amendments is to defeat the Hertel amendment.

Mr. Chairman, this is a vote, a very important vote to protect our best strategic missile and I cannot understand why anyone would want to leave our missiles unprotected. That is precisely the effect of the Hertel amendment.

What exactly would it do? It would eliminate any further work on any survivable basing mode for the Peacekeeper or for that matter, for the small ICBM. It will cause at least an 18-month slip in any schedule or possible IOC for alternate survivable basing technology.

Specifically, rail garrison R&D would cease, contractor teams would be disbanded and scattered, no work would be done in fiscal year 1988. This would occur in the year when the Soviets will likely declare their SS-X-24 system operational and, as I said, the year in which it would be deployed. We would then not be able to develop an equivalent survivable mode until 1992 or 1993. Of course, this would further exacerbate the already destabilizing imbalance of strategic forces. Moreover, our arms control efforts in Geneva would be without one of its major levers to force the Soviets to make meaningful concessions in strategic arms.

Mr. Chairman, I urge my colleagues to defeat the Hertel amendment.

Mr. HERTEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is getting a little confusing. The gentleman from Alabama says this is part of an effort, this first amendment, to reduce all ICBM missiles because of the following amendments. Well, my amendment stands by itself. I am going to oppose some of the amendments that are coming up. So it is separate.

But the last gentleman from Arizona said that if this amendment passes to take out the money for the MX garrison he is going to put in an amendment to reduce money for the Midgetman. I do not understand what that has to do with it at all because the ranking member is concerned that we have enough money for our land-based force. The gentleman, from his own side, says he is going to reduce money for the Midgetman. Why?

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding.

Mr. Chairman, the reason is quite simple, because as the Scowcroft Commission reported, these are integrated systems, complementary systems. It seems to us that we have got to find a way to protect them both.

Mr. HERTEL. So you are going to reduce money for the Midgetman and that will protect them both?

Mr. KYL. What we will need to do is not build a missile that cannot be protected. There is no reason to throw money away if we cannot protect the weapon. The Armed Services Committee report notes this money, the $250 million for the rail garrison would be applicable to both of these systems. We would like to build them both, as a matter of fact.

Mr. HERTEL. The administration has been very honest. This is for the MX rail garrison, this $250 million.

Mr. KYL. I was referring to the Armed Services Committee report.

Mr. HERTEL. The administration has been very honest about it. They want this $250 million to start an MX rail garrison system. What this is, I think we have seen through the debate, is this is the back door to having additional MX missiles.

The House agreed after many, many votes that they would cap it at 50 because it was a vulnerable system and therefore making it a first-strike system. We have not had anybody say they are going to take them out of the silo and put them on a railroad, no. This is in addition to.

We have also learned it is going to cost $10 billion to $15 billion more for the MX rail system and we know now that others are going to try to cut the Midgetman system because there is not enough money for everything, I assume that is the reason because many of us are backing the Midgetman.

A lot of questions have been unanswered in this debate. We said if they are put on trains they would be open to sabotage, terrorism, and accident during these alerts and if the alerts were ever broadened to a longer period of time. Those charges have not been answered at all. That is one of the reasons, one of the reasons that the Air Force rejected this idea for Minuteman years ago.

Now, no one has disputed the launch time because that came from the Air Force in March 1987, 3 to 4 hours for the MX garrison, only 6 minutes for the mobile missile. And no one has been able to say it is not a soft target because they will use cheaper and older Soviet missiles to go after the MX rail garrison.

A few people have alleged that if you only got it not to the firing point, not the full 3 or 4 hours, but if you got it 3 or 4 miles out of the garrison that that would be survivable. We all know that is not true, that is not true at all; it would be destroyed, it would be destroyed.

Let us go back to the Scowcroft Commission. What did they say? First of all, they pointed out that the President was wrong in the 1980 election, there was no window of vulnerability regarding a missile race or missile gap. They said we needed some MX missiles and the generals' argument in the report and in person before the committee was to show "resolve."

□ 1415

He admitted that they were sitting ducks, as the ranking member has said.

This does not change it, they will still be vulnerable and we will be wasting $10 to $15 billion more for additional MX missiles that will still be vulnerable.

Vote "yes" on the amendment.

Mr. CHENEY. Mr. Chairman, I rise today in support of the Nation's ICBM modernization program.

I don't have to remind my colleagues of the long history this program has had in the Congress. Nor do I have to remind my colleagues that long ago the debates surrounding ICBM's transitioned from rational discussions of important issues to purely political sensationalism. Well, for a brief time today, let's return to a rational discussion of important strategic issues that compel us to continue to search for a modernized land-based ICBM force.

First, some history, in 1983, the Scowcroft Commission—a highly respected bipartisan group of strategic thinkers—convened to address the continuing problem of modernizing the land-based ICBM's. This highly respected Commission carefully reviewed the issues and concluded that attempting to solve all ICBM issues with a single missile in a single basing mode "made the problem of modernizing the ICBM force so complex as to be virtually insoluble." Therefore, the Commission recommended a three-pronged approach which suggested: First, prompt deployment of 100 MX missiles in Minuteman silos to immediately reduce the Soviet advantage in ICBM capability; second, development of a small, single-warhead ICBM to be deployed in the early 1990's in such a way to enhance survivability and stability; and third, vigorous investigation into follow-on ICBM basing technologies to enhance future ICBM survivability. This approach was accepted by the President and unanimously supported by the Secretary of Defense, the National Security Council, the Joint Chiefs of Staff, the Secretary of State, and the Congress, which authorized the Air Force to proceed. But, as you know Mr. Chairman, the bipartisan consensus did not last long.

Congress decided to cap the deployment of MX missiles in silos at 50 due to continuing concern over survivability. We also told the administration to look again at ICBM survivability and gave the Department of Defense funds to explore alternative basing technologies along with the small ICBM. Well, the Air Force did exactly what we asked them to do. They came back with another examination of ICBM basing and, this time, combined the elements of mobility and deception we implored them to consider.

Now we have before us the President's proposal to develop a basing mode to garrison missiles in railroad cars on SAC bases and to develop the small ICBM. This dual approach finally solves the ICBM survivability problem—but only if we allow development to proceed.

The President's proposal has much to commend it. The fact that the Soviets right now are deploying their huge 10 warhead SS-24 ICBM's on railroad cars and their smaller SS-25 ICBM's on trucks should dispel any escalatory or feasibility concerns in Congress over the President's plan. It should be judged fairly as a practical, realistic reaction to what the Soviets are already doing—neither provocative nor destabilizing. As for possible Soviet military responses to the United States ICBM modernization program, there is no obvious countermeasure that they could take to gain significant advantage over the rail-garrisoned Peacekeeper and mobile small ICBM.

The simplicity of placing the Peacekeeper in railroad cars, securely garrisoned on SAC bases, that would be deployed off base only in time of crisis is a concept that can be readily understood and accepted by the American people. There would be minimal public interface with ICBM's except when deployed in a crisis. The President's plan does not depend on complex, and perhaps terrifying, notions such as "fratricide" in close-spaced basing to survive a Soviet first strike. It would give the dispersed U.S. ICBM forces much greater survivability. It would also permit the United States to deploy rail-mobile Peacekeeper missiles, like bombers and submarines, in a show of force to help quell a crisis and to enhance the prevention of war. It also would allow the President much more time—hours, even days—to decide on whether or not to launch an ICBM strike.

An effective ICBM force guards against shortcomings in the other legs of the triad and vice versa, of course. Each element of the triad possesses some capabilities and limita-

tions that differ from those inherent in the others.

In the ICBM force, each basing mode would pose different targeting problems for the Soviets, have different survivability characteristics, all of which should function synergistically to minimize Soviet first strike incentives. Multiple ICBM basing modes avoid unforeseen but possible catastrophic failure of any particular basing mode under conditions of nuclear attack. Deterrence is very much about confidence, or its lack thereof, and the design of forces. In short, a United States ICBM would pose formidable, really impossible, difficulties for Soviet war planners, and, therefore, would preserve deterrence and ensure peace.

But, even now, some would criticize this proposal to develop, not deploy, survivable basing for our ICBM's. They would try to eliminate funds for one or another portion of this vital strategic improvement. Let me address just two of the issues I feel particularly well qualified to discuss.

One of the key arguments is that dispersing the trains out of the garrisons would be provocative or destabilizing during a crisis. What a crisis manager wants more than anything is a "bag full" of response options from which he can pick and choose. Rail garrison gives you just that. You can disperse one train, several trains, no trains, or all the trains, as the situation dictates. Also keep in mind that any action taken regarding the rail garrison system will be a part of a larger set of responses to a crisis. It is not a single system that will wind up being the only crisis response.

Another argument is that we will not have sufficient strategic warning to disperse the trains in time to be fully survivable. As a member of the House Select Committee on Intelligence, I am very confident of our abilities in this area. The United State has invested billions of dollars in this decade to improve our intelligence capabilities. Greater improvements are planned for the next decade.

Mr. Chairman, I think the time for partisan bickering on this vital program is past. We have before us a request to develop a package of complementary ICBM systems. Together they help to address existing shortfalls in our strategic capability, and finally to complicate Soviet attack planning as to make our ICBM force largely invulnerable. Let's continue this development—we can't afford not to.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time for general debate has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. HERTEL].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HERTEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 239, not voting 9, as follows:

[Roll No. 118]

AYES—184

Ackerman
Akaka
Anderson
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Biaggi
Boggs
Boland
Bonior (MI)
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Cardin
Carper
Carr
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
DeFazio
Dellums
Derrick
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jontz
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Nagle
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Patterson
Perkins
Pickett
Porter
Price (NC)
Rahall
Richardson
Ridge
Roberts
Rodino
Roe
Rose
Rostenkowski
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sensenbrenner
Sharp
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOES—239

Alexander
Andrews
Applegate
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boner (TN)
Bosco
Boulter
Broomfield
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Chandler
Chapman
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
DeWine
Dickinson
Dicks
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Gregg
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Pease
Penny
Pepper
Petri
Pickle
Price (IL)
Pursell
Quillen
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schneider
Schuette
Schulze
Shaw
Shumway
Shuster
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (IA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—9

Annunzio
Ford (TN)
Jones (NC)
Leath (TX)
Rangel
Ray
Roybal
Schaefer
Tauzin

□ 1425

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Leath of Texas against.

Messrs. PEPPER, VOLKMER, and SLATTERY changed their votes from "aye" to "no."

Messrs. ROSE, SIKORSKI, and BIAGGI changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK: At the end of section 206 (page 32, after line 25), add the following new subsection:

(g) MX MISSILE SYSTEM.—The amount authorized to be appropriated in section 103 for the Air Force is hereby reduced by $673,700,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from

Massachusetts [Mr. FRANK] will be recognized for 10 minutes, and a Member in opposition, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Chairman, it has been my understanding from a previous conversation with the proponent of the amendment that a unanimous-consent request would be necessary. I did not hear, because of the noise in the Chamber, whether the request had been made or whether it had been granted.

The CHAIRMAN pro tempore. The Chair will state that no request has been made as yet.

Mr. DICKINSON. Mr. Chairman, if the gentleman would like to make such a request, I will state that I was going to enter into a colloquy, but I am not going to block the request.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I ask unanimous consent to modify the amendment.

An error occurred in the Rules Committee in printing the amendment, and it includes an incorrect section number. It was made in order by the rule, but in incorrect form, so I ask unanimous consent that the amendment be modified.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. FRANK: At the end of section 110 (page 16, after line 11), add the following new subsection:

(f) MX MISSILE SYSTEM.—The amount authorized to be appropriated in section 103 for the Air Force for missiles for fiscal year 1988 is hereby reduced by $673,700,000.

The CHAIRMAN pro tempore. Is there objection to the modification?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, just for clarification, it is my understanding that there was a typographical error made by the Rules Committee, and that the number that was used would simply make it appear in a different but erroneous section of the bill, but it does not change the sequence nor the money nor the effect of it; am I correct in that?

Mr. FRANK. Mr. Chairman, if the gentleman will yield to me under his reservation, let me state that he is absolutely correct.

Mr. DICKINSON. Mr. Chairman, I have no objection to the modification, and I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The gentleman from Massachusetts [Mr. FRANK] is recognized for 10 minutes in support of his amendment.

□ 1440

Mr. FRANK. Mr. Chairman, I want to begin by thanking the ranking minority member for his courtesy. This is probably the last thing I will say all day that the gentleman agrees with, so I wanted to get it out there, but I do appreciate the courtesy the gentleman and other Members on that side have shown.

Mr. Chairman, we heard some very eloquent rhetoric earlier today, as well as a lot not so eloquent rhetoric earlier today, on the question of the day. This amendment would save $673 million from this bill. It would leave to the discretion of the Appropriations Committee, which will get this bill later, whether all of it should be returned to the Treasury to reduce the deficit or whether some of it might be available to help fund other accounts, conventional weaponry and ammunition. What it says is this. We have agreed to build 40 MX's and put them in holes in the ground.

Now, the House in a rare gesture of obeisance to Jimmy Carter has just voted that Carter was probably right all along and we should study the railroad basing mode that he originally was for. Given that vote, it seems to me all the more illogical at this point when we have a current basing mode, the House has called into question the current basing mode. We have said we were going to put 40 missiles in there. No one thought 40 missiles was a good idea. Some people wanted fewer, some people wanted more, no one thought 40 made any sense, so we accepted it as a compromise.

Now we have just voted to study a new basing mode so we might not even want to go ahead with this, so we are now being asked to vote 12 more missiles so they can test for a basing mode that the House has just voted it does not want anymore, probably, so we are asked to spend $673 million on a proposition of such dubiousness that it amounts to throwing good money after bad.

We were told that we needed spares and tests. When the bill came out of the committee before it was amended under the initiative of the chairman of the committee, it has 21 spares, 21 spares for 40 missiles this year. Had we gone along with the committee, pretty soon we would have had more spares than reals. It looked as if it was really an alternative way, many of us think, of getting extra production. They were limited to 40 and they know we do not want 40, so they came in to build 21 more as tests.

They cannot do that many tests. They were looking for kind of a back door way to increase the production.

So the question is, at a time of great budget stringency, do we want to spend some $800 million to test missiles for a basing mode that we have now called into question.

I originally thought we should not have any, but in a fit of moderation last week I decided to leave in enough for 2, because there might be some unexpected contingencies, so this amendment would allow them 2 spares for the 40 for this coming fiscal year. We will be studying the alternative basing mode.

What we have is this. They have got the MX missile and no one is satisfied with it. Forty is too few. We have too few missiles in the wrong place, so they now say they need to be able to test because we have got too few missiles in the wrong place, so they want to build to put them in another place.

This has got to be the clearest shot Members are going to have, Mr. Chairman, at saving $673 million.

Now, I know by defense standards that $673 million is not a lot of money, but for virtually any other program in housing, in health care, even in agriculture, $673 million is not chopped liver. If we can save $673 million, even with the money they have now got to study their railroad trains, knowing they will probably build a scale model of Utah somewhere in Alaska so they can test it to see what the environmental impact will be, so they have plenty of money and they still have money to build two spares and they want us to give them another $673 million.

Those who showed their concern rhetorically for the deficit today by bravely threatening not to pay for money we already owe have a chance now to prevent the incurring of greater debt. The best way to avoid being hammered by a debt limit is not to reach it.

I am offering Members, Mr. Chairman, a chance to save $673 million.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the very learned and distinguished gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I thank the distinguished gentleman from Alabama.

Mr. Chairman, this amendment represents an old idea whose time still has not and should never come.

Every year since 1984 we have considered an amendment to either shut down or significantly reduce the MX production line. And every year since 1984 we have rejected this proposition.

This year should be no exception—unless we want to gut the MX Program. But I am hard pressed to under-

stand why we would want to cripple the MX—especially at a time when we are engaged in active negotiations with the Soviet Union.

The MX missiles that we are debating today are test missiles. They are not deployable missiles. We have a legislative cap of 50 on the number of MX misiles than can be deployed. In supporting the MX, the House is not being asked to lift the cap today.

The House is being asked to support the buy of test missiles to support the operational MX systems. As with flying hours or spare parts for aircraft, the MX test missiles support the operational deployment of an important weapon system.

The MX Test Missile Program is like any other weapon system in that we must test what we have chosen to deploy. We need to have high confidence that the system will work if we ever have to use it. Also, it is important that the Soviets understand that we have high confidence that our systems will work—a basic principle of strategic deterrence.

Every ballistic missile system that we have requires periodic testing while they are deployed. The MX is no exception.

As I explained last year, the MX Test Program is modest in comparison to our other systems. While the MX requires 108 test missiles, the Minuteman I requires 210 test missiles; the Minuteman II, 171; Minuteman III, 242; Trident I, 334; and Pershing II, 120 test missiles.

Even the Congressional Budget Office in its January 1986 working paper on the MX Test Program noted that:

> Given the objectives of a ballistic missile test program, when Phases I and II are considered together, the MX test program seems modest in size. The MX Text Program is also modest in size compared to test programs for other U.S. ballistic missiles.

Simply stated, the amendment would prevent us from achieving confidence in the safety and effectiveness of our most modern land-based ballistic missile. Further, the amendment would unilaterally cripple the only active ICBM production line the United States has without obtaining any Soviet concessions—a proposition of dubious merit.

I respectfully request that my colleagues vote "no" on the amendment.

Mr. FRANK. Mr. Chairman, I yield, with great anticipation, 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I would like to say that we do not work for the railroad. We are not here to send signals. We are here today to develop a legislative initiative that might put some sanity into this MX debate.

Now, I have been around here going on my second term. I stated that the MX was really a sitting duck, but today I say it is more than that. It is a turkey that should be shot down.

But today, I want to talk about it as we really should, and that is economically.

Mr. Chairman, we have a white elephant here that we put billions of dollars into. Now we are going to put billions of dollars more into finding a way to disperse it—for what?

In all honesty, this is a first-strike weapon that we will not detonate.

Now, let us talk about it as a deterrent. As a deterrent, I believe we have enough to destroy the world 50 times over. I do not believe the Soviets are going to take us on because I do believe we will clean their clock and they know that.

We need a deterrent, but what have our generals told us, what have our admirals told us? They told us that if we are behind, it is in the conventional arena, but now we are going to go on and continue to spend billions and billions of dollars.

Mr. Chairman, I say that if there is pork barrel in this House, it is not in improving the infrastructure of America. It is in these types of boondoggle programs. We should put an end to it.

I am not finished yet. I would like to address one other factor in supporting the amendment of the gentleman from Massachusetts [Mr. FRANK]. If you take the floor and oppose the MX, you are called on defense. People around here have labeled the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Ohio [Mr. TRAFICANT] weak on defense. I do not believe we are weak on defense. I believe we are showing some common sense.

I am proud to stand here today with the gentleman from Massachusetts [Mr. FRANK]. I believe what the gentleman is doing is right. I think if there is any common sense and sanity in this House, we would put an end to this pork barrel business, the real pork barrel. It is the kind of pork barrel that is not getting back to the American people.

So with that, Mr. Chairman, let us shoot this turkey down and let us put some sanity in the process.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I believe this turkey ought to fly, and I would like to talk about that a minute.

Mr. Chairman, I rise in strong support of keeping the Peacekeeper production line open.

I don't think there is anyone here today who wouldn't agree that the Peacekeeper missile has been a real success story. We've had 17 straight successful test flights, its accuracy is twice as good as Minuteman III, and it is already 5 years ahead of its planned performance goals. On top of this, the program has come in on cost and on schedule. While we have had many debates over the basing mode, I believe most would agree that the Peacekeeper is a model missile.

As most of my colleagues know, Congress already authorized the 50 MX missiles needed for deployment. This year's production request was not for more deployed missiles, but for test missiles. I stress we are discussing test missiles here. Test missiles have nothing to do with deployment of additional Peacekeepers. Congress capped the MX at 50. The Department of Energy has stopped the production of warheads at 50, and the Air Force has stopped the production of silo hardware at 50. Test missiles will not lift that cap.

Every ballistic missile program meets test missiles. The Navy uses them, the Army uses them and so must the Air Force. We've heard it said that "test missile launches are to ICBM's what flying hours are to aircraft." As we continually fly aircraft for proficiency and readiness, we need to test our missiles to check their reliability and performance.

I've listened to some of my colleagues argue that the B-1B and the Bradley tank are experiencing difficulties today because of a lack of testing. Test missiles will assure that the Peacekeeper will not be lumped in with other weapons systems which are being criticized because they haven't been tested.

The MX program needs 123 test missiles to be used over the next 15 years. This is considerably less than other like programs. For example, we purchased 248 test missiles for the Minuteman III—MX needs half that amount. In fact, the MX Program requires less test missiles than any previous ballistic missile program, including all of Minuteman, the Army's Pershing, and the Navy's C-4 and D-5 missile programs.

The question is: What happens if we stop production of the MX test missile this year? Let me say that it would be a serious mistake.

First, stopping production would collapse the MX production base. Hundreds of suppliers, vendors, and defense contractors would be terminated. That would mean that our ability to secure needed spare parts for the MX would be jeopardized. In short, stopping production this year could effectively close down the only ICBM production line in this country. The havoc that would be caused if we stopped production this year of test missiles makes no sense at all.

Some of you may argue that the Air Force can always reopen the production line next year; that this is just a production pause. Let me assure you that if the line is shut down this year, there will be considerable costs to reopen it. The first cost is to recertify

many of the manufacturers that make the sophisticated hybrids and electronics. Then, there are costs associated with finding new suppliers to replace those permanently lost to the program and to get those new suppliers qualified. There are also termination costs, costs to mothball and costs to retrain and restart. The Air Force has told me that a conservative estimate of this cost would be in excess of $2 billion and a 3 year slip in missile delivery.

Second, to stop production of needed test missiles would be an unprecedented action. When we needed test missiles for Minuteman I, II, and III, we bought them.

Third, stopping production of test missiles would jeopardize the Air Force's ability to certify the MX's continued reliability and operational performance. This would seriously reduce our confidence in the system and degrade our overall strategy of deterrence. Such an adverse action would raise considerable doubt about our credibility in funding a weapon system for deployment, then choosing not to properly support it.

I urge continued production of needed test missiles this year, and urge rejection of the Frank amendment.

Mr. FRANK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I congratulate them on the fact that they have had 17 successful tests. They ought to quit while they are ahead. They have had 17 tests already.

We have had two things come out in the debate that show what we are really talking about here. One, they do not want to shut down the production line. This is an effort to keep open the production line because they do not think 50 is enough. They have never thought 50 is enough. They want more and more. The House adopted 50 as a compromise and said that would end it.

The Pentagon has never been for that. They have tried many times to get out from under it. This is an effort to keep it going.

□ 1455

Look at what you are committing yourselves to if you vote against this amendment. The gentleman quite honestly said they will need 123 of these; 12 is just the downpayment. So the $800 million this year, multiply that, they are talking about $8 billion that is going to come in these test missiles for a system of dubious value when the House has just voted to test an alternative basing mode.

Let us at least, if we are going to test them, wait until we have tested the alternative basing mode before we commit to testing what may be an outmoded mode.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). the gentleman from Alabama [Mr. DICKINSON] has 5 minutes remaining and the gentleman from Massachusetts [Mr. FRANK] has 3 minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I oppose the amendment. Simply stated it guts the MX Program. As I said last year when a similar amendment was offered,

> It completely reverses the careful compromise that was crafted between the Congress and the administration on the basing of the MX missile.

As we all know, agreement was reached to deploy 50 MX missiles and provide sufficient test missiles to support that deployment. Today, the House is being asked once again to undo that agreement and the fragile consensus that emerged as a result of the compromise that was reached.

Both in fiscal year 1986 and fiscal year 1987, the Congress agreed to fund 12 MX test missiles. It seems to me, therefore, that the Congress has spoken with some degree of consistency on this issue. We voted to deploy 50 MX missiles, and we have voted for the past 2 years to support the test missile program.

The amendment really is asking us to go back to the drawing board. For years, we searched for a way to modernize our land-based strategic forces. Finally, 2 years ago we obtained the compromise of deploying 50 MX missiles in Minuteman silos.

To reverse course now would be a costly mistake. We have invested considerable sums in the MX Program. To reduce it below the minimum sustaining rate of 12 missiles in midcourse would represent a colossal waste of funds, and hand the Soviets a significant victory without their lifting a finger.

This is no time to engage in such folly. Our strategic triad is too important to our overall defense posture, and the MX is an essential ingredient of the equation.

I strongly urge my colleagues to vote down the amendment.

Mr. FRANK. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 3 minutes.

Mr. FRANK. The gentleman from New York [Mr. STRATTON] says, among other pleasantries, that we are being inconsistent. Accusing any of us of being inconsistent on the MX missile is to say that we are Members of the House. As the gentleman well knows, the House has zigzagged on the MX missile. The only evasive action that has ever been taken successfully with this foolish missile is here in the House and its pattern of votes. But here is where we are.

We got 50 as a compromise to which the Pentagon never subscribed. They want to keep the production line open so that they can build more and more and more. They have come forward with a request for 21 test missiles—not 12, they asked for 21—because they wanted to make more, not just for testing, but for use. They want to keep the production line open.

Look what we are committing ourselves to. The gentleman from Utah said it: They are going to need 123. So they are asking you today to vote for an $800 million downpayment on an $8 billion boondoggle. And of course we have the specter of cheering Soviets.

Every time it looks like we might save a buck or two over at the Pentagon, out trots the Kremlin, and we see the holograph of the dancing, cheering, Kremlin, the chorus line of the Kremlin, to get us to spend money. That seems to be the major function of the Soviet Union around here: They can be invoked to drain our Treasury.

We are not talking about undoing the compromise of 50, we are talking about living up to it, because this is an effort to keep open the production line, to build 123 more tests, we are told, not just this 12—there is another $8 billion.

The final point is this: The House just voted to say that the basing mode does not make sense. Well, we knew that. Remember, the original notion of the MX missile was that the current holes in the ground were not safe, so we tried all kinds. The gentleman from California gave a great exposition I believe of the 35 different modes. He acted out about 14 or 15 of them. He did a great act on that.

We finally came back to putting them back in the same holes in the ground. So we are now spending enough for 50 MX's for the same holes in the ground that originally we thought were vulnerable, so that is why we needed a new one. Now the House has decided that Jimmy Carter was probably right all along, and we ought to put it on railroad trains, but while we are simultaneously voting for expensive testing to change the basing mode, Members are being asked to vote $800 million to test on the old mode.

Why the rush to test on the old mode when you are going to switch to a new one? Why the need to test under a mode that the House has just called into question? The answer is very simple: they want more than 50.

The Pentagon has never thought that 50 made sense. They have no mission for 50. This is an effort, if they get these additional missiles and keep the production line open, to try to get more. Why would you simultaneously say, "The basing mode probably is not

good; let us change to the railroad mode. And while we are at it, please commit yourself to $8 billion for testing under the old mode."

It is a great mistake, and we have a chance to save some money.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has 3 minutes remaining.

Mr. DICKINSON. Mr. Chairman, to close debate, I yield the balance of my time to the erudite, persuasive, and debonair gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, this is a very, very serious debate. Some of my colleagues on the other side of the aisle would really rather kill the MX program outright. Many of the arguments that we have just heard are basically a rehash of reasons why they do not like the program in the first place. But, it does not make any sense, now that we have the MX program, to say that just because you do not like it, you do not care whether it works or not.

Specifically I have reference to my colleague from Massachusetts, who remarked that since we had conducted 17 successful tests, we ought to quit while we are ahead. That is not a serious statement. It is not a serious proposition, but I suggest that it characterizes this particular debate.

Everyone knows that you have to have tests on any military equipment to know whether it will work, and particularly equipment that is as important as the MX missile. We tested, to the extent required, the Minuteman I, II, and III. We test all of the major and minor military programs, sometimes ad nauseam, as has been pointed out. Why do we not want to test the primary and the most important piece of the strategic triad that we have?

The reason, it appears, is because some of our colleagues here do not like the MX. That is not a good reason to be arguing against testing when we have already made the decision to deploy it. This is a very serious business.

Mr. Chairman, this is an extremely important proposition that we are trying to establish here. All of the weapons that we vote with taxpayer dollars we want to work. Otherwise we are simply wasting their money, and they appropriately argue that we have not done our job.

Now the Congress has voted to deploy 50 MX missiles. Are we serious about the question of whether they will work or not? Here are some of the reasons why it is important to continue testing. I know that my colleagues understand this, but apparently we need some reminding.

It is needed to establish and monitor the reliability of these systems; to continue to monitor their accuracy; to test force improvement modifications; aging trends, which is extremely important; and to provide confidence in the force.

It is also important, I think, to let the Soviets know what we are up to if these missiles are to provide the important deterrent effect which we want them to have.

This requirement for testing is the lowest of all of the ballistic-missile programs that we have had. Two separate CBO reviews found the Peacekeeper to be an austere program. It is a cost-efficient program.

As I said, test missile flight tests are very important, because they represent visible evidence of our strategic capability, which is a key factor to deterrence.

We have always required vigorous testing of our operational systems, and it should be no less true on the MX. As a result, Mr. Chairman, we should not be rehashing the debate on whether we favor MX or not; we have crossed that bridge. We have deployed or will be deploying 50 of these missiles. We have got to be sure that they continue work; and as a result, we should vote "no" on the amendment.

The CHAIRMAN pro tempore. All time for general debate has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK], as modified.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 258, not voting 11, as follows:

[Roll No. 119]

AYES—163

Ackerman
Akaka
Anthony
Atkins
AuCoin
Bates
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boehlert
Bonior (MI)
Borski
Boucher
Boxer
Brennan
Brooks
Bruce
Campbell
Cardin
Carr
Clarke
Clay
Coelho
Collins
Conte
Conyers
Coyne
Crockett
DeFazio
Dellums
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Feighan
Flake
Florio
Foglietta
Ford (MI)
Frank
Garcia
Gejdenson
Gephardt
Gibbons
Gonzalez
Goodling
Gradison
Gray (IL)
Gray (PA)
Hall (OH)
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Howard
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lowry (WA)
MacKay
Manton
Markey
Martinez
Matsui
McCloskey
McHugh
Mfume
Miller (CA)
Mineta
Moody
Morrison (CT)
Mrazek
Nagle
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Perkins
Petri
Rahall
Richardson
Ridge
Roberts
Rodino
Rostenkowski
Roukema
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sensenbrenner
Sharp
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Volkmer
Walgren
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOES—258

Alexander
Anderson
Andrews
Applegate
Archer
Armey
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bevill
Bilbray
Bilirakis
Bliley
Boggs
Boland
Boner (TN)
Bonker
Bosco
Boulter
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Carper
Chandler
Chapman
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dornan (CA)
Dowdy
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Foley
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gilman
Gingrich
Glickman
Gordon
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Jones (TN)
Kasich
Kemp
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Roemer
Rogers
Rose
Roth
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schuette
Schulze
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton

Slattery	Stenholm	Vucanovich
Slaughter (VA)	Stratton	Walker
Smith (TX)	Stump	Watkins
Smith, Denny (OR)	Sundquist	Weber
Smith, Robert (NH)	Sweeney	Weldon
Smith, Robert (OR)	Swindall	Whittaker
Snowe	Tallon	Whitten
Solomon	Taylor	Wilson
Spence	Thomas (CA)	Wolf
Spratt	Thomas (GA)	Wortley
Stangeland	Upton	Wylie
	Valentine	Yatron
	Vander Jagt	Young (AK)
	Visclosky	Young (FL)

NOT VOTING—11

Annunzio	Miller (OH)	Roybal
Broomfield	Moakley	Schaefer
Ford (TN)	Rangel	Tauzin
Jones (NC)	Ray	

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Jones of North Carolina against.

Mr. GLICKMAN changed his vote from "aye" to "no."

Mr. BEREUTER and Mr. ANTHONY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS: Page 22, line 6, Sec. 201(3), "for the Air Force, strike $15,800,427,000 and insert in lieu thereof the amount $13,737,219,000 for the fiscal year 1988."

Page 30, after line 9, insert a new Sec. 206(c),

"SMALL ICBM-MIDGETMAN

"None of the funds authorized in Sec. 201 are available for the Small ICBM-Midgetman program."

(Subsections (c), (d), (e) and (f) should be redesignated (d), (e), (f) and (g) accordingly).

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

Does the gentleman from Alabama seek recognition?

Mr. DICKINSON. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment before the body this afternoon is an amendment that would reduce the funding for research and development for a weapons system euphemistically referred to as the Midgetman. And as the first Member of Congress to oppose the MX missile, which started us down this road toward the development of a mobile missile, I have become somewhat of a historian in this body on the issue of mobile missiles and I would like to, for a moment, particularly for those freshmen Members or Members who have not been here very long, to recite for you the history of how we got to Midgetman.

First of all, Mr. Chairman, back in the late 1960's and early 1970's the Pentagon suggested that our land-based missiles would be vulnerable to Soviet attack by the mid-1980's.

Mr. Chairman, the Pentagon suggested that in order to overcome this issue of vulnerability in our land-based leg of our nuclear triad that we must pursue the development and evolution of a mobile land-based missile.

So the search was on for a mobile missile. We came up with a concept of drilling 5,000 holes in the ground. That was not welcomed. We then came with the transit system, not welcomed. We came up with the racetrack concept, very creative but not welcomed.

This gentleman took the well in 1977 and I opposed the MX missile. I opposed the MX missile saying it was not only expensive, that it was not only an environmental hazard, that it was not only dangerous, but that it was unnecessary.

The argument that we made at that time with respect to the issue of necessity was that the Soviet planner could not look at one leg of our nuclear triad, namely the land-based missiles and suggest, in the mid-1980's "they are vulnerable, therefore let us attack."

My argument was that that was absurd, that a Soviet planner must look at our nuclear inventory in its aggregate, to look at our sea-launched missiles and our air-launched missiles, not just our land-based missiles.

So I became inadvertently the father of the concept of synergism. That is that a Soviet planner must look at our nuclear weapons in the aggregate. But the debate goes forward.

President Reagan comes into the White House. He decides he wants to resolve the issue of the MX mobile missile. He establishes a commission known as the Scowcroft Commission. The Scowcroft Commission met for several weeks, debated long and hard over what shall be the future of the MX missile. They came out with the following idea: That they would place 50 MX missiles, each with 10 warheads, which means 500 warheads, 50 missiles would be deployed not in the racetrack, not in the 5,000 holes but in 50 holes occupied by the so-called vulnerable Minuteman.

So then people said, "Wait a minute, you are putting MX missiles in the same old vulnerable Minuteman holes?" And guess what the Scowcroft Commission's response was. They said, "You must embrace the concept of synergism. The Soviet Union cannot rely on one leg of our nuclear traid being vulnerable, they must look at our weapons systems in the aggregate."

As I said then, "I told you that 7 years before the Scowcroft Commission and it did not cost you any money and you did not have to set up a commission and you did not have to staff it. I gave it to you right here in the well of the House."

But we were not credible. The Scowcroft Commission was indeed credible.

Now then how do we move from the MX missile to the Midgetman missile? There are a group of my colleagues, Mr. Chairman, that I refer to as the yuppie arms controllers. A yuppie arms controller is one who embraces arms control because it is fashionable but will not stand up and oppose a weapons system.

So, Mr. Chairman, a group of people we now euphemistically refer to as the yuppie arms controllers decided that they would trade their vote in support of the 50 MX missiles, 500 extremely accurate, very expensive missiles, if the Pentagon, in turn, would support the Midgetman.

So that is how we got to Midgetman.

The administration did not say they wanted Midgetman but some of our arms control colleagues said "We will give you the 50 missiles, we will give you the vote on the 50 MX missiles if you give us Midgetman."

Now, Mr. Chairman and members of the committee, this may shock you but I believe that one could probably make a cogent intelligent fair argument in support of a single warhead missile if it indeed replaced the number of MIRV missiles that we have in place. I think one could argue that that is less destabilizing, it probably would create fewer problems for arms controllers. I think you could make that argument if you replace these MIRV missiles with Midgetman single warheads. But the fact of the matter is that that is not where it is at. What you have is 500 MX missile warheads plus a proposal, plus a proposal for 500 Midgetman missiles that will cost us approximately $44 billion. At a time when Gramm-Rudman deficit reduction politics have us rendered impotent in our capacity to address the human misery of many of our constituents, why are we talking abut pursuing this course? You can argue logically perhaps one system but not both systems in the aggregate.

Now you are talking about 1,000 warheads, 500 single warheads, 500 multiple warheads. Where are we going down this incredible and strange road?

To summarize: We never needed a mobile missile. The Soviet Union is

not going to attack one leg of our triad because they know what each and every one of us on this floor knows who has any degree of rationality and that is that if we start down the road toward nuclear war we are going to annihilate all life on this planet. The future of the planet does not lie in Midgetman, it does not lie in single warhead missiles or incredible preoccupation with rail garrison MX. The future of the world depends upon our capacity to sit down rationally and sanely and negotiate the circumstances under which we will live with each other. Technology is not the hope of the future in nuclear weapons, the hope for the future in nuclear weapons is not arms escalation but arms control.

I realize that this gentleman's role is to start out down the road challenging missiles and have my head bloodied and at some point when it gets to be 150, 160 votes then suddenly the yuppie arms controllers take the amendment because now it becomes part of the establishment. Some day someone will come in this well and they will oppose Midgetman the same way this gentleman is opposing it but they lack the courage at this point to do it because in too many instances no one wants to challenge a weapons system here but they will go home and beat their breasts as arms controllers and advocates of peace. But if you look at their voting recored, they never voted against one nuclear weapons system in their entire career in the Congress of the United States. Our future should not be in the hands of these politicians dancing in the middle on the winds of political expediency.

I say to you that if you want MX, stop the Midgetman. If you do not need any mobile missiles, stop the Midgetman. So you on this side of the aisle can join with many of us on this side of the aisle in opposing Midgetman because the logic makes no sense. Where we can come together, left and right, is to say that you do not need both of these missile systems. You do not need to go down that road. If you support MX you should oppose Midgetman. If you believe as I do that the world has too many missiles now, oppose both of them as I do. I believe you can made a cogent and rational and intelligent argument in that respect.

I thank my colleagues for the opportunity of giving you what I perceive to be the history, the litany of lunacy that got us to this particular point. Again, at a time when we need to redirect our resources and our energies let us make a tough decision, let us quit gathering in the middle, trying to act as a hawk and a dove simultaneously. I come here as an advocate of peace.

□ 1535

I come here committed to address the social problems of this country. I come here as a social worker. I did not come here to get in bed with missiles but I found out that we have a morbid preoccupation with the technology of death, and so I got in bed with the Committee on Armed Services. I learned about all these missiles. I learned your language. I am prepared to debate you on the floor of this Congress anytime, anyplace, anywhere, under any circumstances.

This missile makes no sense. Join me in opposing it.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

The CHAIRMAN pro tempore. For what purpose does the gentleman from California [Mr. DELLUMS] rise?

Mr. DELLUMS. Perhaps it is too late, Mr. Chairman, but the Chair did recognize the gentleman in opposition, and I simply wanted to say, by unanimous consent, that my distinguished colleague, the gentleman from Montana [Mr. WILLIAMS], where this missile will be developed, wanted very much to enter into a colloquy with the gentleman from Wisconsin [Mr. ASPIN] in order to ask where this missile system is going.

I am simply suggesting that the vote is premature. There are 10 minutes in opposition to the amendment.

The CHAIRMAN pro tempore. The Chair would state that the distinguished gentleman from Alabama [Mr. DICKINSON] yielded back his 10 minutes, so there is no more time in opposition.

Mr. ASPIN. Mr. Chairman, if we could continue the debate, I will strike the last word.

VACATING VOTE ON DELLUMS AMENDMENT

The CHAIRMAN pro tempore. Without objection, the Chair will vacate the putting of the question on the amendment.

There was no objection.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman's courtesy, along with the courtesy of my colleague, the gentleman from California [Mr. DELLUMS], in regaining some time.

Inasmuch as the announcement has been made that it is to be deployed, at least in its initial stages, in Montana, it seems to me that we ought to try to clarify much of the confusion and doublespeak that comes from the Joint Chiefs, from the Air Force and from the Department of Defense with regard to what this missile is going to look like.

I recall the chairman's support for this missile was based in large measure on the fact that it was going to assist the United States and the Soviet Union, hopefully, in building down. I understood that the gentleman's support and the committee's support was based upon this missile being a single-warhead missile.

I cannot get either the Air Force or the Joint Chiefs or the Secretary of Defense to tell me whether or not they support this as a single-warhead missile.

Is that the chairman's understanding, that this is to be a single-warhead missile?

Mr. ASPIN. Let me just say that you can talk to a lot of different people and get a lot of different answers on the question, but the Air Force has decided to go ahead with the smaller version of the Midgetman missile. There was a possibility at one point and they looked at the possibility of going forward with a Midgetman the size of which we could carry three warheads.

They have since decided not to do that and have gone ahead with the 37,000 pound missile, which is the original size that the Scowcroft Commission recommended, and which is the size consistent with a single warhead.

At least we know that they are at least now consistent with a single warhead program.

Mr. WILLIAMS. Mr. Chairman, can the gentleman respond to whether or not this missile is likely to contain the new high-technology penetration aids and guidance systems which were not originally envisioned to be part of it?

Mr. ASPIN. I am advised that the answer is "yes."

Mr. WILLIAMS. That would make a build-down less likely if we are going to put new penetration aids and make this missile then tend to be more destabilizing than we had originally envisioned it. Many of us who supported it had found in the first instance that we did not think it was going to be what the Pentagon calls a wiley missile.

If it is going to be that, then that changes the opportunity that we believe this missile has to bring the Soviet Union to the bargaining table.

Mr. ASPIN. It seems to me that what we are talking about here is a missile that is the kind of thing that we ought to be building and we ought to be able to build it for a whole host of reasons, one of which is arms control; the other of which is defending the country, and if we are going to continue to have land-based missiles, I think this is the kind of land-based missile that we ought to have.

The single warhead is important in anticipation of a world in which what we are going to be counting is warheads, not launchers. I think that future arms control agreements, should there be such, would probably put a limit on warheads, rather than launchers.

That being the case, it is better to have single-warhead launchers than multiwarhead launchers because you are able then to spread out the aim points and able to, in a sense, perhaps, depending upon the agreement, move to a de-MIRVed world.

That, I think, is the core. It really is the number of warheads, not the penetration aids that count. What really counts is the fact of the number of warheads-to-aim points ratio in a stable world. To move to a more stable world, I think the gentleman is right, and it is very important that we do end up with a single-warhead missile.

Mr. WILLIAMS. Is that where the chairman supports, a single warhead missile?

Mr. ASPIN. Yes, sir, the gentleman is correct.

Mr. WILLIAMS. Finally, Mr. Chairman, as the gentleman knows the technology advances have made the launch and destruction capability of Soviet submarines much greater in the past decade. I wonder if the chairman has had an opportunity to consider the survivability of the Midgetman based in the high plains of the United States rather than placed in the Southwest of the United States?

Mr. ASPIN. Does the gentleman mean placed on Minuteman—colocated with Minuteman, as opposed to putting them on military reservations?

Mr. WILLIAMS. Yes. Currently, if it is placed in Montana, as is envisioned, it would piggyback the current Minuteman system.

My question is that because of the capability of Soviet submarines, we may be making that missile less survivable in the high plains than it would be in the Southwest.

Mr. ASPIN. The gentleman is correct. If we are worried about firing from submarines, cruise missiles off the shore, low warning time, we would be better off having the things out on a military reservation.

Mr. WILLIAMS. Mr. Chairman, I again appreciate the generosity of the gentleman's time.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, can any Member of this body cite a single instance, document one time, or outline any policy change by the Soviets where by their actions they reduced their throwweight, accuracy or attempted, to lessen the free world's concerns and fears of their preoccupation with total dominance.

Past Soviet deployments and increases in their warhead accuracy have given them the capability of destroying our land-based missiles in a first-strike. This is an extremely destabilizing situation. It's a problem that has been discussed over and over on this floor. I'd like to take a couple of minutes to talk about one program designed to address this vulnerability.

Ongoing progress in the Midgetman, or small missile program, has been impressive. Midgetman is a mobile missile designed to spread out at a moments notice, survive a Soviet first strike, and retaliate at those Soviet assets they value most: hardened silos, command and control facilities and leadership bunkers. This would significantly reduce Soviet incentives to strike first in a crisis. By doing so, Midgetman will significantly increase our deterrent capability and help prevent a war from ever occurring. And isn't that what it's all about—to prevent a war from ever occurring?

When it reviewed our strategic modernization program, the Scowcroft Commission recommended a number of actions, including development of a small, mobile missile for long-term ICBM survivability. Yes, our submarines at sea and bombers on alert are survivable. And, yes they are capable of delivering a retaliatory blow against Soviet aggressions. However, the commission recognized that technological breakthroughs could, perhaps, decrease the survivability of our subs or decrease the ability of our bombers to penetrate Soviet airspace. We need a long-term hedge against any such developments.

For these reasons, Mr. Chairman, I urge a "no" vote on any attempt to sabotage ongoing efforts to deal with land-based survivability. Vote "no" on the Dellums amendment to cut Midgetman funding.

□ 1545

Mr. DICKINSON. Mr. Chairman, I think we have a very strong difference of opinion between the Soviets and ourselves as to philosophy and as to which is the better route to take. The Soviets depends more heavily on ICBMs with multiple warheads, but then they are not encumbered by a Congress such as ours. I think that is probably the biggest encumbrance we have, because whatever our experts and our military analysts decide and whatever their studies show, they still have 435 experts in the House and 100 experts in the Senate to second-guess them, the real experts, and approve or not approve.

Actually if we were not equally encumbered, I think we would do as well as the Soviets in our deployment.

Mr. MARLENEE. Mr. Chairman, if the gentleman will yield further, I would urge a "no" vote on any attempt to sabotage the ongoing efforts to deal with our land-based survivability.

Mr. ROWLAND of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Connecticut.

Mr. ROWLAND of Connecticut. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment, which has been offered by the gentleman from California [Mr. DELLUMS].

As always, Mr. DELLUMS has spoken from his heart on a matter which is of grave concern to him, and as such, I can respect his position.

I come at the issue of the ICBM program in a little different manner than does the gentleman from California, however. Mr. DELLUMS clearly does not believe that our Nation's security requires an intercontinental ballistic missile system—either the MX Peacekeeper or the small ICBM Midgetman.

I believe that we must—in fact—have an ICBM capability.

However, I believe that the MX missile can fulfill such a role on its own. In my opinion, the Midgetman is little more than a $42 billion waste of taxpayers' money.

Having said that, I continue to maintain that as long as we are going to have an ICBM missile like the MX, we must continue to work for the optimum basing mode to assure its survivability.

In the final analysis, I strongly support Mr. DELLUMS proposal to scrap the Midgetman. Quite frankly, we don't need it.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The Clerk read as follows:

Amendment offered by Mr. WEISS: At the end of title I of division A (page 21, after line 15), add the following new section:

SEC. 116. TRIDENT MISSILE PROGRAMS.

(a) PROHIBITIONS ON EXPENDITURES FOR TRIDENT II PROGRAM.—None of the funds appropriated or otherwise made available for procurement of weapons for the Navy for fiscal year 1988 may be obligated or expended for the Trident II missile program.

(b) FUNDS FOR TRIDENT I PROGRAM.—Of the amount authorized in section 102(b) for weapons (including missiles and torpedoes) for the Navy for fiscal year 1988, $2,258,317,000 is available only for procurement under the Trident I missile program.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. WEISS] will be recognized for 10 minutes, and a Member in opposition, the gentleman from New

York [Mr. STRATTON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, what my amendment seeks to do is to take $2.25 billion in this bill which is allocated to the Trident II or D-5 missile and not delete it but transfer it to the account of the Trident I or C-4 sea-launched ballistic missile and thereby save over the course of this program some $7 billion and, equally as important, save us from putting into motion a system which will not act as a deterrent but in all likelihood will bring us closer to the onset of nuclear war.

Mr. Chairman, the C-4 will do everything that the D-5 can possibly do, with one exception: The C-4 missile, with 192 warheads about each submarine, has the capacity to destroy airfields, troop concentrations, naval bases, industrial facilities, and governmental centers. It has a yield of 10 kilotons. That is 100 times the yield of the bombs dropped on Hiroshima and Nagasaki.

What can it not do that the D-5 can do? It cannot dig land-based nuclear missiles of the Soviet Union out of their silos. The sole purpose of the D-5, which has almost five times the nuclear yield of the C-4, is to dig those land-based missiles in the Soviet Union out of their silos.

We have been told all along that the reason we want sea-launched ballistic missiles is for the purpose of deterrence, to let the enemy know that no matter what they do to our stock of nuclear weapons on land, we have sufficient power left on our submarines to in fact retaliate and destroy them and thereby deter them from starting an attack. But with the D-5, what we have done is to move from deterrence to a first-strike capability, because that is really the only justification for the D-5. We can cry until we are blue in the face that we have no intention to strike first, the Russians who will read it and who do read it will see it in exactly that fashion, and they will in fact take a look at this very heavy yield weapon which has pinpoint accuracy, and which, the same as the C-4, will get to its target in 10 to 20 minutes and has the same range as the C-4, 4,000 to 6,000 miles, depending on payload, and they will say, "In order to safeguard our land-based missiles, the first instance that we have, the first notice that we have that we may have an attack against us, we will have to launch on notice, on warning."

So what we do is set in motion the prospect of starting an accidental nuclear war, and we get no other benefit at all from the D-5.

It seems to me, then, that at a time of budgetary crisis, at this time when we seem to be moving toward nuclear arms agreements for the first time in many, many years, we ought not to be squandering our resources. We had debates this morning about the debt ceiling and how terrible it is. Here is $7 billion that we can save by adopting this one amendment. Maybe this afternoon that $7 billion does not seem as important to some Members as it did this morning. To me it means an awful lot, and if at the same time in the bargain we can take a step to reduce the prospects of nuclear war, it seems to me this is the kind of amendment my colleagues ought to be supporting.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. STRATTON] is recognized for 10 minutes.

Mr. STRATTON. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I would like to point out to my good friend, the gentleman from New York [Mr. WEISS] that similar amendments were offered by Mr. WEISS in the fiscal year 1985 authorization bill, and they were defeated. That was defeated by a vote of 93 yeas to 319 noes. In the fiscal year 1986 authorization bill, my good friend also offered the same amendment, and that was defeated, with 79 yeas and 342 noes. In the fiscal year 1987 authorization bill it was defeated by 94 yeas to 306 noes.

So I think it does not make much sense to argue an amendment that has not gotten much support over a period of years.

The proposal of the gentleman from New York [Mr. WEISS] is that we ought not to have the D-5. That would be a first strike, he says. A first-strike weapon is something that is designed to wipe out everything. The D-5 is simply a very effective piece of machinery which could be needed in conjunction with other actions.

But if one wants to destroy funds, if one wants to waste money, the proposal that the gentleman from New York is making is that it would wipe out the submarines that are now under construction and which are also sailing the seven seas, because if we eliminate the D-5 missile, it is impossible for the C-4 missile, which the gentleman from New York would like to put into these missiles, to be backfitted into any of the Trident submarines.

I think practically every Member of this House believes that the Trident submarine is a terrific weapon and one which they strongly support. But the idea of having to wipe out half of that Trident fleet because of a refusal to include the D-5 missile would be a foolish move, an expensive move, and one that would make us a laughing stock.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I would go even further than the gentleman from New York in his comments on the D-5 missile and suggest that it is the most important weapons system we either have in our arsenal or that we are about to deploy. One cannot rationally and consistently argue against the silo-based MX missile and also be opposed to the D-5 missile. This D-5 is missile our deterrent ace in the hole.

This is a weapons system that protects us from nuclear blackmail. This is a weapons system that is currently not targetable. This is a weapons system that is a deterrent against a first strike. The proper comparisons in accuracy and throw-weight or megatonnage are not those between the currently deployed C-4 and the Trident II or the D-5 missile. We have roughly the same capacity in the MX as we will have in the D-5, both in accuracy and in throw-weight.

What is important, however, is that the D-5 is survivable and nontargetable. Deploying it as contemplated is precisely the step that we should take and reaffirm here today. It is a step that we the Congress said we were going to take when we began work on the *Ohio*-class submarines as soon as the D-5 missile was avaiable. It is a step we should take right on schedule by rejecting this amendment by the gentleman from New York [Mr. WEISS] and the amendment to be offered by the gentleman from Ohio [Mr. FEIGHAN]. The D-5 missile deployed on submarines is the most important weapons system in our arsenal.

Mr. Chairman, I ask the Members to vote against the amendment offered by the gentleman from New York [Mr. WEISS].

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I think it is now incumbent on some of us to point out a strange coalition that is developing here.

We have had, with our nuclear deterrence, since the time we had a nuclear deterrent, a situation in which we have prevented a global conflict. I think that is largely due to our nuclear deterrent. It has gone on for over 45 years, and I think that is some sort of record in the free world or in the world as we know it today.

It is strange that today we have beat back attacks on one leg of the triad, the triad being a three-way system that has offered us a nuclear deterrent, and it is strange that now we have survived four attacks on one leg

of that triad. We are now undergoing attack on the second leg of the triad, and we can better believe that on Monday we will start with an attack on the third leg of the triad. And I can vouchsafe to say that I think it is reasonable to assume that those who voted to kill one leg of the triad virtually by identical numbers will vote to kill the second leg of the triad, and those who so vote on that will vote to destroy the third leg of the triad. That causes this Member to feel it necessary to point out that should those Members have their way, we would have a triad with no legs, and I think the American people would take very unkindly to being undefended.

The CHAIRMAN pro tempore. The Chair will state that the gentleman from New York [Mr. STRATTON] has 4 minutes remaining and the gentleman from New York [Mr. WEISS] has 5 minutes remaining.

Mr. WEISS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. DEFAZIO].

□ 1600

Mr. DEFAZIO. Mr. Chairman, it is interesting, we are hearing that this amendment would kill one of the legs of the triad, yet if the father of the triad, Mr. Scovill, were with us here today, he would support this amendment.

We have heard that it will wipe out our submarine force. This is not an amendment that goes to the 16 submarine Trident force. This is an amendment that goes to what will those submarines carry? Will they carry a deterrent missile? Will they carry the C-4, a missile that can land within 1,500 feet of its target, a missile that can carry eight 100 kiloton warheads, a missile that can deliver 960 Hiroshima's from one submarine, 15,360 Hiroshima's from the fleet. Is that a deterrent? Yes.

Is the D-5 necessary for deterrence? No. The D-5 is only necessary if we want to equip these submarines with a hard target kill capability and if we happen to have an extra $10 billion to spend. Well, we do not have the extra $10 billion or $11 billion, which is what we could have saved last year had this amendment been accepted last year, and I am glad we are voting on it this year because I was not here last year and I did not have a chance to support it.

Second, now we can save $7 billion. I think we could spend $7 billion probably somewhere else or we could use it to decrease the deficit.

There is no reason to go ahead with the D-5 missile. The C-4 is more than adequate for the mission of the submarines for deterrence and I strongly support the Weiss amendment.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. HUNTER], a strong supporter of the D-5.

Mr. HUNTER. Mr. Chairman, the gentleman from Nebraska [Mr. BEREUTER] was absolutely right when he said that the D-5 is one of the most important systems in the world, not only to people in this country but to other free peoples throughout the world.

We have talked about our triad and the fact that separate components of the triad have a synergistic effect. It is very difficult for the Soviet Union to launch ICBM's to knock out our land-based missile force and knock out our bombers also and have any chance of taking out our submarines at the same time. We will have some submarines in port, but basically our sub force has been the most durable leg of the triad, even through the problem with the Walkers and the giving away of American technology recently by Toshiba to the Soviet Union that has quieted their submarines down.

Our submarine force and the D-5 will continue for the foreseeable future to be one of the most stabilizing parts of our triad.

Liberals and conservatives alike in arms control concur that you have to have an accurate ICBM. We have just gone through the MX debate and we have concurred that it is very difficult to find an invulnerable basing mode for land-based ICBM's. For that reason, the D-5 takes on even more importance because it is still the least vulnerable of our missiles and will be once our submarines are outfitted. It is absolutely the pillar of Western deterrence.

So I would urge every Member to reject this amendment. This system is one of the most important systems in the world to the security of free people and everyone in the arms control process who is serious about arms control concurs that it would be a major blow to our security to stop this program.

Mr. WEISS. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. DELLUMS], who I think is the most eloquent and learned Member of our body on the issue of nuclear weapons.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 3 minutes.

Mr. DELLUMS. Mr. Chairman, my distinguished colleague who began this debate in opposition to the amendment offered by the gentleman from New York [Mr. WEISS] suggested that there was no merit in this amendment because over several years the amendment had received a minority vote. I would point out to you that at one point in the history of the evolution of life on this planet if a poll had been taken, the majority of the people thought that the planet was flat. That we found out was not a correct position, simply a popularly held position; so for a person to come in on the minority side of a vote over a few years in this body does not in and of itself communicate that the gentleman's amendment is incorrect, simply what is popular at a given moment.

I believe that the gentleman from New York is absolutely correct. We are moving beyond the concept of nuclear deterrence to the development of a nuclear war fighting capability with enormous and frightening and dangerous implications.

Mr. Chairman, if we are not contemplating fighting a nuclear war, then why is the D-5 a time urgent hard target silo killing weapon? If we are talking about weapons firing at empty silos, why do we need this kind of highly explosive, highly accurate nuclear weapon? If we continue to operate within the framework of nuclear deterrence, query: Why do we need more accuracy? Why do we need greater range? Why do we need greater capacity to destroy, unless we go beyond the notion of deterrence and begin to make nuclear war thinkable.

I would suggest, Mr. Chairman, that if we make nuclear war thinkable, acceptable, and possible, ultimately we will make it inevitable.

The Trident II missile is on its face destabilizing and a first-strike nuclear weapon. I stated that it is designed to destroy nuclear silos, a war-fighting strategy.

The Navy envisions a huge force of Trident missiles. There will be 24 Trident missiles on each of 20 submarines and since each missile will carry at least 8 warheads, there will be 3,840 powerful, accurate, silo-killing weapons targeted at the Soviet Union. This large force of powerful, accurate, Trident II missiles, will give the United States the ability to destroy every Soviet ICBM, creating a great destabilization on this planet, not taking us closer to peace, but closer to destabilization.

Together with other elements of our force, the Trident II will give us that dangerous first-strike capability that none of us wish to see us have. We need to stay within the confines of reason and sanity. The Trident II missile takes us beyond that.

Finally, Mr. Chairman, the Soviet response to all these highly accurate, highly mobile missiles, will be to place their missiles in a launch on warning mode. I would caution my colleagues that once this world gets to that level of hair-trigger nuclear capability, we have created a monster that we may not be able to retreat from.

I ask that we support the gentleman's amendment.

Mr. STRATTON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, many of us on the floor believed in the actions of the past days we saw unilateral concessions on arms control made in this body. Now we are considering our strategic triad, our fundamental strategic defense, and we are going to do so in a series of amendments, some of which we have had and some we have not had before us yet.

We voted earlier not to modernize the land-based missiles. On this vote we would vote not to modernize the sea-based deterrent. In another vote to come later we will vote on manned bombers and maybe not modernize that part of the triad leg. The result would be no commitment to our fundamental strategic defense.

Some in this House will cast their personal vote in that series of votes for no strategic defense. In this dangerous world, that is disturbing beyond belief.

Mr. STRATTON. Mr. Chairman, I think as the gentleman from California [Mr. BADHAM] indicated, a number of Members have been voting for different aspects of a triad, but I would remind my colleague from California that in the last two votes we began to switch a little bit. I think when we find out what the D-5 can do and what the aspect of its power can threaten to the Soviet Union, we may find that we will continue to look for more votes on the other side.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. WEISS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WEISS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 330, not voting 9, as follows:

[Roll No. 120]

AYES—93

Ackerman
Atkins
AuCoin
Bates
Beilenson
Berman
Bonior (MI)
Bonker
Bosco
Boxer
Brennan
Brown (CA)
Bruce
Cardin
Carr
Clay
Collins
Conte
Conyers
Coyne
Crockett
DeFazio
Dellums
Dixon
Downey
Durbin
Dymally
Early
Edwards (CA)
Espy
Evans
Feighan
Flake
Frank
Garcia
Gejdenson
Gonzalez
Gray (PA)
Hawkins
Hayes (IL)
Hochbrueckner
Howard
Jontz
Kastenmeier
Kennedy
Kildee
Kostmayer
LaFalce
Lehman (FL)
Leland
Levine (CA)
Lewis (GA)
Lowry (WA)
Markey
Matsui
McHugh
Mfume
Miller (CA)
Moakley
Moody
Morrison (CT)
Mrazek
Nagle
Oakar
Oberstar
Obey
Owens (NY)
Panetta
Penny
Rodino
Rostenkowski
Russo
Sabo
Savage
Schneider
Sikorski
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Torres
Towns
Vento
Walgren
Waxman
Weiss
Wheat
Williams
Wolpe
Yates

NOES—330

Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Badham
Baker
Ballenger
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Boner (TN)
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Brooks
Broomfield
Brown (CO)
Bryant
Buechner
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Bustamante
Byron
Callahan
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Chandler
Chapman
Chappell
Cheney
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Coleman (MO)
Coleman (TX)
Combest
Cooper
Coughlin
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Craig
Crane
Daniel
Dannemeyer
Darden
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Davis (IL)
Davis (MI)
de la Garza
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Derrick
DeWine
Dickinson
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Edwards (OK)
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Fazio
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
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Harris
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Hatcher
Hayes (LA)
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Hefner
Henry
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Hiler
Holloway
Hopkins
Horton
Houghton
Hoyer
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Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
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Kolbe
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Leach (IA)
Leath (TX)
Lehman (CA)
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Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (WA)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Olin
Ortiz
Owens (UT)
Oxley
Packard
Parris
Pashayan
Patterson
Pease
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sawyer
Saxton
Scheuer
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—9

Annunzio
Ford (TN)
Jones (NC)
Miller (OH)
Rangel
Ray
Roybal
Schaefer
Tauzin

□ 1625

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr Jones of North Carolina against.

Mr. TRAFICANT and Mr. FOGLIETTA changed their votes from "aye" to "no."

Mr. SWIFT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FEIGHAN

Mr. FEIGHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FEIGHAN: At the end of section 102 (page 8, after line 25), add the following new subsection:

(g) PROHIBITION OF RETROFITTING TRIDENT SUBMARINES FOR D5 MISSILES.—(1) None of the funds appropriated or otherwise made available to the Navy for fiscal year 1988 for other procurement or for operation and maintenance may be used for conversion of a Trident submarine to enable such submarine to carry Trident II (D-5) missiles.

(2) The amount authorized in subsection (d) for other procurement, and the amount authorized in paragraph (4) of that subsection for ordnance support equipment, are each hereby reduced by $958,000. The amount authorized in section 301 for operation and maintenance for the Navy is hereby reduced by $13,900,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Ohio [Mr. FEIGHAN] will be recognized for 10 minutes and the gentleman from Florida [Mr. BENNETT] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me start by addressing some of the misconceptions about my amendment. This amendment will not cancel the Trident II program.

It continues the procurement and deployment of the D-5.

It guarantees that the D-5 missiles will be installed in every new Trident submarine that this country produces.

It ensures that our Trident fleet will have the necessary firepower, including hard-target capability to penetrate Soviet missile sites. Very simply, my amendment says that we will not retrofit the existing eight Trident submarines now at sea. These submarines were designed to carry the C-4 and they were deployed between 1979 and 1985. It would not affect Trident II submarines which are designed to carry the D-5 missile. It will not call for the reopening of the C-4 production line. It will save $14.9 million in fiscal year 1988 and $5.3 billion over the life of the program.

I think logic alone would compel us to support putting the D-5 missile in the submarine it is designed for and keeping the C-4 in the submarine it was designed for. And if not convinced by the logic, let us at least consider the idea that we can save $5.3 billion and still have the D-5.

The gentleman from New York [Mr. WEISS] has made an argument that canceling the D-5 program and retaining the C-4 for all the Tridents would prevent us from crossing the first-strike threshold and thereby have a stabilizing effect. Others argued that we need our best missiles ready to deter the Soviets. Wherever you stand in that debate, my amendment offers a different approach—a full fleet of Tridents: the 8 Trident I submarines equipped with the C-4 missile designed for it; and 12 Trident II submarines equipped with the D-5 it was designed to carry. This fleet will still have 660 D-5 missiles, each equipped with either 12 Mark-IV warheads or 8 of the more powerful Mark-V warheads.

Now, how will this combined fleet of Tridents measure up to the Soviet nuclear forces? With a combined fleet of C-4 and D-5 equipped Tridents, we will still be able to double target—such as, target two hard-target penetrating warheads for each Soviet missile silo.

Canceling the retrofit will in no way diminish our ability to retaliate against the Soviet Union. We will have the D-5. We will have the C-4—a missile with the same range as the full payload D-5 and with enough firepower to destroy Soviet military targets, industrial facilities and government centers. This amendment will in no way diminish the deterrent effect of our strategic forces.

The D-5 is the most expensive weapons system we have. The full program will end up costing nearly $100 billion. I am not asking to cancel the program. Far from it. But, I am pointing a way to reduce those costs in prudent and commonsense fashion.

In its January 1987 report, the Congressional Budget Office in its report entitled "'Reducing the Deficit" suggested canceling the retrofit as one step at reducing the Federal deficit. The amendment will reduce the deficit by a total of $5.3 billion: $2.1 billion for the retrofit, and $3.2 billion savings by not procuring D-5's for the first eight submarines.

We have the chance to stop the retrofit before the program gets underway. Too often in these debates we find that we are half way into a controversial program where we cannot reasonably continue to fund it and we cannot reasonably vote to terminate it. Only $2 million has been spent on the retrofit to date and the actual work won't begin for several years. Now we have a chance to save money from the start.

Finally, I would leave with an argument for common sense. Why on Earth are we recalling our Trident fleet to spend $5.3 billion redesigning submarines deployed as recently as 1985. The C-4 is neither obsolete or deficient. We are not talking about refurbishing WW II vintage aircraft carriers. We are talking about replacing the C-4 missile which today arms the submarine leg of our strategic triad.

This amendment is a measured and commonsense proposal. It promises as many D-5's as we need and no more than we can afford. It gives us the D-5, it gives us hard target capability against the Soviet Union, it preserves our strategic deterrent capability, and it saves $5.3 billion. For those of you who face these votes each year and say, "I support arms control and that's why I strongly support the Trident program," I ask that you continue in the logic of that argument and vote for this amendment that supports arms control, supports the continued procurement and deployment of the D-5 and saves the American taxpayer $5.3 billion along the way.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. FEIGHAN] has consumed 6 minutes.

Mr. BENNETT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there are a number of misimpressions that have been involved in this. In the first place, the Congressional Budget Office does not recommend anything, a cut or an addition. They give facts, and the facts that they give to me point out the fact that this should not be a reduction in this particular instance.

They pointed out, as did the previous speaker, this is only 5 percent of the total cost of the Trident Program. It is a lot of dollars, true, but according to the Congressional Budget Office, the amendment will result in the loss of over one-third, that is 2,000 warheads capable of attacking the full spectrum of Soviet targets.

We just completed a vote which strongly stands by this arm of the triad. This is an important part of our triad, in fact, and is by far the most important part of the triad, the Trident submarine facility, as we know, because it is the least capable of being knocked out and the most powerful as far as doing damage to the enemy is concerned.

This was planned when the Trident submarines were built, and it is not going to be done in an uneconomic fashion. It was in the plan from the very beginning to try to program in and include these conversions.

These conversions are to be accomplished during the submarine's first overhaul period about 10 years after commissioning, and it is the largest and the most accurate and important payload for the Trident II. So this is something that is going to take place when they are having their overall repairs done anyway. It was planned from the very beginning. It was the most important part of our deterrence so far as nuclear weaponry is concerned, because it is not a thing where the Russians have any way to attack, and it is not a large percentage of the cost of the Trident Program.

It was planned to have this program this way anyway, and I hope that the committee will approve the continuing of congressional approval for this money and not approve this amendment.

□ 1640

Mr. FEIGHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, there seems to be—I stood at the door before the last vote and talked to some folks—a little misunderstanding, "is this a vote for or against the Trident submarine?" It is not.

The question is, What will be the equipment on those submarines? In this case we are dealing with eight already deployed invulnerable submarines, each carrying 24 missiles, each of those 24 missiles carrying eight warheads, each of those warheads are capable of landing within 1,500 feet of its target. The question we have to ask today, given our limited resources is: Should we spend $5 billion to take those submarines out of service, to refit them with a different missile so that they can land within 400 feet of

their target? Is that deterrence? Is that necessary? Can we afford it?

Those are the questions we have to ask.

The submarines as now deployed are perfectly adequate for their job. They are doing the job today, we are at peace. They are deterring the Soviet Union. They will deter them tomorrow. We do not need to take our submarines out of service. We do not need to spend this $5 billion.

I believe there are other places that that money can be more profitably spent for the defense of this Nation.

With that I would urge my colleagues to join in supporting this amendment, to not take those submarines out of service, to not refit them with this expensive new missile and allow the C-4 to be the deterrent it is now today and will be in the future, and continue the deployment of those submarines.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My colleagues, this is an anti-D-5 amendment, make no mistake about it.

If you voted "no" on the last amendment, you should vote "no" on this amendment.

Let me tell you why this is so important, why the D-5 missile is so important.

The MX or any other follow-on ICBM is going to have a very difficult time surviving. On both sides of the aisle we concur in that fact, because of the high accuracy of the Soviet SS-18 missile and their preemptory capability, it is going to be difficult to build a survivable land-based system.

Because of that this part of the triad, our submarine part of the triad is extremely important. We have to have an accurate missile. One reason we need an accurate missile is because the Soviet leadership which would, in the circumstances of a nuclear attack, make the decision to go ahead and plan that particular attack, must know that if they launch an attack against the United States, not only will the average Soviet citizen be at risk, but they will be at risk, the Soviet leaders who initiated the attack.

They have constructed a network of bunkers and other very, very protected areas in an attempt to shield themselves from any American retaliatory strike.

Many of these people are the same people who were involved in carrying out Stalin's execution plan for some 20 million of the Soviet people, their own people. It is important that they know that if they strike America they are going to feel the brunt of that retaliation. We do not have a system on the land that is invulnerable at this time. The Soviets have a preemptory capability against land-based missiles. It is very important and all serious arms control experts agree we must go forward with the D-5 missile. I would urge your "no" vote on this amendment.

Mr. FEIGHAN. Mr. Chairman, I yield myself 1 minute.

I do this for the purpose of underscoring that this is not an anti-D-5 amendment at all. In fact, under this amendment we will be able to procure and deploy 660 D-5 missiles. The only purpose of this amendment is to ensure that we do not incur that additional expense of $5.5 billion to retrofit a fleet of eight Trident I submarines that are already very capable, that have C-4 missiles in them, that have virtually the same range as the D-5 and therefore have virtually the same survivability.

Mr. Chairman, I yield my remaining time to the gentleman from Ohio [Mr. TRAFICANT].

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Ohio [Mr. TRAFICANT] is recognized for 1 minute.

Mr. TRAFICANT. I thank the chairman.

Mr. Chairman, I am very glad to stand on the floor today in support of the amendment of my colleague from Cleveland, OH, Mr. FEIGHAN. I believe he is exactly right. Once you start down the path of these programs it is almost impossible to stop them. To date we have invested about $2 million in this retrofit process. If we do not vote for the Feighan amendment today we will spend $5.3 billion, invest in a system that we can handle on the Trident II. Some of this deployment for the Trident I was as late as 1985.

Do you know what really gets me? If we vote to spend another $5.3 billion we will be called statesmen and diplomats for taking care of national security. But if you vote in this House to build a highway that is needed in the city of Los Angeles—not my district, folks—it is called pork barrel.

I am saying today we should stop this before it gets started. A "yes" vote for the Feighan amendment will kill this retrofitting but will not kill the D-5 nor the Trident II program, which is necessary in this Nation. We need a mobile system from which we can defend this country. The Trident II can certainly fit those plans. But we need not spend $5.3 billion to retrofit a system we already have.

Vote for the Feighan amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. I thank the gentleman for yielding time to me.

Mr. Chairman, I wish to address the issue of trying to rebuild Trident [D-5] submarines already under construction for the Trident [C-4] missile.

The submarine launcher system, ballast, and the technical support engineered into the submarine are uniquely matched to either the D-5 system or the C-4 system. Because the D-5 is larger and heavier than the C-4, a specific Trident submarine carries either D-5's or C-4's—but not both. A C-4 missile cannot be launched using D-5 equipment.

Submarine construction and conversion is not a simple undertaking. It takes 6 years to construct a nuclear-powered Trident D-5 or C-4 ballistic missile submarine [SSBN]. It would take 1½ years to convert an SSBN from its D-5 configuration to a C-4 configuration if components are available. Moreover, the submarine is not usable during this period.

Through fiscal year 1987, 14 Trident submarines have been authorized by the Congress; 8 of these were designed to carry the Trident C-4 missile; the other 6 Tridents now under construction are designed to carry the D-5 missile. The fiscal year 1988 contains a request for the seventh D-5 configured Trident.

Trident program considerations are substantial. The D-5 missile production schedule is matched to D-5 Trident submarine construction schedules. It would take several billion dollars and 4 years from go-ahead to first delivery to restart, requalify, and acquire new C-4 missiles and C-4 ships' equipment for replacement of the D-5 system in the D-5 Trident hulls presently under construction. It would take about $1 billion and 2 to 3 years to restart, requalify, and acquire C-4 ships' equipment even if C-4 missiles were made available from retiring SSBN's.

In addition, the United States Government commitment to the United Kingdom Trident II program would have to be withdrawn, requiring the United Kingdom to redesign their new submarine and support infrastructure. This is certainly no way to treat an important and valued NATO ally.

Mr. Chairman, the case for the Trident D-5 has been made and remade through the years. To change our minds and reverse our course at this point make no sense whatever. We simply cannot afford such fickleness in our defense budget.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I am going to take a little different tack in my remarks. I rise against this amendment which would delete a program that the House has consistently endorsed and eliminate back funding of the Trident missile D-5 into our existing Pacific-based eight Trident submarines.

Eliminating this retrofit program not only will cause us to lose significant planned deterrent capability but it will also force us into a very ineffi-

cient force structure. Let me address that issue, if nothing else.

By following through with our backfit plan, with the retrofit plan we will eventually achieve sea-based deterrence with one highly capable operational missile system, the D-5. Having only one system means we need only one logistic program, one basic training program for support, one common support system shared by the east and west coast bases. If we eliminate the retrofit we will be required to maintain the older C-4 system on the west coast, requiring us to keep two logistic systems, two training programs, two sets of repair parts and two sets of support systems.

We have already invested a tremendous amount of money in Kings Bay, GA on the Trident II developmental system. If we do not convert we have some targeting flexibility problems in the future by not being able to maneuver the D-5 missile into both coast systems.

So in summary, the retrofit plan leads to an efficient force structure, it is capable and an upgraded nuclear deterrent and if we eliminate the retrofit we cause our support costs to increase because we have to support two different systems. That is a very bad idea and it should be defeated, as the prior amendment was overwhelmingly.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in opposition to the Feighan amendment that would negate much of our effort to modernize our strategic forces. I refer, Mr. Chairman, to the proposal to eliminate backfit of the Trident II [D-5] missile into the first eight Trident submarines, which now carry Trident I [C-4] missiles in the Pacific Ocean. Our strategic modernization program is well underway. The D-5 missile is an essential part of that modernization. Eliminating the backfits would deprive us of a most cost effective part of the D-5 program. The proposal not to perform the D-5 backfits would unravel our consensus to proceed toward a strategic submarine force consisting solely of Trident submarines, each armed with the highly capable D-5 missile.

The cost of backfitting these eight ships with D-5 missiles has been estimated to be approximately $5 billion. That is indeed a large sum of money. However, consider what that $5 billion will buy. The capability gained by the backfit of those eight ships is the equivalent of 500 to 700 small ICBM missiles, which would cost far more. The backfit of the D-5 into our Pacific based ships will spread this capablity over both the Atlantic and Pacific Oceans, thus complicating Soviet defense and enhancing deterrence. The Trident submarine was originally designed to accommodate the larger D-5 missile. By not backfitting the D-5 missile we would not be fully utilizing our most survivable deterrent launch platform. D-5 gives us a survivable and crisis stabilizing deterrent which can hold at risk virtually all targets in the Soviet Union. Thus, for less than 10 percent of the Trident Program cost we will be able to equip eight ships with D-5 missiles. This investment will effectively double the D-5 force we now envision at a small fraction of the total cost.

Mr. Chairman, I encourage my colleagues in the House to strike down this proposal.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. I thank the gentleman for yielding.

I think most of the information requisite here has been pointed out other than the fact that this is another one of those amendments to cripple one leg at a time by well meaning people in an unsuspecting and perhaps unwitting coalition to destroy the triad that has kept the free world defended with nuclear deterrence since 1945. I think this is ill-advised because the Trident II missile was designed to be retrofitted into the Trident I submarines and indeed it shall be and indeed it should be to keep the technological edge that this country has maintained.

I thank the gentleman for yielding.

Mr. MOODY. Mr. Chairman, I rise in support of Mr. FEIGHAN's amendment to prohibit the Trident retrofit program. I believe both strategic and budgetary realities should lead each of us to support it.

The Navy plans to build 20 Trident submarines; this amendment deals only with the first 8 of these subs which are already built. Let me emphasize that these are brand new subs built specifically to carry C-4 missiles. The following 12 Trident subs will be equipped with D-5 missiles.

The Navy now proposes to do three things: First, spend $1 billion to "refit" the first 8 submarines to accommodate D-5 missiles; second, scrap the C-4's currently on these subs; and third, spend an additional $6 billion to replace them with 180 D-5 missiles.

Mr. FEIGHAN's amendment would cancel this wasteful and unnecessary retrofit program. The Navy argues that we need this program to augment the number of "silo-busting" D-5 missiles at sea.

The first point to make is that the C-4 missile which the Navy wants to retire is no dinosour. It is an extrememly lethal, accurate, eight-warhead missile. The production line for these missiles closed only last year. The last C-4 was deployed as recently as 1985.

The second point is that we do not need an additional 180 "silo-busting" missiles at sea. We are already putting some 200 D-5 missiles with over 2,000 warheads on the next 12 Trident submarines.

The argument in support of silo-busters is that our sea-based missiles need to threaten Soviet ICBM's in case our vulnerable land-based missiles are knocked out. Essentially, we are planning to spend billions of dollars to target empty Soviet missile silos. Why would they be empty? Because, in the event of war, we assume they would be used immediately to knock out our 1,000 land-based missiles. The entire argument is absurd. We do not need to spend another $5 to $6 billion for this refit program and additional D-5 missiles.

If we do need to threaten other hardened targets, such as command centers, we can do so with the D-5 missiles deployed on the next 12 Trident submarines.

Mr. Chairman, if we approve this amendment, we will save $14.9 million this year and $6 billion over the life of the D-5 program. If the refit program goes forward, we will pay $6 billion for an upgrade that adds little to our security. We have just spent taxpayer money to put modern, reliable C-4 missiles on these Trident submarines; it would be wasteful to retire them prematurely.

I hope we will look closely at the merits of this amendment. It is a new issue for the Congress. Mr. FEIGHAN's proposal is a prudent and reasonable one and I urge my colleagues to support it.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. FEIGHAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FEIGHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 311, not voting, 12, as follows:

[Roll No. 121]

AYES—109

Ackerman	Garcia	Oakar
Atkins	Gejdenson	Oberstar
AuCoin	Gephardt	Obey
Bates	Gonzalez	Owens (NY)
Beilenson	Hall (OH)	Panetta
Berman	Hayes (IL)	Pease
Biaggi	Hochbrueckner	Penny
Bonior (MI)	Howard	Rodino
Bonker	Jacobs	Russo
Boxer	Jontz	Sabo
Brennan	Kaptur	Savage
Brown (CA)	Kastenmeier	Sawyer
Bruce	Kennedy	Scheuer
Cardin	Kennelly	Schneider
Clarke	Kildee	Schumer
Clay	Kleczka	Sikorski
Collins	Kostmayer	Skaggs
Conte	LaFalce	Smith (FL)
Conyers	Lehman (FL)	Solarz
Cooper	Leland	St Germain
Coyne	Levin (MI)	Stark
Crockett	Levine (CA)	Stokes
DeFazio	Lewis (GA)	Studds
Dellums	Lowry (WA)	Swift
Dixon	Markey	Torres
Dorgan (ND)	Matsui	Towns
Downey	Mavroules	Traficant
Durbin	McHugh	Udall
Dwyer	Mfume	Vento
Dymally	Miller (CA)	Walgren
Early	Mineta	Weiss
Eckart	Moakley	Wheat
Edwards (CA)	Moody	Williams
Evans	Morella	Wolpe
Feighan	Morrison (CT)	Yates
Ford (MI)	Mrazek	
Frank	Nagle	

NOES—311

Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Borski
Bosco
Boucher
Boulter
Brooks
Broomfield
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dornan (CA)
Dowdy
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Kanjorski
Kasich
Kemp
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Olin
Ortiz
Owens (UT)
Oxley
Packard
Parris
Pashayan
Patterson
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Waxman
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—12

Annunzio
Ford (TN)
Gray (PA)
Jones (NC)
Mica
Miller (OH)
Rangel
Ray
Roybal
Schaefer
Tauzin
Traxler

□ 1705

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Jones of North Carolina against.

Mrs. LLOYD and Mr. OWENS of Utah changed their votes from "aye" to "no."

Mr. MATSUI changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SCHULZE. Mr. Chairman, my amendment would restore the $30.8 million requested by the Army for the tactical Army combat support computer system [TACCS] but denied by the Armed Services Committee in the Aspin substitute.

Let me very briefly explain what this program is and why restoration of the amount is warranted.

TACCS is a ruggedized commercial computer designed to automate the combat service support functions of the tactical Army. This includes personnel, administration, supply, maintenance, medical, and transportation functions.

TACCS has been under contract since August 1984 and the planned 4 year production program is on going. The fiscal year 1988 request is the fourth year's buy of a mature program that Congress has fully funded for the past 3 years.

TACCS is a system that has a validated projected savings of $1.46 billion over a 10-year period and it allows for the reduction of 2,500 personnel spaces in the Army's division force structure.

Mr. Chairman, this is not a new program. It is a program that is on schedule and meeting costs. It is a program that has followed previous congressional suggestions by taking commercial equipment that has already been developed and adapting it to military use. This is a prime example of a program that gets the very most for the taxpayer's dollar. It is putting equipment in the hands of the soldier in a very short time.

The Army's requirement for TACCS has been validated at over 10,500 units but the Army has only been able to budget for just 7,300 units, including almost 1,900 units requested for fiscal year 1988. Termination of the program at this point would end the program at less than one-half the validated requirement.

Mr. Chairman, I am aware of the budget constraints imposed on the defense bill by the budget resolution and the potential problem of adding dollars to the bill without providing a suitable tradeoff. However, I would point out that the Aspin substitute is lower than this resolution, and hence, restoration of the TACCS program can be accomplished without exceeding the budget resolution authority.

Mr. Chairman, there would also be a serious economic impact in Downingtown, PA, and the surrounding area, where TACCS is produced. The Downingtown plant facility employs almost 400 people on this program. Frankly, such an unexpected cancellation of this program would cause untold suffering to many of my constituents. If the fiscal year 1988 request is not approved, the production line would have to be shut down in October of this year.

Mr. Chairman, I do not believe there was justification to zero this ongoing and successful program. It is an example of the type of program that Congress continually calls upon the Department of Defense to produce. This is a program Congress should not kill. I urge all potential conferees to retain funding for the TACCS program.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. SCHULZE. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. Mr. Chairman, I would like to enter into a short colloquy with the distinguished chairman of the Armed Services Committee, Mr. ASPIN, concerning my amendment to restore funding to the TACCS program.

Mr. Chairman, I understand that the committee has some concerns that are presently being addressed by the Army. Is that correct?

Mr. ASPIN. The gentleman is correct. It is my understanding that the Army is in the process of addressing these issues.

Mr. SCHULZE. Given the importance of this program, to the Army, the manufacturer, and the employees who may lose their jobs, and its performance to date, would the chairman not agree that if the Army response is acceptable that the committee might reconsider allowing the Army to proceed with this year's requested buy in order to complete the program as planned?

Mr. ASPIN. I understand your concerns and the Army's needs to proceed with the program, but with the severe budget constraints imposed on our bill it is obvious that many deserving programs have not been approved. However, I will concede that the circumstances of this particular program may be unique.

Mr. SCHULZE. I appreciate the chairman's concern. Since TACCS is currently funded in the Senate bill, I

wonder if he will be willing to keep this particular program and these points in mind during the conference. Perhaps the chairman will be able to accept the Senate position if these concerns are met and if the dollars work out.

Mr. ASPIN. We will certainly keep in mind the points the gentleman has made to the committee.

Mr. SCHULZE. I thank the chairman for his understanding and attention to this matter.

Mr. ASPIN. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Alabama [Mr. DICKINSON] about the schedule on Monday.

Mr. Chairman, when the Committee of the Whole rises and we get back into the full House, the leadership, which is conferring now about the schedule, will have more to say about the particulars of the schedule for the rest of this week and for next week, but I would like to talk to the gentleman from Alabama about what we plan to do with the defense bill for Monday, which is the next day that we meet on this issue.

Let me say at this point that I believe we will be coming in at noon on Monday, although we will have to wait for the leadership to announce it. I believe we are coming in at noon on Monday and going directly to the DOD bill. That being the case, what we have in mind is in essence dealing with the kinds of amendments that we tried to do on the Monday and Friday previous, which means that there would probably be a number of votes, but anything major will not be brought up on those days. In fact, anything of that type would probably be dealt with on Tuesday.

It is our intention to finish this bill on Tuesday, and I think if we go to a reasonable hour on Monday—reasonable meaning 6 or 7 o'clock at night—we could probably finish the bill on Tuesday. I think it is important to the leadership for other reasons, that we try to finish up the bill on Tuesday.

Let me outline what we have agreed to do, as I understand it, and I invite the gentleman from Alabama to make any corrections he feels are necessary. We have an amendment that I will offer to put some more money in for the pay raise. That was the money that was taken out due to the drop in the SDI funding amendment. I would like to offer that amendment first.

Second, we have an amendment that the delegation from the State of Washington is working out together, an amendment having to do with the N reactor. There are about three Members who are interested in that. I understand the gentleman from Oregon [Mr. AUCOIN], the gentleman from Washington [Mr. LOWRY], and the gentleman from Washington [Mr. MORRISON], a Republican, were hoping that they could work that out. Therefore, I understand that that amendment will not take a lot of time.

The third amendment on the agenda is an en bloc amendment. These are amendments of the committee, meaning that the gentleman from Alabama on the Republican side and I on the Democratic side have decided to accept these amendments. There is a rather large number of those. Some of that is going to take some time because some of the Members will want to enter into a colloquy. I would anticipate doing that as the third item on the schedule.

Fourth on the schedule is a number of individual amendments. Going back to individual amendments, we have only about four or five of them left. We would like to clear those up.

The final item on the agenda on Monday would be to go to some amendments that we have concerning Central America, and if the Members are interested in looking at the schedule, they will see what those amendments are.

If we do all those things, assuming that we will have a normal number of votes, and so forth, it looks like about 6 hours' worth. If we can come in on Monday and get right at it starting at noon, we could get finished by 6 or 6:30 on Monday.

Again the reason we have been able to finish earlier than we thought is because we have had the cooperation of the House. A number of Members did not offer amendments that we thought were going to be offered today. Not all the amendments were carried to a vote. To the extent we are able to do this again on Monday, we will be finished earlier than we anticipate.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, we have discussed this, and I have no objection or no problem with anything the gentleman has mentioned.

The N reactor is more or less a local thing, a parochial thing, that is of interest, I think, to Members of only two States. I have no idea how long the debate will take. But as the gentleman has outlined it and as we see it, I do not know that we will be able to finish all the debate and the votes dealing with Nicaragua or Central America. There are four votes anticipated. If we are willing to work late Monday—by late I mean 6, 7, or perhaps 8 o'clock—to finish that, that will leave us seven individual amendments of Members to be dealt with on Tuesday, and if I read the schedule correctly, then we will have chemical weapons, Asat, nuclear testing, and also the Broomfield amendment on Tuesday, each of those has 6 hours. That is 6 hours, plus the time for the individual seven amendments.

So it is likely or it is possible that we will conclude this bill and go to final passage Tuesday evening even if we have to work late. I did not sign on to make a career out of one bill, although it looks like we have about done that.

But now it looks as though we will have final passage of the defense authorization bill at least by Tuesday evening if the Members are willing to stay here and work that late. Would the gentleman agree that that is a proper assessment?

Mr. ASPIN. The gentleman from Alabama is absolutely correct.

Mr. DICKINSON. Mr. Chairman, I want to thank the chairman of the committee for his cooperation, and I see no reason why we cannot finish the bill, with what we can reasonably foresee. I appreciate the gentleman's clearing these matters up with Members on this side of the aisle and with Members of the House in general.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MOAKLEY] having assumed the chair, Mr. GRAY of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1748) to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes, had come to no resolution thereon.

□ 1720

LEGISLATIVE SCHEDULE

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

Mr. LOTT. Mr. Speaker, I have asked for this time for the purpose of receiving the schedule for the balance of the day. I understand that the majority leader has some good news for us, so we want to give the gentleman a chance to get that out early with regard to the schedule for today and the balance of the week.

Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican whip for yielding.

We will consider today H.R. 1157, the conference report on the Farm Disaster Act. I do not believe this is likely to produce a recorded vote. I hope that it does not.

We will also have some unanimous consent requests with regard to S. 1177, the Thrift Savings Fund Investment Procedures Act. That will con-

clude the business for today and for the week.

The House will adjourn tomorrow in honor of our late colleague, Stewart McKinney.

We will have no session on Friday.

The House will meet at noon on Monday and will, as previously discussed between the chairman and the gentleman from Alabama [Mr. DICKINSON], continue on the Department of Defense authorization bill. We will not work very late on Monday, but we might work a little bit beyond the 6 o'clock hour previously announced in order to make the kind of progress the gentleman from Alabama and the gentleman from Wisconsin discussed.

Mr. LOTT. But we can expect recorded votes on the DOD bill on Monday?

Mr. FOLEY. There will be recorded votes on Monday and Members should be advised of that. In fact, there could be a number of recorded votes on Monday.

We will then continue on Tuesday and it will be my intention to ask unanimous consent for the House to come in at 10 a.m. on Tuesday in the hope that we might finish this bill without a late session on Tuesday night, but we would like to finish the bill on Tuesday, if possible.

On Wednesday and Thursday, May 20 and 21, the House will consider H.R. 5, the School Improvement Act, subject to a rule being granted.

I might note for the Members that the 16th of May is the demarcation point in the schedule of the House and that the House will be meeting normally at 10 a.m. on Wednesday and Thursday and, of course, any Friday sessions following May 16.

The House will then be expected to enter its Memorial Day district work period at the conclusion of business on Thursday. We will be returning on Wednesday, the 27th of May.

Mr. LOTT. Mr. Speaker, if I may at that point before the gentleman leaves this week, we have Wednesday and Thursday, May 20 and 21, just the one bill, H.R. 5, the School Improvement Act. I guess, of course, there is a possibility that if we did not finish with the DOD bill on Tuesday, obviously it would go over on Wednesdays, but if we did complete the DOD business on Tuesday and we just have the one bill, H.R. 5, we would not expect to go that late then on Thursday, is that correct?

Mr. FOLEY. That is correct.

Mr. LOTT. The gentleman is saying that we will come back then the week of Memorial Day, Monday, the 25th. We will be back in business and can expect votes on the 27th?

Mr. FOLEY. On the 27th, we will be expecting votes. There is, unfortunately, a rumor abroad that there will not be any session of the House on the 27th or the 28th. The present plan is for the House to meet and for votes to be had on both those days.

There will be conference reports.

We will attempt to bring up matters with respect to suspensions if permission is granted for Wednesday and Members should not assume that the House will be out that entire week.

Mr. LOTT. Well, let me state that another way a little more emphatically, if I could. The House should expect to be in and have votes on Wednesday, May 27, and Thursday, May 28, is that correct?

Mr. FOLEY. The gentleman is correct. We intend to be in on Wednesday, the 27th of May, and Thursday, the 28th of May, with votes on both days.

Mr. LOTT. Mr. Speaker, I thank the distinguished majority leader. I have no further questions.

HOUR OF MEETING ON TUESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 18, 1987, it adjourn to meet at 10 a.m. on Tuesday, May 19, 1987.

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

There was no objection.

ADJOURNMENT TO MONDAY, MAY 18, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, May 14, 1987, it adjourn to meet at noon on Monday next.

The SPEAKER. 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.

MAKING IN ORDER CALL OF SUSPENSION CALENDAR ON WEDNESDAY, MAY 27, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, May 27, 1987, for the Speaker to recognize Members for motions to suspend the rules.

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

There was no objection.

ORDER OF AMENDMENTS TO BE CALLED ON MONDAY, MAY 18, 1987, ON H.R. 1748, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1988

MR. BADHAM. Mr. Speaker, assuming the approval of the tentative schedule for Monday next on the DOD bill, I ask unanimous consent that after amendment No. 83, the amendments be brought up in the following order: No. 4, Boxer; No. 5, Boxer; No. 3, Bates; and No. 18, Badham; instead of Nos. 3, 18, 4, and 5.

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

Mr. ASPIN. Mr. Speaker, reserving the right to object, I would ask the gentleman: I hear that the gentleman from California wants to restructure the order of amendments, and could the gentleman please enlighten us as to why he wants to do this?

Mr. BADHAM. Yes. Mr. Speaker, if the gentleman will yield, I expect to be here in plenty of time, but to preclude any necessity of further insurance, I would ask the indulgence of the chairman to approve this slightly revised order.

I would under the gentleman's reservation thank the gentleman for bringing this to the attention of the House and also say that on these two amendments in which I am very much interested, I have been ready and waiting and I have been here, I would say to the chairman, to present these amendments all the time we have had on this bill, with the exception of two hours.

Mr. ASPIN. Further reserving the right to object, Mr. Speaker, is this the same gentleman that took great umbrage at the fact that we were trying to move the poor old C-17 amendment over just one 24-hour period to help the poor gentleman from Georgia who was attending his daughter's graduation and trying to get back and was unable to get back; the gentleman from California was saying that we ought to go by the schedule, and the gentleman is now asking to change the schedule for his own convenience, is that what I hear?

Mr. BADHAM. Indeed, if the gentleman will yield under his reservation, I just really hate to take the time of the House with this explanation; but, yes, the same gentleman fired both shots.

Having said that, Mr. Speaker, I might say that what I was trying to do, I was not taking great umbrage at the activities of the chairman or the gentleman from Georgia or his daughter's graduation, I was trying to save them by efficient use of time and a further horrible embarrassment at the terrible defeat they took on that

amendment. I was trying to let them off easy and early.

Mr. ASPIN. The gentleman from Wisconsin appreciates the explanation and withdraws his reservation of objection.

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

There was no objection.

THRIFT SAVINGS FUND INVESTMENT ACT OF 1987

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1177) to ament title 5, United States Code, to provide for procedures for the investment and payment of interest of funds in the Thrift Savings Fund when restrictions on such investments and payments are caused by the statutory public debt limit, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, I will not object, but I just want to say the minority concurs in the passage of this bill and supports the gentleman in his efforts.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Thrift Savings Fund Investment Act of 1987".

SEC. 2. THRIFT SAVINGS INVESTMENT.

(a) INVESTMENT AND RESTORATION OF THE FUND.—Section 8438 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) Notwithstanding subsection (f) of this section, the Secretary of the Treasury may suspend the issuance of additional amounts of obligations of the United States, if such issuances could not be made without causing the public debt of the United States to exceed the public debt limit, as determined by the Secretary of the Treasury.

"(2) Any issuances of obligations to the Government Securities Investment Fund which, solely by reason of the public debt limit are not issued, shall be issued under subsection (f) by the Secretary of the Treasury as soon as such issuances can be issued without exceeding the public debt limit.

"(3) Upon expiration of the debt issuance suspension period, the Secretary of the Treasury shall immediately issue to the Government Securities Investment Fund obligations under chapter 31 of title 31 that (notwithstanding subsection (f)(2) of this section) bear such interest rates and maturity dates as are necessary to ensure that, after such obligations are issued, the holdings of obligations of the United States by the Government Securities Investment Fund will replicate the obligations that would then be held by the Government Securities Investment Fund under the procedure set forth in paragraph (5), if the suspension of issuances under paragraph (1) of this subsection had not occurred.

"(4) On the first business day after the expiration of any debt issuance suspension period, the Secretary of the Treasury shall pay to the Government Securities Investment Fund, from amounts in the general fund of the Treasury of the United States not otherwise appropriated, an amount equal to the excess of the net amount of interest that would have been earned by the Government Securities Investment Fund from obligations of the United States during such debt issuance suspension period if—

"(A) amounts in the Government Securities Investment Fund that were available for investment in obligations of the United States and were not invested during such debt issuance suspension period solely by reason of the public debt limit had been invested under the procedure set forth in paragraph (5), over

"(B) the net amount of interest actually earned by the Government Securities Investment Fund from obligations of the United States during such debt issuance suspension period.

"(5) On each business day during the debt limit suspension period, the Executive Director shall notify the Secretary of the Treasury of the amounts, by maturity, that would have been invested or redeemed each day had the debt issuance suspension period not occurred.

"(6) For purposes of this subsection and subsection (i) of this section—

"(A) the term 'public debt limit' means the limitation imposed by section 3101(b) of title 31; and

"(B) the term 'debt issuance suspension period' means any period for which the Secretary of the Treasury determines for purposes of this subsection that the issuance of obligations of the United States may not be made without exceeding the public debt limit.".

(b) REPORTS REGARDING THE OPERATION AND STATUS OF THE FUND.—Section 8438 of title 5, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(i)(1) The Secretary of the Treasury shall report to Congress on the operation and status of the Thrift Savings Fund during each debt issuance suspension period for which the Secretary is required to take action under paragraph (3) or (4) of subsection (h) of this section. The report shall be submitted as soon as possible after the expiration of such period, but not later than 30 days after the first business day after the expiration of such period. The Secretary shall concurrently transmit a copy of such report to the Executive Director and the Comptroller General of the United States.

"(2) Whenever the Secretary of the Treasury determines that, by reason of the public debt limit, the Secretary will be unable to fully comply with the requirements of subsection (f) of this section, the Secretary shall immediately notify Congress and the Executive Director of the determination. The notification shall be made in writing.".

The SPEAKER pro tempore. The gentleman from New York [Mr. ACKERMAN] is recognized for 1 hour.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

S. 1177 is very timely in view of the legislation we passed earlier today providing for a short-term increase in the public debt limit. The bill was proposed by the Federal Retirement Thrift Investment Board, and has been cleared with the minority.

S. 1177 simply provides that the thrift savings plan which we created last year as part of the Federal Employees' Retirement System will be treated the same as the Civil Service Retirement Fund and the Social Security Trust Fund when investment of moneys in those funds halts because the debt limit has been reached. The thrift savings plan invests employee savings in Government securities. When the debt limit is reached the Treasury's authority to issue securities is suspended and moneys held by the plan cannot be invested. In such a case, the bill permits the Treasury to make up any loss of earnings to the plan resulting from suspension of Treasury borrowing authority due to the debt limit.

The Senate bill 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.

EXTENDING PAY RETENTION PROVISIONS TO CERTAIN EMPLOYEES IN TUCSON WAGE AREA

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 942) to amend title 5, United States Code, to extend the pay retention provisions of such title to certain prevailing rate employees in the Tucson wage area whose basic pay would otherwise be subject to reduction pursuant to a wage survey and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. KOLBE. Reserving the right to object, Mr. Speaker, and I shall not object, I rise in support of Senate bill 942.

Mr. Speaker, I rise in support of Senate bill 942, providing a 2-year pay freeze for Federal wage grade employees in the Tucson wage area.

Under civil service prevailing wage laws, private sector wage surveys are performed annually. Their results determine Federal employee blue-collar pay rates in specific wage areas. Although such surveys normally result in upward adjustments in wage scales, the opposite can occur. As a result of the survey performed in the Tucson wage area in 1986, the eight lowest

wage grade levels experienced extraordinary cuts in pay during the March 22 pay period. This drastic reduction occurred because of the closing of copper mines in the area, resulting in a loss of over one-third of the jobs used in the survey.

For example, a WG-1 civil servant who earns approximately $15,000 per year, had his pay cut by over 15 percent—over $2,600 per year eliminated from his pay check in one quick slice. As a result, many are facing the loss of their homes and property. The economic impact on Sierra Vista, AZ, alone will amount to a direct loss of $216,195 in Federal payroll. This is not due to inefficiency or mismanagement by the Federal Government, simply to a poor economy.

Many of the high skill jobs performed in the copper industry are used in the local wage survey. Truck drivers and loaders, carpenters and electricians all earn wages at the high end of the scale and are included in the wage survey. Because of the massive layoffs in the copper industry, the Federal blue-collar employees' wages reflect this drain of high skilled workers. And yet, these mines, though located in the Tucson wage grade survey area, do not economically benefit communities like Sierra Vista.

It is argued by some that when the economy was good these employees benefited along with the private sector; now that things have turned sour they are just complaining. This is simply not the case. Wage grade employees' wages are capped at the level of increase that General Schedule Federal employees receive. Thus, while mine employees can—and frequently did—receive very large wage increases during the copper boom years of 1973 to 1981, Federal wages did not keep pace. But when wages go down there is no "parachute" provision to cap wage losses. There has never been a 15-percent annual increase in civil service wages, but the wage grade employees in the Tucson wage area have now experienced a 15-percent cut.

This situation is not unique to southern Arizona. It could happen anywhere where there is a sudden loss of jobs in the local wage survey. Last year, in fact, Louisiana and Chicago had similar problems that were only avoided because a lag in wage increases from years of inflation offset a dramatic drop in the survey's local wage scales.

S. 942 extends the current regulations providing for pay retention for civil servants as a result of adverse employment actions. Specifically, this bill provides for pay retention for 2 years for blue-collar Federal wage grade employees in the Tucson wage area who experience a reduction of pay as a result of the local wage survey. To be eligible for this pay retention, an employee must have been in Federal employment at least 52 consecutive weeks.

I have no quarrel with the prevailing wage system in general. We should strive to maintain comparability between private and public wages in a geographic area. However, with fundamental shifts in our Nation's economic fabric, we are seeing results that could not have been anticipated when the prevailing wage structure was set up. The intent of this legislation, therefore, is to give Federal employees the chance to adjust their economic circumstances in anticipation of potentially drastic pay cuts.

S. 942 saves these hard working Federal employees from suffering severe reductions in pay for arbitrary reasons. I ask the support of my colleagues for this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. UDALL. Reserving the right to object, Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, I rise in support of the unanimous-consent request of the gentleman from New York. S. 942 is a very limited bill that responds to a very special situation.

In the wake of a severe local economic recession in the Tucson area, a salary review and adjustment survey for Federal workers was conducted in 1986 pursuant to title 5 of the United States Code.

For years, copper industry employment has been a major factor in Tucson area wage surveys. But the collapse of the local copper industry and closing of mines drastically lowered copper industry employment and depressed local wage rates.

The impact was especially hard on lower grade levels. Tucson area wage grade employees, under current laws, will see their salaries cut by as much as $2,600. Cuts of this size will cause real hardship for Federal employees in the Tucson area. The purpose of wage grade surveys is to set a competitive wage rate and I support that general principle. But the wage cuts that will result from the 1986 survey reflect a very short-term depression in local wage rates. Employment is again expanding in the Tucson wage area. Wage rates are expected to rise again this year and next.

The sharp 1-year wage reduction that would result under current law would prove very disruptive. Many Federal workers would have to quit and seek other employment. To prevent that, S. 942 would impose a temporary freeze on wage levels for wage grade Federal employees in the Tucson area.

Again, I urge support for the unanimous-consent request of the gentleman from New York.

Mr. UDALL. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 536.104(a)(3) of title 5, Code of Federal Regulations, Federal wage employees in the Tucson, Arizona wage area whose pay has been reduced as a result of a wage survey conducted during fiscal year 1986 shall be entitled to pay retention under 5363 of title 5, United States Code, commencing on the date such reduction took effect.

The SPEAKER pro tempore. The gentleman from New York [Mr. ACKERMAN] is recognized for 1 hour.

Mr. ACKERMAN. Mr. Speaker, S. 942 authorizes pay retention under section 5363 of title V United States Code, for those Federal employees in the Tucson, AZ, area who were adversely affected by the prevailing rate wage survey conducted in 1985. The measure has been cleared with the minority.

Mr. Speaker, every year the Federal Government conducts prevailing rate wage surveys in 132 different areas around the country. In 1985, the Tucson area was hit particularly hard by a severe recession due to the collapse of the local copper industry. Consequently, blue-collar Federal employees in that area suffered substantial cuts in pay. Other surveys around the country have produced pay cuts but none as large as those suffered in the Tucson area.

The 99th Congress responded to the plight of those employees with an amendment to the 1985 Budget Reconciliation Act (Public Law 99-272) freezing their pay at 1985 levels. That amendment has now expired and 750 employees again face drastic cuts; 224 employees at Fort Huachuca are in the lowest grade levels and may face salary cuts as much as $2,600 per year. Other employees will face pay cuts of $1,500 per year.

When the prevailing rate statute was enacted in 1972, the intent of Congress was that the Federal Government should pay wages competitive with the private sector—not to reap budget windfalls from drastic salary reductions of dedicated employees.

Mr. Speaker, these people have given many years to Government service. They have made long-term financial plans. Many have mortgages, children in college, and are struggling to make ends meet. These pay cuts affect those employees who can afford it

least. I ask my colleagues to support this emergency legislation. It is the right thing to do.

The Senate bill 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. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bills just passed.

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

There is no objection.

CONFERENCE REPORT ON H.R. 1157, FARM DISASTER ASSISTANCE ACT OF 1987

Mr. DE LA GARZA. Mr. Speaker, pursuant to the order of the House of May 12, 1987, I call up the conference report on the bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disaster in 1986, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 12, 1987, page H3486).

Mr. DE LA GARZA (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 30 minutes and the gentleman from Michigan [Mr. SCHUETTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the House to approve the conference report on H.R. 1157, the Farm Disaster Assistance Act of 1987.

The conference agreement on H.R. 1157 will fulfill the commitment Congress made last fall, in the Continuing Appropriations Act for Fiscal Year 1987, to assist those of our Nation's farmers who were victims of catastrophic natural disasters in 1986. The bill will ensure that all farmers who suffered severe losses in 1986 will be treated equitably and that farmers will obtain assistance at the levels intended by Congress in the Appropriations Act. At the same time, the bill will have the effect of ensuring that a substantial amount of acreage is not put into production in 1987, thereby reducing some commodity program costs.

The conference agreement essentially adopts the House bill and accepts the Senate amendments except for the provision for a required sunflower marketing loan program.

The Congressional Budget Office has looked at both the House bill and the Senate amendments. Based on CBO's analyses, I can assure my colleagues that this legislation will not increase Federal outlays. For those provisions that involve direct spending, CBO estimates that the bill will actually reduce spending. All other provisions of the bill are authorizations, subject to later appropriations.

The House bill, which is retained in the conference report, contains provisions to expand the so-called 50/92 program for 1987 winter wheat to a 0/92 program, and let producers of the 1987 crop of feed grains adversely affected by flood damage to a levee in 1986 also enter a 0/92 program. It will authorize, under the 1986 agricultural disaster program that was established under the Fiscal Year 1987 Continuing Appropriation Act, additional PIK certificate payments to cover the full amount of claims submitted by farmers, subject to appropriations being made. Further, it will extend the 1986 Agricultural Disaster Program to cover harvested hay and straw destroyed by flooding—limited to $1 million—and apples lost to freezes.

The Senate amendments retained all House provisions and added several provisions.

The new provisions under the Senate amendments that affected the House provisions will extend the 0/92 eligibility based on levee break damage to 1987 spring wheat, upland cotton, and rice, and provide 0/92 eligibility to other 1987 spring wheat producers prevented from planting because of 1986 disasters. With respect to the Disaster Program under the continuing resolution, the Senate amendments would eliminate eligibility restrictions based on 1985 planting for sugar producers, and peanut and soybean producers who lost eligibility because of rotation practices; reopen the program to producers in the State of Maine; and allow benefits for upland cotton quality losses.

New provisions in the Senate amendments add language requiring that appropriations under the bill be made in accordance with the Budget Act and authorizing the Corps of Engineers to consider certain benefits in conducting a risk-benefit analysis of proposed flood emergency projects.

Also, the Senate amendments added new provisions to encourage the Secretary of Agriculture to review provisions of the 1985 farm bill relating to the conservation reserve to ensure that they are being implemented to encourage the placement of producer-owned land in the reserve; authorize "wetland" designations in South Dakota; establish an advisory panel to study the cost-effectiveness of ethanol production; require the Secretary to submit to Congress, by July 1, 1987, a study on marketing loan programs; and authorize a Price Support Loan Program for the 1987 through 1990 crops of sunflowers, with a requirement that sunflower marketing loans be triggered if there is a soybean marketing loan.

Under the conference agreement, the House accepted the Senate amendments with the following modifications:

First, technical revisions of the 0/92 programs to make the language of the programs consistent;

Second, establishment of a uniform cutoff date for new applications for assistance under the 1986 Disaster Program under the continuing resolution, as follows: 30 days after enactment;

Third, technical revisions of the exceptions to the 1986 Disaster Program restriction applicable to sugar and certain soybean and peanut producers;

Fourth, addition of language to the Budget Act provision to include Department of Agriculture appropriations;

Fifth, addition of language to the conservation reserve provision to reiterate the general applicability of the 3-year ownership requirement;

Sixth, addition of language to require appointment of the ethanol panel within 30 days after enactment of the bill;

Seventh, with respect to the marketing loan study, addition of language to require study of the effect of marketing loans on sunflower and other oil seeds; and

Eighth, deletion of the requirement that a sunflower marketing loan accompany a soybean marketing loan, in favor of sense of Congress language to the same effect.

Mr. Speaker, this conference report incorporates the improvements to the House bill made by the Senate amendments, while adhering to the budget process.

I deeply appreciate the spirit of cooperation in which the Senate conferees, led by Chairman PAT LEAHY, worked with the House conferees. The conferees have reached a sound resolution of the differences in an expeditious manner.

As a result, the House has before it an innovative bill that is cost-saving

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with respect to the 0/92 program and compassionate within the constraints of the budget with regard to the 1986 Disaster Assistance Program. The conference report is worthy of approval by the House today.

□ 1735

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. NOWAK], who represented the Public Works and Transportation Committee on an item on which they had jurisdiction.

Mr. NOWAK. Mr. Speaker, this bill contains a provision relating to the Water Resources Program of the Corps of Engineers. It amends section 5 of the act of August 18, 1941, which authorizes the Corps of Engineers to undertake emergency flood preparation activities to protect loss of life and property threatened by flooding. It includes flood fighting, rescue operations, repair and restoration of flood control works, and protection of Federal flood control structures.

The provision contained in H.R. 1157 would amend this emergency authority by providing that, in the preparation of a benefit/cost analysis for an emergency project, the Corps of Engineers shall consider benefits resulting from protection of residential, commercial, and agricultural establishments.

Our Committee on Public Works and Transportation completed 6 years of difficult work last year when the Water Resources Act of 1986 was signed into law. That legislation establishes comprehensive new cost sharing and evaluation procedures for water resources projects. The provision in H.R. 1157 on computation of benefits is consistent with both the Water Resources Development Act and corps procedures. We read it as confirming existing law and policy.

Such provision, dealing as it does with water resources projects of the Corps of Engineers, is a matter solely within the jurisdiction of the Public Works and Transportation Committee, and in recognition of this fact, members of our committee were appointed exclusive conferees on this provision. In the interest of passing H.R. 1157 without undue delay and with our understanding of the provision in question, I have no objection to its inclusion.

Mr. SCHUETTE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. STANGELAND], a member of the committee.

Mr. STANGELAND. Mr. Speaker, I rise in strong support of the conference report on H.R. 1157.

Mr. Speaker, I would like to make a few clarifying remarks on an amendment adopted by the other body and incorporated into the conference report. The amendment relates to procedures used by the Army Corps of Engineers in evaluating the economic feasibility of proposed emergency flood control activities. This amendment relates to matters which are within the exclusive jurisdiction of the Committee on Public Works and Transportation. Thus, my good friend, the gentleman from New York [Mr. NOWAK], and I, as chairman and ranking Republican member of the Subcommittee on Water Resources, were appointed as conferees solely on this provision.

The amendment, while general in applicability, is aimed at high lake level, problems on the Great Lakes. I understand the problems that residents and businesses in the Great Lakes' States are facing due to record high lake levels. Our subcommittee has held 2 days of extensive hearings on this serious matter and is currently exploring potential solutions in detail. I commend the Senate for its initiative in seeking a means of facilitating solutions by pointing out that all benefits produced by Corps of Engineers flood control projects must be thoroughly and consistently considered by the corps. I have been advised by the corps that they already examine the various categories of benefits listed in the amendment and weigh those benefits. I certainly hope this is the case, because agricultural, commercial, and residential impacts are extremely important.

At the same time, the committee has received testimony indicating that agricultural benefits are not always given full weight in evaluating the feasibility of advance measures under the corps' control authority.

In light of the corps' assurances that the amendment does not alter current policy and in light of the amendment's apparent consistency with the Public Works Committee's intent that agricultural benefits, residential benefits and commercial benefits receive full weight, we have no choice to the amendment added by the Senate on this issue.

Mr. SCHUETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the conference report and to commend my colleagues, particularly the gentleman from Michigan [Mr. SCHUETTE], for their hard work, and to indicate that in that conference report the support for ethanol- and alcohol-blended fuels and for the idea of a marketing loan so needed in Nebraska, where we raise beans and wheat and corn, that moves this idea along are the reasons why I rise in support of this conference report.

Mr. SCHUETTE. Mr. Speaker, I yield myself such time as I consume.

Mr. Speaker, I rise in strong support of H.R. 1157, and first want to commend my chairman, the gentleman from Texas [Mr. DE LA GARZA], and the vice chairman, the gentleman from Illinois [Mr. MADIGAN], for their work on this measure, and certainly the subcommittee chairman, the gentleman from Kansas [Mr. GLICKMAN], and vice chairman, the gentleman from Montana [Mr. MARLENEE].

This bill is important in a number of different provisions in it, certainly for Michigan and States that were flooded out in 1986. Disaster aid to assist farmers who weathered the worst storm that the State of Michigan has seen in modern history saw Congress respond in a timely fashion.

However, the amount of claims made depleted our original disaster fund, and this measure would authorize an additional $135 million so that farmers in Michigan and across the country can participate in this disaster challenge.

Additionally the 0/92 Program is an important program, and I rise in strong support and urge my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I just want to say that we have a good bill. It was an emergency bill, disaster-related. We took care of a lot of problems. I want to compliment the gentleman from Oklahoma [Mr. ENGLISH], who is an author of this bill. The gentleman from Kansas [Mr. WHITTAKER], who is here, had a lot to do with getting us interested in moving ahead in connection with the disaster part of the bill.

I realize that it does not satisfy everybody, but it sets a good precedent. I like the 0/92 Program. I think that it has a lot of ramifications in future years. I urge my colleagues to support the conference report.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I would simply like to commend the chairmen of the committee and the subcommittee as well as the ranking minority members of both the full committee and the subcommittee. I think without question that this piece of legislation is one that is going to be helpful not only to the farmers but to the taxpayers.

It has the potential of giving the farmer greater flexibility while at the same time saving the taxpayers money. At the bottom line, Mr. Speaker, I think that the thing that we need to do is to proceed more toward the line of a paid-diversion effort. This is

one that makes a lot of sense. Certainly it is the cheapest way to go to solving many of our farm problems.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

Mr. SCHUETTE. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FREE THE FARMERS TO SELL THEIR PRODUCTS: THE CUBAN MARKET BECKONS

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

Mr. ALEXANDER. Mr. Speaker, to help the American farmer get out of an economic depression and aid the Nation in the quest to reduce the huge United States trade deficit, today I have introduced legislation to except the sale of United States agricultural commodities from the embargo on trade with Cuba.

In the current trade climate, and given the enormous agricultural depression, the United States must follow a policy of aggressive export promotion. No potential market should be excluded from this policy.

We should allow American producers to compete fully and fairly in the world market by selling whatever they can to whomever they can unless the sale of the product would threaten national security.

Last year, we experienced a trade deficit of almost $170 billion. At the same time, the economic conditions of Arkansas and other agricultural States are the worst they have been since the Great Depression of the 1930's.

These two problems are intertwined. American agriculture is based on the presumption of export. There is a depression on the farm because U.S. agricultural exports have dropped more than $17 billion in real dollars since 1981.

Under these conditions, it does not make sense for the American Government to prohibit the farmer from selling his product to willing buyers in nations like Cuba.

Cuba imports approximately $489 million a year in agricultural commodities. Much of this figure represents income foregone by the American farmer as his sacrifice on the altar of foreign policy.

My bill focuses not upon foreign policy, but upon helping the farmer and improving America's competitiveness in world markets. The bill would have no impact on United States defense or foreign policy toward Cuba, and would apply only to food. The Cubans cannot shoot a bushel of rice back at us after we sell it to them.

The American farmer, and not the Cuban Government, is the true victim of the embargo policy. In its 25-year history, the embargo has done nothing to modify the behavior of the Cuban Government toward its own citizens or the rest of the world. Some experts argue that our futile efforts to punish the Cuban Government have strengthened Castro, and in reality, only inflicted punishment upon our hard-working farmers here in America.

I think it is time we took another look at the futility of trade embargoes as an instrument of foreign policy. I believe we will find that embargoes hurt Americans more than they hurt the countries they are supposed to punish.

If we reflect upon the historical record, we will find that embargoes have chronically displayed a dismal pattern of self-inflicted wounds. In 1980, for example, the embargo against the Soviet Union caused a shift away from American supplies, so that Russian markets were lost and the United States reputation as a reliable supplier was damaged.

The agricultural export moratoria of 1974 and 1975 and the embargo of 1973 had patterns of failure similar to the 1980 embargo. After the 1973 embargo, prices for soybeans in such major international centers as Rotterdam rose and domestic U.S. prices fell sharply. The policy of self-imposed bans on exporting farm products has always reaped a bitter harvest of falling prices, lost markets, and damaged reputation as a reliable source of agricultural goods.

The bill I've introduced would permit the American farmer to compete in a market in which he can be the dominant force.

I urge my colleagues to join me in supporting legislation to free the American farmer to sell to the Cuban market, which lies beckoning only 90 miles from Florida.

My constituents in Arkansas do not approve of the Cuban Government's actions, but they grow bountiful crops of rice and other farm products every year that they wish to sell. Throughout the mid-South, farm trade to Cuba is a proposal that is gathering powerful momentum. It has been unanimously endorsed by the Arkansas State Senate, the American Agriculture Movement, the Arkansas Farm Bureau, the Episcopal Diocese of Arkansas, and many other prestigious leaders and groups.

As the light of common sense has begun to shine on this issue and a glimmer of reason appears on the horizon the proposal has attracted national support. Speaker JIM WRIGHT has endorsed it. Moreover, Chairman CLAIBORNE PELL of the Senate Foreign Relations Committee has asked me to testify before his committee later this year in order to shed further light on this important question.

Many people in America are increasingly coming to realize that there is an elemental question of fairness involved here: If a Kansas wheat farmer can sell wheat to the Soviet Union, why should an Arkansas rice farmer be forever forbidden from selling his rice to Cuba?

In places such as Cherry Valley, AR, the Government is piling up millions of bushels of surplus farm products, yet our Government will not free the farmers to sell those products to markets that could be ours for the taking. In Cherry Valley and other locations in my district, those mountains of surplus products rise from the delta rice fields like Egyptian pyramids, and they are somber monuments to the failure of our farm policy.

Freeing the farmers to sell to Cuba would not save all family farmers, but it would save some of them, and that is a goal well worth pursuing.

Cuba is one important market that ineffective policies have denied the American farmer. We must take action to slay the double-headed monster of the trade and farm crises. Lamenting the crises is not enough. As the farmer often says: "Don't just sit there, do something, or get out of the way!"

H.R. 2391

A bill to make an exception to the United States embargo on trade with Cuba for the export of agricultural commodities produced in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.

Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1)) is amended by inserting before the period at the end of the second sentence the following: ", except that any such embargo shall not apply with respect to the export of any agricultural commodity produced in the United States, including fats, oils, and animal hides or skins.".

SEC. 2. LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.

Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 3, 1962, the Export Administration Regulations (15 CFR. 368-399), and the Cuban Assets Control Regulations (31 CFR. 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of enactment of this Act, shall not apply with respect to the export to Cuba of agricultural commodities produced in the United States.

SEC. 3. LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.

(a) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba of

agricultural commodities produced in the United States.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba of agricultural commodities produced in the United States, to the extent such authorities are exercised to deal with a threat to the economy of the United States.

SEC. 4. DEFINITION.

For purposes of this Act, the term "agricultural commodities" includes fats, oils, and animal hides or skins.

LEGISLATION TO PROHIBIT DISCHARGE OF TOXIC WASTEWATER INTO THE AQUATIC ENVIRONMENTS OF NORTHERN AND CENTRAL CALIFORNIA

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

Mr. PANETTA. Mr. Speaker, I am introducing legislation on behalf of myself, Congressman LANTOS, and Congressman GEORGE MILLER of California, chairman of the House Interior Subcommittee on Water and Power Resources, which would protect some of the most environmentally sensitive and economically productive aquatic environments in the country from the contaminating effects of toxic waste water drainage.

I am introducing this legislation in response to concerns that this contaminated water, which is the cause of the ecological disaster at the Kesterson Reservoir in Merced County, may be drained into the Pacific along California's central coast, in the waters of San Francisco Bay or into the Sacramento-San Joaquin Delta. The U.S. Bureau of Reclamation is now in the process of considering options for the treatment and/or disposal of this polluted water. According to a study now being prepared by the Bureau, the ocean disposal plan will be recommended to the Secretary of the Interior as the best available long-range alternative for disposal of the toxic drainage water, with drainage into San Francisco Bay or the Sacramento-San Joaquin Delta listed as the second and third ranked options respectively.

As the preferred option, I am advised that the study will recommend transporting untreated wastewater across the coastal range at an undetermined cost and placing it in the ocean between Estero Bay in the Cambria area of San Luis Obispo County and San Gregorio in San Mateo County. It is estimated that 265,000 acre-feet of drain water containing 2.5 million tons of toxic salts will be produced in the western part of the valley annually by the year 2005. Unfortunately, it is my understanding based on preliminary reports, that the study fails to discuss the effect of large volumes of heavy metals and trace elements on the ocean's food chain.

While ocean disposal was ranked first on a list of nine possibilities which includes the area that will generate the drain water, San Francisco Bay was ranked second and the Sacramento-San Joaquin Delta was third. The Kesterson area itself was placed low along with the other inland areas on the list because of threats to wildlife from pollution.

I believe I speak for the citizens and government officials of the coastal communities which I represent and the communities and industries which depend on San Francisco Bay and the delta when I say that it is totally unacceptable to use these areas for the disposal of the valley's toxic runoff. It makes no sense to address the contamination of one sensitive aquatic environment with a multibillion-dollar construction program which will ultimately lead to the pollution of another. These areas could not receive this drainage without irreparable damage being inflicted. The contamination of the central coast, San Francisco Bay or the delta would pose serious economic, environmental and public health problems for local communities, and could devastate locally and nationally important tourist, commercial fishing, and marine research activities. One needs only to consider the unique physical and biological qualities of these areas and their national cultural and research significance, to determine that these are totally inappropriate sites for the discharge of the San Joaquin Valley's toxic drainage water.

The Bureau of Reclamation will continue its study of the options before submitting a final report to the Secretary of the Interior. Once the Secretary has adopted such a report, legislation enacted last year will require that the Secretary submit the plan for congressional approval. Rather than wasting the time and resources of the Interior Department and the Congress by further considering options which would only extend the potential for ecological and economic damage, the search for a disposal solution should focus on crafting a responsible and workable plan. For this reason, the legislation I am introducing today would prohibit further consideration of the ocean discharge option or the San Francisco Bay, San Joaquin River or Sacramento-San Joaquin Delta sites for disposal of the wastewater.

While I do not profess to hold the key to solving the drainage problem, it is my hope that Congress will direct State and Federal officials to focus on more sensible alternatives for the disposal of the San Joaquin Valley's toxic drainage water. A more reasonable approach would not threaten California's coastal and estuarine environments, economies, and the health of our citizens. Land disposal, the use of evaporation ponds and treatment facilities and other alternatives which dispose of drainage closer to the source would seem to be more ecologically sound and cost effective than the aquatic discharge options.

Mr. Speaker, the Bureau's insistence on pursuing these ill-advised proposals necessitates congressional action to focus Federal consideration on those disposal options which offer a more practical solution to this problem. This legislation would provide an insurance policy against action which could ultimately jeopardize the sensitive marine ecology of the central coast and the bays and estuaries of the Sacramento-San Joaquin Delta and San Francisco Bay.

H.R. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION.

The Secretary of the Interior is prohibited from obligating or expending funds authorized or made available under any authority of law to study, or construct, facilities to discharge wastewaters from any unit of the Central Valley Project into the Pacific Ocean between Morro Bay and San Francisco Bay, California, including the bays and their environs, the San Joaquin River and the Sacramento-San Joaquin Delta and Estuary.

□ 1745

POLICE RECOGNITION WEEK

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

Mr. BONER of Tennessee. Mr. Speaker, this week, we pay tribute to our Nation's law enforcement officers.

For most of us, the challenges and difficulties which our law enforcement officers face are filtered through the television programs which comprise our daily diet of news and entertainment. But, no matter how realistic programs like "Hill Street Blues" are in portraying the lives of our police men and women, nothing can substitute for the first-hand experience gained from riding with a police officer on his or her rounds.

This past Monday, I had the opportunity to ride with two metropolitan Nashville police officers. In the course of my 8-hour ride, I joined the officers in confronting some of the daily crime which characterize our Nation's urban areas. From illegal gambling to drug sales to domestic disputes to traffic violations to noise complaints, our police officers are called upon to address the problems which unfortunately accompany our modern society. Our police are asked to fix the problems which other parts of our society have failed to address.

I thank metro Police Officers Keith Claybrooks and Oscar Davison for allowing me to ride with them. These individuals represent a police force that is at times called upon to be

social workers and peacemakers, as well as law enforcers. But most of all, the force is comprised of men and women of integrity and dedication who are all too often the last to be thanked for a job well done.

I join my colleagues in saluting our law enforcement officers this week.

DESCRIBING THE AMERICAN LEFT AS THE LEFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, tonight's special order is entitled "Describing the American Left as the Left," and is an elaboration on some points I have been making recently during the defense debate.

I have had several interesting discussions with friends of mine who are Democrats who are concerned about why I have been talking about the votes on defense and why I have been describing them from the standpoint of right and left.

I want to make clear that I think it is very important in a free society to use words in a way that people can understand you, to be clear in your definitions.

George Orwell wrote a brilliant essay on politics and the English language in which he said that it is very, very important to be able to use words accurately, because that is the base of thinking clearly.

We have an example this week of what has been happening in Europe. The parties of the left in Europe have come upon hard times. The SPD in Germany, the Socialist Party in Germany, has in effect ceased to be a real competitor for government. The Labor Party in Britain seems to be in very deep trouble, and I am convinced that part of that reason that they have been in trouble is that there has been a systematic effort to describe accurately what the policies of the left mean in Europe and what their impact is.

To describe the cost of socialism, the cost of higher taxation, the cost of a welfare state, to be clear and candid about the dangers of unilateral disarmament and appeasement, and to say it out in the open so people understand what is going on.

By contrast, politics in America have been less intellectual, less clear; and the definitions have been less accurate and, as a result, many people whose philosophy and votes and politics are on the left have used the language of the center and have tried to avoid responsibility for their belief in the system.

To give you an example of the difference between the European clear definition of the left and the American definition, there was a fascinating article in today's Washington Times about the upcoming British election.

I quote: "Prime Minister Margaret Thatcher yesterday pounced on a Labor leader's comment in Moscow that, 'the Russians are praying for a Labor victory' as Britain's election campaign began in a cloud of partisan fire and smoke; no doubt a Labor government which would unilaterally give up Britain's nuclear deterrent would be an answer to the Kremlin's prayers," Mrs. Thatcher told a raucous House of Commons, answering to Labor Foreign Affairs spokesman Dennis Healy's statement on Monday, "but I am bound to say that I do not think very much praying goes on in the Kremlin," Mrs. Thatcher said.

I think they would find it more realistic to realize that after the election they probably have to deal with a conservative government which believed in standing up for Britain's defenses.

Mr. Healy met yesterday in Moscow with Soviet Foreign Minister Eduard Shevardnadze and called him a colleague.

Mr. Healy said as much about praying for Labor victory was unfortunate and offensive to the Russians, but there is no question that on these arms control issues I was discussing, the Soviet position is much closer to ours than the Conservative position, Mr. Healy also said.

The thing I find fascinating is that you have in Britain a clear distinction. You have a British Prime Minister who is willing to say flatly that the Labor Party would unilaterally disarm. She is willing to say flatly that they are too close to the Soviets, and that they would be dangerous to Britain's security to elect.

Because in Germany and in Britain the Conservatives have been willing to clearly state the values and the positions of the left, I think they have been effective in reaching out to people and in making clear the risk that voting for the left carries with it.

Consider, for example, today's votes in the House on defense.

An amendment which would defeat the $250 million for alternative ICBM basing, and which would bar the use of the funds for the rail garrison basing system. In other words, let us go ahead and in this House stop the Defense Department from trying to find the best way to base intercontinental ballistic missiles. Let us go ahead in the House, among lawyers and farmers and optometrists and other people, but not military professionals and politically decide what America cannot do; 68.5 percent of the Democrats voted to stop the Defense Department from considering how to base our intercontinental ballistic missiles.

By contrast, 92 percent of the Republicans voted against that amendment. In other words, you could hardly have a wider party gap. Two out of three Democrats voted to automatically handcuff the Defense Department.

Nine out of ten Republicans voted against handcuffing the Defense Department.

The next amendment, reducing the authorization for the MX missile by $673 million, eliminating the funds for 10 of the 12 test missiles. In other words, do not allow the Defense Department even to test. Take away 10 of their 12 test missiles.

Democrats: 58 percent in favor of stopping the Defense Department even from testing. Republicans: 89 percent against stopping the Defense Department.

The next amendment, barring expenditures for the Trident II missile program, again an effort here to look at, should we in our submarine-based missiles stop the Defense Department from spending money, or should we allow the Defense Department to work on what everyone has agreed is our safest, our most secure and our most stable deterrent?

In this case, even among Democrats, this was too dangerous, too destructive an amendment. Only 37 percent of the Democrats voted for it. By contrast, only 1.2 percent of the Republicans voted for it.

Even on an extremely destructive amendment which virtually every Democrat who is on the Committee on Armed Services would say went right at the heart of our most stable, our safest and our most secure deterrent, the Trident II submarine, over a third of the Democrats are willing to vote yes to stop spending on that program.

Finally, on an amendment which would stop us from going back and refitting the Trident I submarines, giving them a more sophisticated missile system, in effect upgrading them, a very expensive technique compared to buying new submarines, making our oldest submarines more effective, helping them last longer as a deterrent, 43 percent of the Democrats voted in favor of stopping us from going back and retrofitting our Trident I's.

Only 1.8 percent of the Republicans voted that way, so you have a pattern where almost no matter how far to the left the amendment, over a third of the Democrats would automatically vote for it.

On the second, I think it is fair to say, most leftward amendment, 43 percent of the Democrats voted for it. On the other 2 amendments, 68 percent of the Democrats voted to handcuff the Defense Department, and 58 percent voted to stop the Defense Department from even testing.

That pattern fits the general direction of the Democratic Party, a direction which the gentleman from New York [Mr. KEMP] described in a Wash-

ington Times editorial entitled: "Broken Budget Promises."

I want to quote this, because I think it is very helpful from the gentleman from New York [Mr. KEMP]:

After their takeover of both houses of Congress last November, Democrats promised a new vision for America. Over the past six months, we have seen that new vision take form—and desipite new rhetoric, it turns out to be the old vision of an America turned inward, an economically backward and undermanned Fortress America.

The Democratic House of Representatives continues to try to end assistance to those fighting the enemies of freedom, while passing a trade bill that bashes our trading partners. Both the Senate and House Democratic majorities are hard at work redefining the Anti-Ballistic Missile Treaty to keep the Strategic Defense Initiative in the lab, while forcing unilateral compliance to another arms control treaty that a previous Democratic Congress refused to ratify.

With the Senate's passage last week of the budget resolution, the final elements of the new agenda have fallen into place. The four-year budget includes a $118 billion tax increase, a 10 percent real cut in defense spending and an increase in domestic spending.

It's the same old poison, but there's a new label. They've jettisoned the old arguments that defense spending represents misplaced priorities, and that we need more taxes to redistribute wealth. Despite the tax increase and the defense cut, the rhetoric says this is really a fiscally responsible, prodefense budget—on the grounds that the tax increase will go into a special fund that will prevent an even larger real cut in defense.

If the president and Congress really mean what they say about building a strong defense, the argument goes, they will have the courage to pay for it. Democrat Lawton Chiles of Florida, chairman of the Senate Budget Committee, argues that this is a "pay-as-you-go" approach for defense, like the gas taxes that were raised to pay for new highways.

Well, we've been down this road before. And as the American people and many in the Congress—including my own party—have learned to their regret, it's a road to nowhere.

Twice in the past five years, Congress passed three-year budget resolutions that include massive tax increases that were argued on the same grounds.

The 1983 Budget Resolution raised taxes $98 billion for 1983 through 1985 under the provisions of the "Tax Equity and Fiscal Responsibility Act" of 1982 (TEFRA).

The Deficit Reduction Act of 1984 was the centerpiece of the 1985 budget resolution: It raised $51 billion in new taxes over the next three years.

Defense spending in both resolutions was cut well below the amount requested by the president and necessary to meet our national security needs. But it was argued at the time that there would still be some real growth in defense and that we could finance these small increases only with large tax increases.

In fact, it soon became clear that Congress would deliver only on the tax increases, not on the promised defense increases.

Congress solemnly kept its word in raising new taxes, and American families and businesses had to meet the obligations of the new tax laws. But the promises of these grand budget compromises on higher defense spending were broken as soon as House congressional committees could scrounge a quorum.

The actual outlays on defense from 1982 through 1987 will fall $113 billion short of the amount pledged in the two budget resolutions. This equals all the money spent last year for the salaries of the millions of Americans in our armed forces plus one-half the operations and maintenance budget.

The record on promised reductions in overall spending was just as bad. Instead of the much-ballyhooed promises of $3 in spending cuts for every $1 of tax increase, each $1 of tax increase has actually been, accompanied by $1.58 in spending increases, according to a recent study prepared for the Republican members of the Joint Economic Committee.

The new Senate budget makes these broken promises look like timid white lies. Defense is billed to keep pace with inflation—but that's only for one year, and then only if the president signs a tax increase. But the $118 billion in new taxes really buys only a $28 billion nominal increase in defense outlays. This would be a decline in real (inflation-adjusted) terms over the next four years and would leave defense's share of the economy at its lowest level since 1979.

And the only guarantee that taxes will go to reduce the deficit is a less-than-impressive assumption that Congress will set up "an appropriate procedure" at some undefined date, telling itself not to spend the new taxes it just imposed.

During last fall's electoral campaign, it was hard to find a Democrat anywhere who was willing to advocate higher taxes, slashing the defense budget, a weaker foreign policy publicly, or a bigger role for government in our national life. Instead, Democrats adopted the pro-growth, low-tax and patriotic themes which, under Republicans, have captured the imagination of America.

Now, in control of both Houses of Congress, however, the Democrats seem to have forgotten the promises of last November. They will answer for this at the polls in 1988. But in the meantime, the cost to our economy and to our ability to protect and promote freedom here and abroad is a price our nation cannot afford to pay.

Americans have an almost infinite patience with their national legislature. But when they learn that they will face the largest one-year tax increase, and the second-largest four-year tax increase, in our nation's history—in return for a weakened America—Americans will reject this budget without further ado and the parties who put forward its twisted priorities.

□ 1800

That was a quote by Congressman JACK KEMP.

The point is this: those of us who are conservative and who believe in an America that is strong, that has an adequate defense, that has a strategic defense to protect us from nuclear weapons, that is capable of protecting freedom against the Soviet empire, those of us who believe in keeping taxes lower and government smaller have not been doing an adequate job of telling the truth to the American people.

I think much of the burden of the American people's patience with the left wing of the Democratic party must fall on those conservatives who do not talk as clearly as Margaret Thatcher.

Jefferson once said: "If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be." The point Jefferson was making was that the price of freedom is knowing about your government, knowing about the world you live in, knowing what your choices are.

Let me make those choices clear, and I think the votes of the last two weeks reinforce what I am saying: the Democratic Party today is the party of unilateral weakness. It is the party of appeasing the Soviet empire. It is the party of writing into American law negotiating positions which, to quote labor Minister Healy, "There is no question on these arms control issues that we are discussing the Soviet position is much closer to ours than the conservative position."

Now this is not because in any way the Democrats are pro-Soviet. It is because the Democrats in their view of the world represent a tradition of isolationism and of pacificism which goes back 50 or 60 years in American history. It goes back certainly to William Jennings Bryan before World War I. There is a very deep tradition in America which says "America is good, the world is evil, if only we stay away from the world we will be safe." That tradition disarmed America before World War I. We were so weak back then that as late as 1916, 2 years into the First World War in Europe, the U.S. Army had to rent three cars to get General Pershing from Texas to New Mexico when there was an incident on the Mexican border. They had to rent the car. There was a war raging in Europe but our Army was so small that there was no base for us to have any kind of strength. We have ignored all the lessons of World War I. We demobilized, we relaxed, we adopted isolationist legislation much like this House has been adopting in the last 2 weeks. And it breaks your heart to read the correspondence between Churchill and Roosevelt, to see Churchill pleading for help in 1940 during the Battle of Britain and to have President Roosevelt say, "I can't help you. I can't do this and I can't do that because it is against the law. The Congress has tied my hands." Then we got into World War II. We rearmed and we freed the world from Nazism.

Now once again in the third cycle of this isolationist pacificism we see reemerging simple arguments on the left. This is not just an American phenomenon. You can take the most clear ideological statements in this House by the party of the left, the Democrats, you can compare it with the SPD in Germany, the Labor Party in Britain, the language is the same, the rhetoric is the same, the words are the same because there is a deep belief in

the leftwing of Western intellectual thought. It is a belief that strength is dangerous, that peace is best brought by accommodating tyranny, that weapons are in themselves dangerous and they are a waste of money, that the way to remain free is not to offend anyone.

Now it is very hard for those on the left to explain Czechoslovakia, occupied by the Russians, Poland, occupied by the Russians, Afghanistan, invaded by the Russians. But they say, "Don't look at those. We can trust the Russians. After all, they are going to be different this time. They are going to be nicer this time. Don't look at the Russians in Nicaragua, don't look at the Cubans in Nicaragua." So the left defines for itself a world in which it feels it can be safe.

Furthermore, the left never talks about the size of government it wants, how many new bureaucracies it needs. Somehow it is always for the smallest government possible except, and then the next bill comes down the road.

Let me suggest that there is a very large wing of the Democratic Party in America today and we will see it in the next few months in the Presidential campaign, which is basically a direct parallel to the unilateral disarmament socialist wing of European politics. Its commitment on agriculture is for government agriculture, in effect for a farming police who will tell you how much you can grow, when you can grow it and who will then, of course, have to have the right to come and check out your property, check out your records, to police you. Of course, the decisions will be made in Washington and will be remarkably like socialist agriculture. There is a segment that says "Ah, we can help America grow, all we need is more power in Washington, a bigger bureaucracy and we will tell America which industries to invest in," very much like the socialism which failed Mitterand in the early 1980's.

There is a wing which says "we don't need any of these weapons." Let me again just for today's vote: 68 percent rejected alternative basing modes, 58 percent rejected even testing enough MX's, 36 percent wanted to stop spending on the most stable, the most secure submarine program we have; 43 percent did not want to go back and retrofit our Trident I. Again and again what you find is that the left wing of the Democratic Party, between 37 and 48 percent in the House of the Democratic caucus is very, very consistent. In fact, I would guess that we will discover by the end of these 3 weeks that probably 25 percent of the Democrats never voted, ever, for a single program. They could not find any of the weapons systems they liked, they could not find any of the programs they liked or maybe out of 90 votes they found three.

What does that say? It says that the intellectual and the emotional pressures in the Democratic caucus are consistently parallel to the Socialist Party in Germany and the Labor Party of Britain. It says that the activist, dynamic tough wing of the Democratic Party is essentially a unilateral disarmament wing. It says that the forces, the answers that that wing of the Democratic party comes up with, to a remarkable degree mean a larger government, more bureaucracy, higher taxes, more power in Washington. And in that setting what I am suggesting to my colleagues is that there is a real lesson to learn from Helmut Kohl in West Germany and Margaret Thatcher in Britain. That is that when simple plain language is used, when people are told clearly what the choice is, when people are willing to stand up and say "This is unilateral disarmament, this means that America will be too weak to defend our interests, this means that the Soviets will have too much relative power, this will increase the danger in the 1990's," at that point it turns out that all of these movements for unilateral disarmament and appeasement, all of the momentum we saw in the eighties in Europe gradually disappear, because as people look at what the Socialist Party would have done in Germany, as people look to what the labor party would have done in Britain, they would have said, "Oh, that is impossible." In fact, in Britain the term that became popular was "the loony left." People said that is clearly wrong, we cannot possibly do that and now we have to go find a better answer.

So I would urge as we come back next week and we look at the defense debate in its continuing days, I would urge my colleagues to be very explicit, to say it very carefully, but to lay out the case. And after this debate I would urge my colleagues and my fellow citizens look day after day at the size and the percentage of the Democratic caucus committed to buying weapons; look day after day at the enormous percent of the Democratic caucus committed to having America relatively weaker than it was last year and then think back to the last time that we had a Democratic House and Democratic Senate and a Democratic President. Think back to Jimmy Carter in 1979 and 1980 and ask yourself: Do we really want America to be that weak again? Do we really want America to decay that much again? Do we really want America to be that disarmed again? Will we really be that much safer if Gorbachev has the weapons and we do not? Will we be really that much better off if the Soviets decide, having conquered Afghanistan, to move on to the next target? Or is it time to take stock to define the left accurately, to engage the intellectual debate, to lay out the case and then to have the American people decide?

SPECIAL ORDERS GRANTED

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

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

Mr. GINGRICH, for 60 minutes, today.

Mr. GILMAN, for 60 minutes, on May 27.

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

Mr. PANETTA, for 5 minutes, today.

Mr. BONER of Tennessee, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mr. SOLARZ, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,024.

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

Mr. ROTH.

Mr. CONTE in two instances.

Ms. SNOWE.

Mr. COURTER.

Mr. BROOMFIELD.

Mr. CHENEY.

Mr. SAXTON.

Mr. DONALD E. LUKENS.

Mr. BEREUTER.

Mr. SUNDQUIST.

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

Mrs. BOXER.

Mr. WHEAT in two instances.

Mr. ATKINS.

Mr. ECKART in two instances.

Mr. COELHO.

Mr. FASCELL.

Mr. SMITH of Florida in two instances.

Mr. FRANK.

Mr. HAWKINS.

Mr. GARCIA.

Mr. WEISS.

Mr. MILLER of California.

Mr. PEPPER.

Mr. KANJORSKI.

Mr. MURPHY.

Mr. GEPHARDT.

Mr. HOWARD.

Mr. KOLTER.

Mr. WAXMAN.

Mr. MATSUI.

ADJOURNMENT

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

The motion was agreed to; and accordingly (at 6 o'clock and 13 minutes p.m.), under its previous order the House adjourned until tomorrow, Thursday, May 14, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1397. A letter from the Secretary of Education, transmitting a copy of final regulations for the Income Contingent Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1398. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1986 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and Labor.

1399. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notification of a travel advisory issued by the Department for the Philippines which has security implications for Americans traveling or residing in that country, pursuant to 22 U.S.C. 2656e; to the Committee on Foreign Affairs.

1400. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a report on the status of United States preparations for the International Conference on Drug Abuse and Illicit Trafficking, pursuant to Public Law 99-570; to the Committee on Foreign Affairs.

1401. A letter from the Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped; transmitting the Committee's annual report during the fiscal year ending September 30, 1986, pursuant to 41 U.S.C. 46(i); to the Committee on Government Operations.

1402. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting notification of a proposed modification of a Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1403. A letter from the Acting Director, Office of Workers' Compensation Programs, Department of Labor, transmitting notice of a proposed computer match of Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1404. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a copy of the report submitted by the Administrator of Veterans Affairs setting forth the findings and conclusions of his investigation into allegations of violations of law and regulation at the Veterans Administration Medical Center, Northport, NY, and the State University of New York, Stoney Brook, NY, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

1405. A letter from the Secretary of Transportation, transmitting a report on how the Department has administered sections 408, 409, 412, and 414 of the Federal Aviation Act of 1958, pursuant to 49 U.S.C. app. 1551 nt; to the Committee on Public Works and Transportation.

1406. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the following annual trust fund reports which are contained in the winter issue, first quarter, of the Treasury Bulletin: Airport and Airway; Black Lung Disability; Hazardous Substance Response; Highway; Inland Waterways; Nuclear Waste; Reforestation, pursuant to 26 U.S.C. 9602(a); 42 U.S.C. 9633(b)(1); 33 U.S.C. 1801(c)(1); 42 U.S.C. 102222(e)(1); 16 U.S.C. 1606a(c)(1); jointly, to the Committees on Public Works and Tranportation, Education and Labor, Energy and Commerce, Agriculture, Interior and Insular Affairs, and Ways and Means.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. STOKES. Permanent Select Committee on Intelligence. H.R. 2112, a bill to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes; referred to the Committee on Armed Services for a period ending not later than May 29, 1987, for consideration of such provisions of the bill as fall within that committee's jurisdiction pursuant to clause 1(c), rule X (Rept. 100-93, Pt. 1). Ordered to be printed.

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. ALEXANDER (for himself, Mr. MOODY, Mr. WEISS, Mr. LELAND, Mr. CAMPBELL, Mrs. SCHROEDER, Mr. LOWRY of Washington, Mr. MARKEY, Mr. WILLIAMS, Mr. AUCOIN, Mr. OWENS of New York, Mr. FAUNTROY, and Mr. CLAY):

H.R. 2391. A bill to make an exception to the United States embargo on trade with Cuba for the export of agricultural commodities produced in the United States; to the Committee on Foreign Affairs.

By Mr. BIAGGI:

H.R. 2392. A bill to encourage the States to prescribe the death penalty for willfully killing a law enforcement officer; to the Committee on the Judiciary.

H.R. 2393. A bill to amend the Internal Revenue Code of 1986 to exclude $2,000 from the gross income of auxiliary policemen and volunteer firemen; to the Committee on Ways and Means.

H.R. 2394. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts which are received from a public retirement system and which are attributable to services as a Federal, State, or local policeman or fireman; to the Committee on Ways and Means.

By Mr. BOLAND (for himself, Mr. CONTE, and Mr. MINETA):

H.R. 2395. A bill to repeal Public Law 87-186 relating to the National Armed Forces Museum Advisory Board of the Smithsonian Institution; to the Committee on House Administration.

By Mr. BONER of Tennessee:

H.R. 2396. A bill to amend title II of the Social Security Act to eliminate certain provisions which presently require the rounding of automatic cost-of-living increases, so as to ensure the eligible individuals will receive the full amount of such increases; to the Committee on Ways and Means.

By Mr. CAMPBELL (for himself, Mr. BROWN of Colorado, Mr. HEFLEY, Mr. SCHAEFER, Mrs. SCHROEDER, Mr. SKAGGS, Mr. UDALL, Mr. RICHARDSON, and Mr. MURPHY):

H.R. 2397. A bill to provide for the accelerated repayment of the Grand Valley Project, CO, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DE LA GARZA (for himself, Mr. VOLKMER, and Mr. GLICKMAN):

H.R. 2398. A bill to provide for counseling and outreach programs to aid farmers and rural families, and for other purposes; to the Committee on Agriculture.

By Mr. DE LA GARZA (for himself, Mr. MADIGAN, Mr. VOLKMER, Mr. MORRISON of Washington, Mr. FOLEY, Mr. STALLINGS, Mr. JEFFORDS, Mr. OLIN, Mr. HATCHER, Mr. BROWN of California, Mr. BRYANT, Mr. SKELTON, Mr. WILSON, Mr. RICHARDSON, Mr. SCHUETTE, Mr. HERGER, and Mr. HOLLOWAY):

H.R. 2399. A bill to provide for study and research on the decline in U.S. forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes; to the Committee on Agriculture.

By Mr. GEPHARDT (for himself, Mr. LEVIN of Michigan, Mr. LEHMAN of Florida, Mr. MACKAY, and Mr. GLICKMAN):

H.R. 2400. A bill to amend title 17 of the United States Code to provide artistic authors of motion pictures the exclusive right to prohibit the material alteration, including colorization, of the motion pictures; to the Committee on the Judiciary.

By Mr. DE LA GARZA (for himself, Mr. MADIGAN, Mr. VOLKMER, Mr. JEFFORDS, and Mr. MORRISON of Washington):

H.R. 2401. A bill to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes; to the Committee on Agriculture.

By Mr. DELLUMS (for himself, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. HAYES of Illinois, Mr. LELAND, Mr. OWENS of New York, Mr. SAVAGE, and Mr. WEISS):

H.R. 2402. A bill to establish a U.S. Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; jointly, to the Committees on Energy and Commerce; Armed Services; Banking, Finance and Urban Affairs; the District of Columbia; Education and Labor; the Judiciary; Post Office and Civil Service; Veterans' Affairs; and Ways and Means.

By Mr. FAUNTROY (for himself and Mr. BEREUTER) (both by request):

H.R. 2403. A bill to provide for participation by the United States in replenishments of the International Development Association and the Asian Development Fund and in a capital increase of the African Development Bank, for United States acceptance of the merger of the capital resources of the Inter-American Development Bank, for

membership for the United States in the Multilateral Investment Guarantee Agency, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FLIPPO:

H.R. 2404. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of educational benefits provided under certain prepaid college education contracts; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 2405. A bill to assist States to provide quality child care services to recipients of aid to families with dependent children to enable such recipients to effectively participate in education, training, and initial employment activities; to the Committee on Education and Labor.

By Mr. LAFALCE:

H.R. 2406. A bill to expand the availability of long-term capital for industrial mortgages; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LAGOMARSINO:

H.R. 2407. A bill to amend the United States Housing Act of 1937 to exclude from the income calculation of elderly residents in public housing amounts received under federal job training and employment programs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LUJAN:

H.R. 2408. A bill to transfer jurisdiction over certain lands in Bernalillo County, NM, from the General Services Administration to the Veterans' Administration; to the Committee on to Government Operations.

By Mr. MATSUI:

H.R. 2409. A bill relating to the tariff classification of certain leather belts; the Committee on Ways and Means.

By Mr. MICA (for himself, Ms. SNOWE, Mr. FASCELL, and Mr. BROOMFIELD):

H.R. 2410. A bill to improve security at the U.S. Embassy in the Soviet Union, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MILLER of Ohio:

H.R. 2411. A bill to continue until January 1, 1991, the existing suspension of duty on m-Aminophenol; to the Committee on Ways and Means.

H.R. 2412. A bill to continue until January 1, 1991, the existing suspension of duty of Trichloro salicylic acid; to the Committee on Ways and Means.

By Mr. NAGLE:

H.R. 2413. A bill extending the existing suspensions of duty on certain chemicals until January 1, 1991; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 2414. A bill to extend for 3 years the existing suspension of duty on natural graphite; to the Committee on Ways and Means.

By Mr. PANETTA (for himself and Mr. MILLER of California):

H.R. 2415. A bill to prohibit certain discharges of waste waters into the Pacific Ocean between Morro Bay and San Francisco Bay, CA, including the bays and their environs, the San Joaquin River and the Sacramento-San Joaquin Delta and Estuary; to the Committee on Interior and Insular Affairs.

By Mr. RAY (for himself, Mr. BARNARD, Mr. DARDEN, Mr. GINGRICH, Mr. HATCHER, Mr. JENKINS, Mr. LEWIS of Georgia, Mr. ROWLAND of Georgia, Mr. SWINDALL, and Mr. THOMAS of Georgia):

H.R. 2416. A bill to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS (for himself and Mr. STENHOLM):

H.R. 2417. A bill entitled "The Farm Base Acreage Flexibility Act of 1987"; to the Committee on Agriculture.

By Mr. ROWLAND of Connecticut:

H.R. 2418. A bill to continue until January 1, 1991, the existing suspension of duties on 4,4'Bis(a, a-dimethylbenzyl) diphenylamine; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 2419. A bill to correct the tariff rate inversion on alloy iron and steel pipes and tubes; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 2420. A bill to provide for the temporary suspension of the duty on triethyleneglycol dichloride; to the Committee on Ways and Means.

By Mr. SUNDQUIST:

H.R. 2421. A bill to extend for 3 additional years the existing suspension of duty on certain forms of amiodarone; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 2422. A bill for the relief of Fabrimetrics, Inc.; to the Committee on Ways and Means.

By Mr. TORRES (for himself and Mr. WAXMAN):

H.R. 2423. A bill to amend the Clean Air Act to require new stationary sources of air pollutants which are located in nonattainment areas to periodically reduce emissions; to the Committee on Energy and Commerce.

By Mr. WALGREN:

H.R. 2424. A bill to extend the temporary duty suspension on O-Benzyl-p-chlorophenol; to the Committee on Ways and Means.

By Mr. WHITTEN (for himself, Mr. RAY, Mr. ANTHONY, Mr. BARNARD, Mr. CONTE, Mr. DERRICK, Mr. FRENZEL, Mr. GINGRICH, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Mr. NICHOLS, Mr. PETRI, Mr. ROTH, Mr. SCHULZE, Mr. SOLOMON, Mr. SPENCE, Mr. STANGELAND, and Mr. SUNDQUIST):

H.R. 2425. A bill to amend the Tariff Schedules of the United States to make the temporary changes in tariff treatment on certain disposable surgical gowns and drapes permanent; to the Committee on Ways and Means.

By Mr. WYDEN for himself and Mr. THOMAS A. LUKEN):

H.R. 2426. A bill to amend the Federal Trade Commission Act to authorize the Federal Trade Commission to prevent false advertising with respect to airline passenger services; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. GEJDENSON:

H.J. Res. 277. A joint resolution to prohibit the proposed sale of F-5E/F aircraft to Honduras; to the Committee on Foreign Affairs.

By Mr. HAMMERSCHMIDT:

H.J. Res. 278. A joint resolution to designate March 17, 1988, as "National China-Burma-India Veterans Association Day"; to the Committee on Post Office and Civil Service.

By Mr. TAUZIN (for himself, Mr. LELAND, Mr. DYMALLY, Mr. WOLPE, Mr. FRANK, Mr. STOKES, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. DIXON, Mr. HAWKINS, Mr. GRAY of Pennsylvania, Mr. SOLARZ, Mr. RANGEL, Ms. OAKAR, Mr. ROE, and Mr. FAUNTROY):

H.J. Res. 279. A joint resolution to designate the period commencing on June 15, 1987, and ending on June 21, 1987, as "National Anti-Apartheid Week" and to designate June 16, 1987, as "National Anti-Apartheid Day"; to the Committee on Post Office and Civil Service.

By Mr. WYLIE (for himself, Mr. APPLEGATE, Mr. DEWINE, Mr. ECKART, Mr. FEIGHAN, Mr. GRADISON, Mr. HALL of Ohio, Ms. KAPTUR, Mr. KASICH, Mr. LATTA, Mr. THOMAS A. LUKEN, Mr. DONALD E. LUKENS, Mr. MCEWEN, Mr. MILLER of Ohio, Ms. OAKAR, Mr. OXLEY, Mr. PEASE, Mr. REGULA, Mr. SAWYER, Mr. STOKES, Mr. TRAFICANT, Mr. PURSELL, Mr. UPTON, Mr. RHODES, Mr. BROOMFIELD, Mr. BADHAM, Mr. VANDER JAGT, Mr. MCCANDLESS, Mr. CONYERS, Mr. KILDEE, Mr. DINGELL, Mr. CRAIG, Mr. SAXTON, Mr. BUNNING, Mr. IRELAND, Mr. EDWARDS of Oklahoma, Mrs. JOHNSON of Connecticut, Mr. GINGRICH, Mr. YOUNG of Florida, Mr. CONTE, Mr. TAYLOR, Mr. PASHAYAN, Mr. SHAW, Mr. LEWIS of Florida, Mr. BATEMAN, Mr. RITTER, Mr. SPENCE, Mr. EMERSON, Mr. PARRIS, Mrs. ROUKEMA, Mr. SCHUMER, Mr. MILLER of Washington, Mr. VOLKMER, Mr. HANSEN, Mr. SWEENEY, Mr. KONNYU, Mrs. MARTIN of Illinois, Mr. GONZALEZ, Mr. DUNCAN, Mr. SUNDQUIST, Mr. BARTLETT, Mrs. MORELLA, Mr. LIGHTFOOT, Mr. ROWLAND of Connecticut, Mr. FRENZEL, Mr. GUNDERSON, Mr. SOLOMON, Mr. ANDERSON, Ms. SNOWE, Mr. CARR, Mr. BROWN of Colorado, Mr. SCHULZE, Mr. HUNTER, Mr. WELDON, Mr. BAKER, Mr. ROTH, Mr. YOUNG of Alaska, Mr. STANGELAND, Mr. GOODLING, Mr. MONTGOMERY, Mrs. PATTERSON, Mr. HARRIS, Mr. ROWLAND of Georgia, Mr. CALLAHAN, Mr. BARNARD, Mr. HOPKINS, Mr. STUMP, Mr. SLAUGHTER of Virginia, Mr. HENRY, Mr. LEWIS of California, Mr. LEACH of Iowa, Mr. WOLPE, Mr. SMITH of Iowa, Mr. DIOGUARDI, Mr. SHUMWAY, Mr. DICKINSON, Mr. HERTEL, Mr. LEHMAN of Florida, Mr. BEREUTER, and Mr. HAMMERSCHMIDT):

H.J. Res. 280. A joint resolution to observe the 300th commencement exercise at the Ohio State University on June 12, 1987; to the Committee on Post Office and Civil Service.

By Mr. CLAY (for himself, Mr. STOKES, Mr. TRAFICANT, Mr. APPLEGATE, Mr. FEIGHAN, Mr. FROST, Mr. ECKART, and Mr. REGULA):

H. Con. Res. 122. Concurrent resolution to express the support of Congress for private sector efforts aimed at alleviating losses suffered by retirees and employees as the result of pension plan terminations; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Con. Res. 123. Concurrent resolution expressing the sense of the Congress that the Harlem Hospital Center be recognized for 100 years of community service; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself and Mr. LEACH of Iowa):

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress concerning representative government, political parties, and freedom of expression on

Taiwan; to the Committee on Foreign Affairs.

By Mr. DREIER of California (for himself, Mr. GALLEGLY, Mr. RAVENEL, Mr. DORNAN of California, Mr. DANNEMEYER, Mr. ARMEY, and Mr. MCCANDLESS):

H. Res. 166. Resolution to amend the Rules of the House of Representatives to require a two-thirds vote on legislation which increases the statutory limit on the public debt; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

68. By the SPEAKER: Memorial of the Legislature of the State of Maine, relative to an application pending with the Interstate Commerce Commission; to the Committee on Energy and Commerce.

69. Also, memorial of the Legislature of the State of Kansas, relative to the apartheid system of racial segregation in South Africa; to the Committee on Foreign Affairs.

70. Also, memorial of the Legislature of the State of Arizona, relative to voluntary prayer in public schools; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. DOWDY of Mississippi introduced a bill (H.R. 2427) for the relief of Joseph W. Newman, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 47: Ms. OAKAR and Mr. DIOGUARDI.

H.R. 51: Mr. STUDDS, Mr. LEACH of Iowa, Mr. BUSTAMANTE, Mr. GILMAN, Mr. LAFALCE, Mr. MAVROULES, Mr. TALLON, Mr. MCHUGH, Mr. ROSE, Mr. RAHALL, Mr. KILDEE, and Mr. MOODY.

H.R. 66: Mr. NICHOLS, Mr. DE LA GARZA, Mr. HEFNER, Mr. SMITH of Florida, Mr. YOUNG of Florida, and Mr. LANCASTER.

H.R. 74: Mr. FUSTER.

H.R. 378: Mr. LEWIS of Georgia.

H.R. 382: Mr. MCEWEN and Mr. SOLARZ.

H.R. 384: Mr. MORRISON of Connecticut.

H.R. 387: Mr. WYDEN and Mr. HOCHBRUECKNER.

H.R. 388: Mr. STAGGERS and Mr. SABO.

H.R. 403: Mr. MARLENEE.

H.R. 537: Mr. HUTTO and Mr. ANDERSON.

H.R. 544: Mr. SHARP, Mr. DYMALLY, and Mr. BONKER.

H.R. 551: Mr. BALLENGER, Mr. MARTIN of New York, Mr. EMERSON, Ms. SNOWE, and Mr. RINALDO.

H.R. 621: Mrs. BOXER.

H.R. 631: Mr. EDWARDS of Oklahoma and Mr. WOLPE.

H.R. 632: Mr. CROCKETT and Ms. OAKAR.

H.R. 676: Mr. WOLPE.

H.R. 678: Mr. WOLPE.

H.R. 786: Mr. SWEENEY and Mr. DENNY SMITH.

H.R. 792: Mr. HOCHBRUECKNER.

H.R. 954: Mr. DOWDY of Mississippi.

H.R. 1067: Ms. KAPTUR, Mr. HANSEN, Mr. DEFAZIO, Mr. TRAFICANT, Mr. MANTON, Mr. SCHUMER, Mr. SPENCE, Mr. YATES, Miss SCHNEIDER, Mr. WORTLEY, and Mr. FASCELL.

H.R. 1154: Mr. ATKINS, Mr. BLILEY, Mr. DELLUMS, Mr. DONNELLY, Mr. EARLY, Mr. FASCELL, Mr. FISH, Mr. FORD of Tennessee, Mr. GREGG, Mr. HAMMERSCHMIDT, Mr. HAWKINS, Mr. HENRY, Mr. HOLLOWAY, Mr. KASTENMEIER, Mr. KENNEDY, Mr. LANTOS, Mr. MARTIN of New York, Mr. PRICE of Illinois, Mr. RICHARDSON, Mr. RIDGE, Mr. SABO, Mr. STENHOLM, Mr. VISCLOSKY, and Mr. WATKINS.

H.R. 1242: Mr. MORRISON of Connecticut.

H.R. 1313: Mr. HUTTO, Mr. WISE, Mr. STAGGERS, Mr. DURBIN, Mrs. BOXER, Mr. MCCURDY, Mr. CAMPBELL, Mr. HEFNER, Mr. MONTGOMERY, Mr. SWINDALL, Mr. ROWLAND of Georgia, Mr. BUNNING, and Mr. HATCHER.

H.R. 1336: Mr. APPLEGATE, Mr. TRAFICANT, Mr. BORSKI, Mr. FOGLIETTA, and Mr. BARNARD.

H.R. 1346: Mr. KOLTER.

H.R. 1347: Mrs. SAIKI, Mr. DYMALLY, Mr. SAXTON, Mr. LIGHTFOOT, Mr. MARTIN of New York, Mr. LIPINSKI, Mr. HENRY, Mr. TORRES, Mr. TAUKE, Mr. MARTINEZ, Mrs. BOXER, Mr. NEAL, Mr. HALL of Texas, Mr. SHUMWAY, and Mr. BUNNING.

H.R. 1369: Mr. LAGOMARSINO.

H.R. 1370: Mr. LAGOMARSINO.

H.R. 1393: Mr. COPPER and Mr. STENHOLM.

H.R. 1412: Mr. SCHUETTE and Mr. KOLTER.

H.R. 1480: Mr. NEAL.

H.R. 1506: Mr. LEWIS of Georgia.

H.R. 1536: Mr. DERRICK and Mr. WORTLEY.

H.R. 1546: Mr. FEIGHAN and Mr. DYSON.

H.R. 1568: Mr. HUGHES.

H.R. 1632: Mr. HUBBARD, Mr. PICKETT, Mr. SUNIA, Mr. ANDERSON, Mr. FASCELL, and Mr. OBERSTAR.

H.R. 1662: Mr. KOLBE, Mr. MOORHEAD, Mr. WATKINS, Mr. STUMP, Mr. TALLON, Mr. DAVIS of Michigan, and Mr. SWIFT.

H.R. 1707: Mr. BROWN of California, Mr. SCHUETTE, Mr. HEFNER, Mr. JONTZ, Mr. MCCOLLUM, Mr. MURTHA, Mr. LANCASTER, Mr. DORNAN of California, Mr. DUNCAN, Mr. WOLF, Mr. NIELSON of Utah, Mr. CRAIG, Mr. DELAY, Mr. CALLAHAN, Mr. HUCKABY, Mr. RHODES, Mrs. MORELLA, Mr. DONALD E. LUKENS, Mr. JEFFORDS, Mr. BROOMFIELD, Mr. HARRIS, Mr. SUNDQUIST, Mr. SLAUGHTER of Virginia, Mr. DREIER of California, Mr. EDWARDS of Oklahoma, Mr. MOLINARI, Mr. MARLENEE, Mr. TAYLOR, Mr. PARRIS, Mr. FIELDS, Mr. GILMAN, Mr. MADIGAN, Mr. DIOGUARDI, Mr. RAVENEL, Mr. LEATH of Texas, Mr. HALL of Texas, Mr. SMITH of New Hampshire, Mr. BRYANT, Mr. HANSEN, Mr. COLEMAN of Texas, and Mr. DYSON.

H.R. 1726: Mr. FAZIO, Mr. FRANK, Mr. RIDGE, and Mr. MCEWEN.

H.R. 1752: Mr. SAXTON and Mr. MARTINEZ.

H.R. 1786: Mr. KEMP, Mr. SAXTON, Mr. BUNNING, Mr. ECKART, and Mr. VANDER JAGT.

H.R. 1815: Mr. EDWARDS of Oklahoma and Mr. WOLPE.

H.R. 1843: Mr. EDWARDS of California and Mr. FEIGHAN.

H.R. 1885: Mr. WEBER and Mr. MCCOLLUM.

H.R. 1902: Mr. MFUME, Mr. LEWIS of Georgia, Mr. STOKES, Mrs. JOHNSON of Connecticut, Mrs. BOXER, Mr. BIAGGI, Mr. OWENS of New York, and Mr. FEIGHAN.

H.R. 1932: Mr. BIAGGI and Mr. DUNCAN.

H.R. 2032: Mr. BENNETT.

H.R. 2059: Mr. KOLTER and Mr. SCHUETTE.

H.R. 2068: Mr. DAVIS of Illinois.

H.R. 2148: Mr. BRUCE.

H.R. 2232: Mr. ARMEY, Mr. DAUB, Mr. DAVIS of Illinois, Mr. DORNAN of California, Mr. FAWELL, Mr. FIELDS, Mr. GALLO, Mr. GUNDERSON, Mr. HANSEN, Mr. HENRY, Mr. HILER, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. KYL, Mr. LAGOMARSINO, Mr. LIGHTFOOT, Mr. LUJAN, Mr. MADIGAN, Mr. MOORHEAD, Mr. OXLEY, Mr. QUILLEN, Mr. REGULA, Mr. RITTER, Mr. ROGERS, Mr. ROWLAND of Connecticut, Mr. SHAW, Mr. SHUSTER, Mr. SPENCE, Mr. STANGELAND, Mr. STUMP, Mr. SUNDQUIST, and Mr. YOUNG of Florida.

H.R. 2243: Mr. HOWARD.

H.R. 2249: Mr. FAZIO, Mr. MFUME, Mr. MARTINEZ, Mr. WILLIAMS, Mr. UDALL, Mrs. COLLINS, Mr. GILMAN, Mr. DYMALLY, Mrs. JOHNSON of Connecticut, Mr. DIXON, and Mr. SAVAGE.

H.R. 2260: Mr. WELDON and Mr. GREGG.

H.R. 2318: Mr. STUMP.

H.R. 2371: Mr. TALLON, Mr. HOWARD, Mr. ROBINSON, Mr. STAGGERS, Mr. SKELTON, and Mr. BATEMAN.

H.J. Res. 83: Mr. STUMP, Mr. GEKAS, and Mr. SENSENBRENNER.

H.J. Res. 106: Mr. KENNEDY, Mr. CHAPMAN, Mr. DANIEL, Mr. DORNAN of California, Mr. GARCIA, Mr. PASHAYAN, Mr. KOLTER, and Mrs. JOHNSON of Connecticut.

H.J. Res. 137: Mr. PACKARD, Mr. LEHMAN of Florida, Mr. BENNETT, Mr. GIBBONS, Mr. JONES of North Carolina, Mrs. BOXER, Mr. GUNDERSON, Mr. HAYES of Louisiana, Mr. VOLKMER, Mr. MARTINEZ, Mr. THOMAS of Georgia, Mr. QUILLEN, Mr. MAZZOLI, Mr. HOUGHTON, Mr. STRATTON, Mr. CLAY, Mr. BRYANT, Mr. MILLER of California, Mr. BADHAM, Mr. NIELSON of Utah, Mrs. MARTIN of Illinois, Mr. HARRIS, Mr. GOODLING, Mr. BERMAN, Mr. NATCHER, Mr. BROWN of California, Mr. EVANS, Mr. TRAFICANT, Mr. DAVIS of Illinois, Mr. FLAKE, Mr. STENHOLM, Mr. YATRON, Mr. DIXON, Mr. DANNEMEYER, and Mr. OBERSTAR.

H.J. Res. 148: Mr. OLIN, Mr. HALL of Texas, Mr. VALENTINE, Mr. HAYES of Illinois, Mr. ESPY, Ms. SNOWE, Mr. DIOGUARDI, Mr. DE LA GARZA, Ms. KAPTUR, Mr. DYMALLY, Mr. WEISS, Mr. GILMAN, Mr. LAGOMARSINO, Mr. KASTENMEIER, Mr. BARNARD, Mr. JOHNSON of South Dakota, Mr. MAVROULES, Mr. LEWIS of Florida, Ms. SLAUGHTER of New York, Mr. SWINDALL, Mr. FOLEY, Mrs. MEYERS of Kansas, and Mr. BENNETT.

H.J. Res. 155: Mr. FORD of Tennessee.

H.J. Res. 208: Mr. BADHAM, Mr. CONTE, Mr. DYMALLY, Mr. GARCIA, Mr. DE LA GARZA, Mr. HATCHER, Mr. HEFNER, Mr. HENRY, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANCASTER, Mr. LELAND, Mr. LIPINSKI, Mr. MCDADE, Mr. ROE, Mrs. ROUKEMA, Mr. SISISKY, Mr. SOLARZ, Mr. STUMP, Mr. WILSON, and Mr. BLILEY.

H.J. Res. 253: Mr. GRAY of Pennsylvania, Mr. FAZIO, Mrs. BENTLEY, Mrs. BOXER, Mr. BONER of Tennessee, Mr. LIPINSKI, Mr. KASTENMEIER, Mr. STOKES, Mr. FROST, Mr. KEMP, Mr. KOSTMAYER, Mr. JONES of North Carolina, Mr. MILLER of Ohio, Mr. HORTON, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. MCHUGH, Mr. VOLKMER, Mr. LELAND, Mr. KILDEE, Mr. BONIOR of Michigan, Mr. LEATH of Texas, Mr. CHAPMAN, Mr. HUGHES, and Mr. ROYBAL.

H.J. Res. 261: Mr. OLIN, Mr. FAUNTROY, Mr. TRAFICANT, Mr. BOSCO, Mr. LEVIN of Michigan, Mr. FROST, Mr. KENNEDY, and Mr. HUGHES.

H.J. 266: Mr. ROSTENKOWSKI, Mr. KOLTER, Mr. MOORHEAD, Mr. ATKINS, Mr. HOCHBRUECKNER, Mr. DYMALLY, and Mr. DORNAN of California.

H.J. Res. 272: Mr. LUNGREN, Mr. HORTON, and Mr. MARTINEZ.

H. Res. 16: Mr. VENTO, Mr. KOLTER, Mr. HUGHES, and Ms. SNOWE.

EXTENSIONS OF REMARKS

THAT WAR IN AFGHANISTAN IS STILL GOING

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. COURTER. Mr. Speaker, I believe that this House is under rather stern moral and political mandates to pay close attention to what is going on in southwest Asia. Afghanistan, long independent, was crushed 7 years ago, and contemporary events make it clear that Pakistan, too, could be pulled into the vortex of war. All lingering thoughts about the U.S.S.R.'s defensive motives should be banished for the nonsense that they are. Chatter about troop withdrawals has gone on since 1980, and does not deserve serious consideration from people truly intent upon seeing the Afghans freed. The only clear-eyed view of this war is to see it as a holocaust, the kind of tragedy about which future Congresses will pass mournful commemorative resolutions. Everything we say and do about this war must reflect that unapologetic certainty about what the true stakes are in the matter.

Mr. Speaker, the model political man on the Afghanistan issue has been Senator GORDON HUMPHREY. He has made enormous efforts to increase and concentrate American awareness of the war. He deserves the praise of his countrymen for his work.

A few days ago Senator HUMPHREY spoke on the subject of the Afghan war in his appearance at the Voice of America Conference. His address well deserves recording in our RECORD for today, and I ask that it be reprinted. It has been slightly shortened to accommodate printing requirements.

STATEMENT OF SENATOR HUMPHREY ON WORLD REACTION TO THE SOVIET INVASION OF AFGHANISTAN, VOICE OF AMERICA CONFERENCE MAY 8, 1987

When the Soviets first invaded Afghanistan, world reaction was one of outrage. The U.S. and other concerned nations imposed economic sanctions and boycotted the Moscow Olympics. President Carter declared the scales had dropped from his eyes and said he had come to understand the Soviet Union for what it really is.

Now, seven and a half bitter years later, the Soviets are still in Afghanistan, daily raping and bludgeoning a country that never posed a threat to them; driving more than five million people, one third of the prewar population, out of their homes; and waging a brutal war that has killed one million Afghans, most of them non-combatants, many of them women, children and the elderly. As Mr. Gorbachev smiles and talks about glasnost, millions of Afghans suffer appalling hardship and heartbreak, their loved ones left behind, dead in the rubble of bombed out villages, their futures seemingly bleak and hopeless.

There are reminders of Nazi atrocities. Only a few weeks ago we read reports of Soviet troops surrounding villages and preventing escape by their civilian residents while Soviet aircraft and artillery wiped them out. The Soviets pursue a strategy to depopulate whole areas of the country to deprive the resistance of food, shelter and local support.

In addition, aircraft of the quisling Kabul regime have conducted about 350 attacks this year against civilians in Pakistani border villages, killing hundreds and wounding more than 1,000.

In the words of the United Nations Special Rapporteur for Afghanistan, speaking last November of the operations of the Soviet Army and its puppet regime: "Continuation of their military solution will . . . lead inevitably to a situation approaching genocide. . ."

Since 1979, the justification for international outrage against Soviet crimes in Afghanistan has greatly increased, not diminished. But how does the world and, specifically, America, deal with the agony of Afghanistan today? Shamefully. Outrage has given way to boredom and preoccupation with the old agenda of detente.

Lest Afghanistan get in the way of detente, the United States has lifted virtually every sanction of importance imposed at the time of the invasion. Not only was the embargo on grain sales removed, we are now subsidizing wheat sales to the Soviets.

We have initiated or extended a myriad of agreements with the Soviets: economic, cultural, scientific and political. Among them are agreements to: Resume direct commercial airline service. Resume cultural exchanges, which ended in 1980. Revive cooperation in agriculture. Resume meetings of the Joint Commercial Commission, the announcement of which, revealingly, came on the day designated by the President as Afghanistan Day. Even now we are negotiating with the Soviets to open consulates in Kiev and San Francisco.

Couldn't landing rights for Aeroflot wait until Soviet troops had left Afghanistan? Couldn't resumption of cultural exhanges wait until the Soviet butchery in Afghanistan had ceased? Couldn't cooperation in agriculture wait until the Soviet Army had stopped its systematic destruction of Afghan agriculture and villages? Couldn't further commercial contacts wait until the Soviets had earned access to western technology by leaving the Afghans to determine their own destiny? And what's so important about consulates, that they can't wait until the Soviet puppets abandon Kabul to legitimate representatives of the Afghan people? Sadly, it is not only back to business as usual again; it is business ever more friendly and warmer than usual.

Our rhetoric, however, is brave and colorful. Last December, in its annual Afghanistan review, the Reagan administration called for "steadily increasing pressure on all fronts—military, political, diplomatic" as a way to "induce the Soviets to make the political decision to negotiate the withdrawal of their forces." At long last, the military pressure has been increased, and the gallant freedom fighters are showing ever-increasing skill. But the political and diplomatic pressures have been reduced, not increased. I challenge the State Department to name one thing of value to the Soviets which has been withheld from them as a penalty for Soviet crimes in Afghanistan.

Commenting on our policy at hearings of the Congressional Task Force on Afghanistan last February, Richard Pipes rated it "very poorly. It's really on the back burner, quite neglected. All the motions are perfunctory," he said. He noted the statements are good, but otherwise, he stated, "very little is done. I think the signal sent to Moscow is . . . that we really don't terribly much care."

U.S. half-heartedness in carrying out its stated policies itself prolongs the war. The Administration's listless approach, despite repeated efforts in Congress, has helped to make Afghanistan a back-burner issue. Thus:

The Administration continues to recognize the Kabul regime as the legitimate government.

The Administration continues to permit trade with the Kabul regime. I have introduced a bill to ban all trade and make it clear we classify the regime with Nicaragua, Cambodia, Cuba and other outlaw regimes with which we refuse to trade.

A third example. We need maximum efforts to keep the plight of Afghanistan before the world. I applaud the holding of this conference, but I have to note that despite Congressional prodding, USIA still does not have an Afghanistan field desk. Also, the Administration has been very slow in implementing the Afghan Media Project initiated by Congress in August 1985.

Fourth, despite repeated urging on the need for a comprehensive, aggressive country plan for Afghanistan, USIA's response has been lethargic. It lists Afghanistan as a priority country plan for FY 1988, and some small steps have been taken. But much more interest has to be shown.

Fifth, the Administration has only grudgingly followed Congress's lead in providing overt humanitarian aid to the people inside Afghanistan. On my recent trip I found a great need for more aid, yet the Administration is requesting for next year only the same $30 million Congress authorized for this year. This program should be doubled. Indeed, Congress has had to take the initiative on virtually every major overt assistance program for the Afghans.

When you put all this together, you have to say that what Dr. Brzezinski told our task force two years ago still holds today: "United States policy towards Afghanistan . . . has suffered from managerial neglect."

For some in the executive branch, Afghanistan seems to be an inconvenience that should be kept in the background and not allowed to interfere with detente.

QADHAFI CONFIRMS TRUE NATURE OF SANDINISTA REGIME

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. SMITH of Florida. Mr. Speaker, most, if not all, of official Washington is intensely focused on the hearings being conducted by the Select Committees on the Iran/Contra Affair. As the hearings proceed, it seems increasingly probable that certain U.S. officials consciously skirted the laws of this Nation to fulfill their personal foreign policy goals. Although I have in the past supported the Contras, I do not condone extra-legal means to achieve any policy objective.

The select committees' deliberations are expected to last for 3 months or longer. In this highly charged atmosphere, I am concerned that the real issue of who the Sandinistas are and the threat they present to this country will be blurred by the committees' investigation into the activities of a few overzealous U.S. Government operatives.

This condition could lead to a Central American policy spirited by timidness and apprehension. The nature of the Sandinista regime has not changed simply because American foreign policy briefly ran astray.

For the benefit of my colleagues, I am including a May 5, 1987, article from the Washington Times for the RECORD:

QADDAFI ADMITS ARMING NICARAGUA

CARACAS, VENEZUELA.—Libya has supplied the Nicaraguan government with arms and money, Libya's Col. Muammar Qaddafi was quoted as saying in an interview published yesterday. In an interview in Tripoli with Venezuelan journalist Alfredo Pena, the Libyan leader reportedly blamed the Reagan administration's "stupid policy" for pushing Nicaragua to the left.

"The [Sandinista] government is already Marxist. And that is the fault of the United States of America for pushing Nicaragua to adopt this way," Col. Qaddafi was quoted as saying. "If they [the U.S.] would leave Nicaragua to follow its own path, without interferences, that country would arrive at Jamahiriya [Col. Qaddafi's doctrine of popular socialisms], a system really not aligned with any bloc," he added, according to the account. Asked if Libya had provided the government of Nicaraguan President Daniel Ortega with arms and funds, the newspaper said Col. Qaddafi replied without elaborating, "Yes, of course."

Mr. Speaker, this article reconfirms the views of those who see the Sandinista government as a corruptive, antidemocratic influence in the Western Hemisphere.

I ask my colleagues not to lose sight of what the issues are in Central America. It is imperative for the good of the Nation that lawmakers are able to distinguish between well-chosen policy objectives and faulty implementation of that policy.

COMMUNITY SERVICE REPORTS, UNIT 125, AMERICAN LEGION AUXILIARY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. CONTE. Mr. Speaker, the following community service reports of the Frank R. Stiles Unit 125 of the American Legion Auxiliary in North Adams, MA, shows an admirable record in their efforts to support community based volunteer programs. I am proud to be able to share with you these reports which specifically details their continuing efforts to help others.

COMMUNITY SERVICE REPORT, 1986-87, FRANK R. STILES UNIT 125, NORTH ADAMS, MA

During the 1986-1987 Season, Unit 125 was involved in many facets of Community Service. Several members volunteered scores of hours in church work; serving as lectors and Eucharistic ministers, doing clerical work, working at church supports, breakfasts, card parties, dances etc., and spending countless hours all year on bazaar projects. Donations were also made to several special collections. A total of $889 was spent and 2000 hours were volunteered in this area.

The Unit donated to several charities during the year: $20 to the Cancer Fund, $30 to the Heart Fund, $25 to United Way, $10 to the Massachusetts Mental Retardation Research Institute, $10 to the Leukemia Fund, and $75 to Hospice of Northern Berkshire. Donations were also made by several members to these and other charities for a total of $428. One member volunteered 26 hours at a cancer bowl-athon and another member worked 3 hours for the United Way.

Throughout the year, the Unit provided coffee for the workers at the surplus food distributions at the Legion home, in cooperation with Community Action. Three members also help check names and hand out the food.

Many hours were volunteered by members who helped the sick, elderly, and needy by taking them shopping, to meetings, for doctor's appointments, to hairdressers, etc. They also helped in the homes by baking, doing laundry, cleaning, sewing, and doing shopping.

Unit members donated 40 pairs of eyeglasses, old jewelry and hearing aids to "Eyes for the Needy".

The Unit donated $25 to Radio Free Europe.

Two members volunteered 50 hours during the summer at the city's tourist information booth.

Nine members rang the bell at Christmas time for the Salvation Army Red Kettle and members donated clothing valued at $100 for the needy cared for by the Salvation Army.

A total of 662 hours were volunteered at nursing homes and hospitals. One member volunteered at least once a week at the hospital. Two members took communion to the patients in the local nursing homes once a month. Food baskets, flowers, gifts, get well cards were sent to patients. Favors were made for nursing homes for the holidays. Many hours were spent visiting patients.

One member serves as a "Hospice" volunteer. She comforts the patients and their families and is available at any time of the day or night to render her services.

Two members belong to the Stroke Club and the Cancer Club and devote many hours setting up programs for these two groups.

One member is a LPN and volunteered at the Blood Mobile.

Four members belong to the Honor Roll Committee to update the city's honor roll which originally included only the names of World War II veterans. Although the honor roll was dedicated October 12, 1985, the committee has been meeting monthly. The workmanship did not meet the specifications of the contract, and it was not until March, when the matter was taken to court, that the contractor agreed to make the necessary changes. It is hoped that the work will be finished by Memorial Day.

Members have been helping at Legion brunches and dinner dances. Both were held monthly throughout the year. Each Christmas, the Post sponsors "Be My Guest" dinners so the lonely can enjoy a meal in the company of others. Meals are also taken to the homes of shut-ins. Auxiliary members also gave a hand at this event.

Members also show their compassion when a death occurs. A total of $340 was donated for food and donations and 1171 hours were volunteered. The Unit made donations to the Heart Fund and to St. John's Church in memory of two deceased members. Also, memorial services were conducted at their wakes and poppies were placed on their caskets. Honor guards were formed at their funerals. Memorial services were held at Unit meetings and the Charter was draped for 30 days.

Several members participated in Memorial Day, Fall Foliage and Veterans Day parades.

In conclusion, Unit 125 members reported spending $3233 in Community Service work and volunteering 4183 hours.

A copy of the Community Service Report is being sent to the Legion's National Legislature Division.

CHILDREN AND YOUTH REPORT, 1986-87, FRANK R. STILES UNIT 125, NORTH ADAMS, MA

During the 1986-1987 season, Unit 125 reported a total of $1,549.50 spent and 228 hours volunteered in various Children and Youth programs and 154 children aided.

At the February meeting, the Department Children and Youth project was discussed and a $25 donation was voted for a "Child's Wish Come True".

Also, a $25 donation was sent to "The American Legion Child Welfare Foundation" for 500 comic books, "Secret of Animal Island". The Unit President had contacted the school superintendent for his approval to distribute the comic books. The project was turned over to the health coordinator who was in the process of setting up her programs and who was enthusiastic about including the comic book in the program for the third graders. She will also use the color book "How to Keep a Body Safe" for the second graders.

The Unit will be notifed when the programs are finalized and 375 copies of each book will be given out to the students.

Each month from October to June the Unit sponsored a party for 16 special needs children at Greylock School. Each child who has a birthday during the month is honored and presented a birthday card. A decorated cake is served with ice cream, hot

chocolate, milk, or punch. While waiting for the volunteers, the children have fun trying to guess how the cake will be decorated. Special holidays are usually the theme. Each child is also given a bag of goodies to take home.

During July, the Unit sponsored a picnic for forty campers at the Mary Jezyk Sunshine Camp. The children were treated to barbecued hot dogs, chips, pickles, cookies, punch and watermelon. Also, each was presented a multi-colored pinwheel.

Each year, the Unit sponsors two Girls State delegates. At the October meeting, the girls and their mothers are invited to a covered dish supper and they report on their activities at Girls State.

The Unit awards three $100 scholarships each year and the President announces the winners at High School Class Night.

Another program to which Unit 125 donates is Children's Haven International which sponsors a Mexican orphanage. The Unit became involved through one of its members who spends the winter in Texas. She reported that the orphanage receives no help whatsoever from the Mexican government as the Spaniards who are in control do not want to educate the poor Mexicans. A $25 contribution was voted and members also saved 777 Campbell labels which the orphanage redeems for office and playground equipment.

Members also saved four pounds of cancelled stamps for "Stamps for Food, Inc.", an organization which helps children throughout the world from the sale of the stamps. Among the groups aided are Shrine Crippled Children's Hospitals, Boy's Clubs, and a mission for Chinese orphans in Macao, near Hong Kong.

The Unit took six Junior members on an outing in August. The girls enjoyed playing miniature golf and a treat at Burger King.

The other Unit donations were as follows: $20 to the Girl Scout Campership program, $25 towards expenses for a Girl Scout trip to Ireland, $10 to Mental Retardation Research Institute, $10 to Massachusetts Society for Prevention of Cruelty to Children, $25 to Greylock School Parent Teachers Group for patrol trip to Boston, $20 to the Salvation Army Camp Program, $5 to the Americanism Youth Conference.

The Unit participated in the Horizons for Youth Life Saver Drive in April and members collected $325 before running of Life Savers.

Throughout the year members donate to charities, food sales, school programs, and scholarships.

The Unit conducts food sales, tag sales, raffles etc. for its children and youth projects.

A CONGRESSIONAL SALUTE TO JOSEPH E. BALL ON RECEIVING THE ANTI-DEFAMATION LEAGUE'S TORCH OF LIBERTY AWARD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Joseph E. Ball who has been chosen to receive the Anti-Defamation League's prestigious Long Beach Torch of Liberty Award.

Mr. Ball was born in Stuart, IA, in 1902. He received his A.B. degree from Creighton University and his law degree from the University of Southern California.

Joseph Ball is currently a senior partner in the highly respected law firm of Ball, Hunt, Hart, Brown & Baerwitz. Throughout his successful professional career beginning in 1927, Joseph has been a great source of inspiration and leadership to the legal community, as well as to those who have been wronged and have had to rely upon Mr. Ball for his legal services.

Joseph has been extremely active in the legal profession throughout his long career. He has served in such distinguished capacities as president of the California State Bar Association as well as president of the American College of Trial Lawyers.

Other highlights of Mr. Ball's illustrious professional career include: a member of the Advisory Committee on Criminal Rules of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States (1960–72); a member of the Advisory Committee on Prosecution and Defense Functions of the ABA's Project on Minimum Standards for Criminal Justice (1960–74); a member of the Commission to Revise the Constitution of the State of California (1963–73); senior counsel to the Commission to Investigate the Assassination of President John F. Kennedy; chairman of the Special Committee on Criminal Justice of the State Bar of California (1968–70); and a member of the Senior Advisory Board of the Judicial Council of the Ninth Circuit (1982–85).

Joseph Ball is not only committed to the legal profession, but also to his family. His wife, children, grandchildren, and great-grandchild have someone they can be very proud of, and thankful for.

The legal profession and all of those who seek redress and justice through the courts are fortunate to know such a man dedicated to a sense of justice as is Joseph Ball. Because there can be no justice without liberty, and no liberty without justice, it is fitting that he has been chosen to receive the Torch of Liberty Award for his tremendous personal and professional service.

My wife, Lee, joins me in commending and congratulating Joseph Ball for being the recipient of this year's Anti-Defamation League's Torch of Liberty Award. We wish him and his wife Sybil, their children Pat and Ellen, and their grandchildren and great-grandchild, continued success and happiness in the years ahead.

TORTURE IN ETHIOPIA

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. ROTH. Mr. Speaker, this month's Amnesty International reports widescale torture in Ethiopia. Several thousand political prisoners are being held, interrogated, and tortured on a systematic basis.

For example, guards tied a rope around the wrists and ankles of a priest. They then inserted a pole behind his knees, suspended him between two pillars, turned him upside down, and beat him on the soles of his feet until he lost consciousness.

Prisoners, including young children, are routinely beaten. Many of them have died or disappeared.

I urge my colleagues to join me in cosponsoring H.R. 588 which calls for the release of all political prisoners in Ethiopia and a halt to the widescale torture and human rights abuses there.

WIDESCALE TORTURE REPORTED IN ETHIOPIA

Evidence compiled by Amnesty International reveals that Ethiopian authorities routinely torture political detainees during interrogation sessions.

Amnesty believes there are several thousand political prisoners in Ethiopia, some of whom have been held since 1974 when the Provisional Military Administrative Council overthrew the government of Emperor Haile Selassie. While Amnesty believes that torture was particularly widespread during the government's "Red Terror" campaign against political opponents in the late 1970s, Amnesty reported in February that torture persists on a substantial scale today.

During the "Red Terror" campaign members of the previously pro-governmental All-Ethiopia Socialist Movement were among the victims. Several were summarily executed. During that period, authorities also arrested members of some Protestant churches.

In February, 1980 authorities imprisoned hundreds of members of the Oromo ethnic group on suspicion of membership in the Oromo Liberation Front. Many continue to be detained, including the former Minister of Law and Justice, Zegeye Asfaw.

Authorities have also tortured Eritreans and Tigrayans on suspicion of having links with armed opposition groups.

In December, 1983 authorities reportedly arrested and allegedly tortured members of the Ethiopian People's Democratic Alliance to force them to reveal information on their organization.

Most torture reportedly takes place at investigation centers under the control of the Central Investigation Organization of the Ministry of State and Public Security. This is the principal internal security agency responsible for investigating anti-revolutionary activities and opposition to the government.

At any given time authorities are believed to hold up to several thousand prisoners in these centers. The prisoners, including children as young as 13, are reportedly routinely beaten to extract confessions and information. Authorities have reportedly beaten some to death. Other prisoners have reportedly "disappeared." Prisoners have no effective recourse to any legal safeguards against human rights abuses, says Amnesty. Ethiopia's code of criminal procedures states that anyone arrested should be brought to court within 48 hours. However, political prisoners are usually denied formal legal and judicial procedures. Since 1974 very few political prisoners have been formally charged and brought to trial.

Prisoners testifying to Amnesty have requested anonymity because they fear their families could suffer reprisals. In fact, authorities have reportedly frightened many ex-prisoners into silence with threats that they will be arrested again if they reveal details of their captivity.

However, statements that Amnesty has compiled from former prisoners willing to

give testimony reveal that physical beatings, electric shock torture, mock executions, and rape are all common.

A high school teacher, arrested in Gemu Goffa in March, 1985, apparently in connection with her elder brother's earlier arrest in Mekelle as a suspected member of the Tigray People's Liberation Front, told Amnesty that during her interrogation, officials tied her hands behind her back, threw her to the floor, and whipped her for about 15 minutes daily. These interrogation sessions went on for two weeks. She also reported that while she was in prison, officials killed three other women and dumped their bodies into the street. The murdered prisoners, a teacher and two students, had previously been beaten while hanging from the ceiling.

A priest, arrested in Mekelle early in 1985, reported that during his interrogation, guards tied a rope tightly around his wrists and ankles. They then inserted a pole behind his knees, suspended him between two pillars, turned him upside down, and beat him on the soles of his feet.

Amnesty International recently expressed concern to the Ethiopian head of state, Mengistu Haile-Mariam, about the safety of 10 long-term political detainees who have reported "disappeared" from detention.

The detainees include Gezahegne Kassahun, former Deputy Chairman of the All-Ethiopian Trades Union, and Kebede Demissie, a former Ministry of Agriculture official, both detained without trial since 1980 and adopted by Amnesty as prisoners of conscience. They reportedly "disappeared" from the Central Investigation Center in Addis Ababa in mid-October, 1986 and have not been heard of since. There are unconfirmed reports of their extrajudicial execution. Amnesty has urgently called on the authorities to clarify these reports.

NAVAL DUTY NEARLY IMPOSSIBLE FOR WOMEN

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mrs. BOXER. Mr. Speaker, the following opinion piece by our colleague DON EDWARDS was published recently in the Los Angeles Times. I would like to call it to the attention of all Members because it contains insightful and important comments on the plight of women in the Navy.

NAVAL DUTY NEARLY IMPOSSIBLE FOR WOMEN

(By Don Edwards)

When Navy Secretary John F. Lehman, Jr. left office Friday, he was honored with a 19-gun salute. Even that accolade was mild in comparison with the media's extraordinary praise of his role in building a 600-ship Navy. So much has been written about retrofitting and renovating that we seem to have forgotten that ships don't defend, that men and women do. But, under Lehman's command, women were arbitrarily excluded from ships. The contempt shown by Lehman and his newly sworn-in successor toward 45,000 female enlistees is cause for concern.

The Navy's male chauvinism is unique among the armed services of this country. Women in the Army and the Air Force serve in combat support roles and specialties; Navy women cannot. In the course of congressional hearings concerning women in the military, which I chaired in 1983, we discovered that women in the Coast Guard serve on—and in some cases command—all ships in the Coast Guard fleet. Coast Guard women also are doing an excellent job in the dangerous war on drugs.

At the end of last year Lehman reneged on an October, 1986, announcement that women would be allowed to serve on mobile logistics support vessels. The Navy's reclassification of six types of logistics support ships to that of "other combatant" prohibits women from serving on them and thus prevents career Navy women from obtaining valuable experience.

Military service is difficult for everyone, but, under Lehman, military and civilian service has been made close to impossible for Navy women—even though the overall quality of the female recruits (as calibrated by the Armed Forces Qualification Test) is higher than that of male recruits. The recent decision of the Equal Employment Opportunity Commission in favor of civilian submarine engineer Pamella Doviak is a further indictment of the former Navy secretary's treatment of women.

In 1982 Doviak, who works in the Portsmouth (N.H.) Navy Shipyard, suddenly was denied access to submarine sea trials aboard the Kamehameha—although she had participated before. Doviak specializes in ship silencing—a job that requires her to test her work at sea.

Doviak complained, using the Navy's own internal grievance procedures. At each level of review the Navy found discrimination and offered her monetary compensation, but no guarantee of future access to submarines. Each time Doviak refused the offer. When the final finding of discrimination was sent to Lehman for review, he overturned them.

Doviak, with the support of her supervisors and co-workers, then took her case to the Equal Employment Opportunity Commission. The commission agreed with the Navy's internal review, and ruled that the Navy had discriminated against Doviak. But Lehman appealed the decision. For the third time Doviak won, but not really. Despite the commission's ruling, the Navy still has no plans to allow Doviak to participate in submarine sea trials.

Yet another Lehman assault against women was averted last month when Defense Secretary Caspar W. Weinberger reversed Lehman's decision to freeze the number of women on active duty rather than stick to the original goal of increasing female enlisted strength by 10% in the next five years.

Recent opinion data suggest that it is Weinberger's position, not Lehman's, that is in harmony with the views of the American people. The National Opinion Research Council found a "strong national consensus on extensive participation by women in military roles well beyond the traditional ones of nursing and clerical work."

Navy Secretary James H. Webb, who was confirmed on April 9, seems inclined to follow in Lehman's footsteps. Webb, who formerly was assistant secretary of defense for reserve affairs, has said that "the military has by and large lost more than it has gained by bringing in women." Webb also said that women at service academies lower the quality of combat training because such training is no longer as rigorous as when the academies were all male.

Two years ago Weinberger sought to alleviate concern over Webb's opposition to women in the military. He wrote that Webb "has reversed the position he held five years ago about women at the service academies."

Yet in a 1986 speech Webb again voiced his opposition to women in the academies. We can only hope that he will abide by the terms of the Equal Employment Opportunity Commission's decision and forgo further stonewalling in the Doviak case.

Sexism is abhorrent in any environment. But when sound personnel decisions are sacrificed so that a few macho leaders can indulge in nostalgia, we are in danger. The men who monitor the latest in electronic and computer wizardry invoke Navy lore that women at sea are "bad luck." Is it "good luck" to arbitrarily recruit the less qualified? Does this tradition make us feel safe?

PROTECTING OUR NATIONAL PARKS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. COELHO. Mr. Speaker, a recent editorial in the Los Angeles Times succinctly stated how the mission of the National Park Service has changed in the past few years from one of preserving our national parks to one of exploiting these natural resources. This change is evident in the Secretary of Interior's defense of the air tour industry in the Grand Canyon, and his opposition to legislation I authored, which passed the House on May 4, to finally force some action on overflights of the parks.

Our national parks are there not only for us to enjoy, but also to permit future generations to experience what we see today. We may be allowing some short-term pleasure to a few individuals by permitting these overflights without any regulation, but I believe the continuation of these flights will only harm these national treasures and the people who are fortunate enough to visit them.

I submit the text of the Times editorial for my colleagues:

LETTING MOTHER NATURE REIGN

From the very beginning, the legal mission of the National Park Service has suffered from an inherent conflict. The service was charged by Congress with preserving the parks in their natural state for the appreciation of future generations of Americans. At the same time, the service was to make the parks accessible for the enjoyment of Americans here and now.

Underlying legality, though, was a basic logic: If the parks are despoiled through injudicious use now, they cannot be preserved in their natural state for the future. Until recently, the Park Service and its parent, the Department of Interior, followed this logic to the benefit of both the people and the parks. If a use was incompatible with park appreciation, it was not allowed.

Some years back, the Park Service quit the traditional nightly firefall from Glacier Point in Yosemite National Park. At dark the embers of a bonfire would be sent cascading thousands of feet down the rock face in a sparkling counterpoint to Yosemite Falls across the valley. While the firefall was extremely popular, the service properly

decided that it was inconsistent with the proper enjoyment and preservation of Yosemite's natural wonders.

Today, however, the Interior Department has retreated from that view. Emphasis appears to be placed on the greatest pleasure for the greatest number of people. Interpretation of the parks' natural features by expert rangers has been deemphasized.

This shift has caused considerable alarm among veteran park officials, but when they dared to voice their alarm in public they were punished or muzzled. Interior officials try to pretend that there is no dispute, or treat the fuss as nothing more than bureaucratic whining. But the words of Interior Secretary Donald P. Hodel reveal the extent on the official shift in park philosophy.

For example, Hodel defends the growing number of sightseeing flights in the Grand Canyon and rejects the complaints about aircraft noise as the selfish babbling of "elitists." He asks rhetorically if the gripes of 30 or 40 backpackers deep in the canyon should be given more weight than the right of thousands to buzz the canyon at an eagle's-eye level from airplanes and helicopters. To Hodel the answer clearly is no.

But he ignores the fact that thousands of visitors viewing a canyon sunset from the rim might find the noise offensive, or that the mere idea of airplanes flying at or below the rim violates absolutely the reason Grand Canyon is a park at all. Hodel argues there cannot be a "meat-ax approach" to what one can and cannot do in the parks, to what activities are and are not allowed. Demands must be balanced, he says.

Rubbish. Like it or not, there must be a meat-ax approach. The lines have to be drawn somewhere. Those who want to stand in awe of America's natural wonders, and to gain knowledge and strength and humility from the experience, must do so in a way that respectfully preserves these special places for their children and their grandchildren. Those who want manufactured entertainment and high-speed thrills should try the nearest amusement park.

SELWYN EPSTEIN, APPAREL MANUFACTURER OF THE YEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. FRANK. Mr. Speaker, the most important industry in the southeastern part of Massachusetts which I represent is the apparel industry. Faced with a flood of unfair imports, people in the apparel industry have been staunch in their efforts to fight back and preserve this important area of economic activity in the United States.

Two weeks ago, at the annual apparel banquet held by the Fall River Area Chamber of Commerce, which I unfortunately was not able to attend because of an all day markup session of the Housing Subcommittee of the Banking Committee, Selwyn Epstein, vice president of Shelburne Shirt Co., was recognized as "Apparel Manufacturer of the Year for 1987." This award, presented jointly by the New England Apparel Manufacturers Association and the Fall River Area Chamber of Commerce and Industry was extremely well-deserved.

Selwyn Epstein is an outstanding businessperson who deserves the praise he has received. I ask that the program description of Selwyn Epstein and the work that he has done be printed here.

SELWYN EPSTEIN, APPAREL MANUFACTURER OF THE YEAR

Selwyn Epstein, Vice President of Shelburne Shirt Co., Inc. is the "Apparel Manufacturer of the Year for 1987." The award, jointly sponsored by the New England Apparel Manufacturer's Association and The Fall River Area Chamber of Commerce & Industry is given annually to the manufacturer who best promotes the local needle trades. This year's recipient is no exception.

Upon receiving the award, Epstein said, "I am deeply appreciative in being asked to represent the hundreds, really thousands of Shelburne people who for over 55 years earned this award."

Born in Brooklyn, NY to Sander and Rae Epstein, Selwyn Epstein exhibited considerable promise and capability at an early age, Scholastic excellence became the norm during his school days, graduating at the top of his class in high school and again at Columbia University. The foundation of his present leadership qualities were born there and fortified through rigorous Army OCE training, where he once again was the paramount student.

Shortly thereafter, he began an illustrious business career here in Fall River at the Shelburne Shirt Co. which was founded by his father, Sander Epstein and Bernard Lasker in 1931. Beginning as the Cutting Room Supervisor, be advanced to Plant Manager and eventually Vice President in charge of manufacturing, his present position.

Adhering closely to his personal tenents of diligence and growth, Epstein has kept Shelburne flourishing and expanding. Through innovative methods, such as vestibule training and employee seminars, Epstein has instilled the idea of pride in workmanship to all his employers. This he feels is an invaluable ingredient that will assure long-range success. Also, the fact that Shelburne has the lowest turnover percentage in this women dominated industry, is living tribute to Epstein's close relationship with his employees.

However, Epstein's accomplishments are not confined to the business area. He also continues to be heavily involved in community affairs. His civic-mindedness has been well documented throughout the years. He is currently the chairman of the Fall River Heart Association's Carousel Committee, and has been influential in many innovative endeavors, such as having a catholic mass held in his industrial plant. He continues a long tradition of constant participation in any worthwhile community cause.

With the award, however, does not come complacency or stagnation. Epstein assures additional growth and prosperity for local manufacturer's saying "I look forward with the strengthening support of this community, it's Chamber, it's leaders and it's populous to having Shelburne participate in the ongoing development of the needle trades and other career opportunities on a continously expanding scale."

OLDER AMERICANS MONTH

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. SMITH of Florida. Mr. Speaker, I am pleased to recognize May as Older Americans Month, a time to honor the vital contributions senior citizens have made and continue to make to our country.

This is the month to celebrate the joys of aging and to recognize that all Americans, regardless of age have the opportunity to be a positive contributing force in society. Older Americans Month allows us to recognize the needs and concerns of our Nation's senior citizens and honor their accomplishments.

Through thousands of organizations, older Americans make a real difference in their communities and help improve the quality of life for citizens of all ages. Seniors serve as volunteers in our schools, elected officials in our municipalities, builders of our economy in their spending power, and voters in support of key issues affecting people of all ages. Older Americans are involved in projects to meet every type of our Nation's needs, ranging from community beautification to athletic programs for youngsters.

Earlier this year I introduced a resolution designating the third Sunday in August as National Senior Citizens Day. This bill recognizes that senior citizens are the foundation of our Nation's contemporary life and they serve a valuable role in relaying intact our extraordinary American heritage begun by our forefathers.

While celebrating Older Americans Month, it is only fitting to recognize the Broward County Area Agency on Aging, located in my district, for its efforts to prevent the premature institutionalization of frail senior citizens and for its commitment to recognize the valuable contributions that older Americans continually make to our country.

No honor is too great for our senior citizens. They are the foundation of our Nation's contemporary life and reflect our past, present, and future. They have viewed what was, created what is, and provide the inspiration for what will be.

THE CHALLENGE OF AMERICAN CITIZENSHIP

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to present to you the winning essay of Mr. Jonathan C. Dailey, of Williamstown, MA. Jonathan, a student at Mount Greylock Regional High School, was the winning contestant from Massachusetts based on his essay entitled, "The Challenge of American Citizenship." I am pleased to share the following essay with you:

The challenge of American citizenship is to rise to the full promise of belonging to a free and democratic nation. Citizenship is

not a provincial label, signifying an indefinite something; it is not simply a "good cause" which on closer scrutiny is devoid of meaning; rather, it symbolizes purpose in the promise of being all that one can be in our unparalleled democratic system.

The process of becoming a responsible citizen must be learned. The process is long; the technique is the result of precise political thought that has evolved from the contributions of political geniuses from ages past. It requires a development of character, a sense of honorable obligation, a capacity for loyalty to certain ideals . . . ideals one must never take for granted. Freedoms upon which we build the promise of America are: free elections, free press, freedom of thought and association, freedom of belief and freedom to change your belief; in effect, freedom is the absence of fear—it is that which gives meaning to our existence as a nation. It is life giving; and our challenge is to reach the full promise of our free society.

The prevailing challenge of good citizenship is primarily as a voter. Participation in government is the obligation of each one of us and we can best do this by preparing ourselves to be discerning voters. A solid education is foremost in preparation to being an informed voter. We must listen to the candidates, weigh their proposals, scrutinize their platforms, and, then, decide. In order to participate fully as a citizen, we must feel empowered—that means we must feel as though our vote counts. And it does! My vote is equal to the vote of any other man or woman—or young adult—I know my vote can make a difference. The challenge is to cast my vote thoughtfully. To have a sense of social responsibility and know that the voter holds the key to preserving democratic ideals. It is an individual responsibility and requires individual effort; a privilege as well as a challenge that is fundamental to reaching the fullness, the promise of America.

A second challenge of American citizenship is to go beyond the voting booth to actual participation in the slow mechanics of decisionmaking at the local, state, or national "level". This involves the capacity for independent thinking, critical evaluation, wholesome toleration of others' views, and a fundamental commitment of service to society. If we are to preserve the political and social institutions of which we are a part, we are bound to be participants in the process. The majority rules in a democracy; in a republic, elected officials represent the masses . . . then, the best of the citizenry must rise to their individual promise . . . and be willing to serve. If the politician sees his role as one of service, he will conscientiously serve—to preserve, and protect the freedoms we love and promote social justice for all. I would like to be able to say in the future, "My son or daughter wants to be a politician—" and be proud that the vocation implies service for humanity—the quest for truth rather than the seamy aspects that have become stereotypical all too often. The challenge, then, includes restoring trust and faith; to be able to say of the office holder: he has performed his work well, in service to our nation's peoples and our nation's ideals.

In our celebration of the United States Constitution and its Bill of Rights, let us reaffirm our convictions and that the citizen has the inalienable right to think for himself, to judge freely, and to participate in the promise of America as voter and office holder. It is the intelligent manner in which we face these fundamental challenges of citizenship that will ultimately lead to security under the rule of law so we may live peaceful lives by the fireside of the home, and in the family of nations.

TRIBUTE TO DICK SULLIVAN

HAPPY BIRTHDAY, DICK!

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. ANDERSON. Mr. Speaker, May 17 marks the 70th birthday of a good friend of yours and a good friend of mine, Richard J. Sullivan. Dick, as so many people in this city and around the country know, is chief counsel of the Public Works and Transportation Committee.

What may not be generally known about Dick is that he came to Washington, DC, on a temporary assignment in 1957 to serve under Chairman Buckley, and the Nation is fortunate that his temporary stay has not yet ended.

There has not been a significant piece of legislation reported by the Public Works Committee in 30 years that hasn't had Dick's substantial mark upon it. Each bill, each law, is better than it would have been absent Dick's handiwork. He has been not only a careful legislative craftsman, but despite his frequent protestations that "only Members make policy," he has helped guide and shape our thinking, asking all the right questions and, Dick being Dick, seldom failing for an answer.

Mr. Speaker, there are few of us in this House, and you are one of the few, whose tenure predates that of Dick Sullivan. In the years that Dick has been here, Members have come and gone, illustrious careers have been established, and the committee has enjoyed the service and leadership of six chairmen. Through it all, Dick has been here, and as he has provided advice and counsel to each chairman, so has he learned from each. So, he is even more effective and knowledgeable today than he was 30 years ago.

Clearly, Dick has played an important role in the development of our Nation's public infrastructure. But anyone who knows Dick knows that that is only one part of the Sullivan story. Mr. Speaker, many bright, eager, and talented people come to Washington each year to help staff Congress. Few though, and I think this has become increasingly true as our staffs have grown and bureaucracies have mushroomed, add to their jobs and their surroundings the personal touch that Dick brings to every task.

While there are many new faces coming to the Hill with talent, few bring with them the flair and the spirit as has Dick. I am not sure at this point, in my 19 years on the committee, how many times I have heard Dick give his renditions of "When Irish Eyes Are Smiling," or "New York, New York." And of course, a dinner with Dick, without being treated to at least one soft-shoe routine, is not a dinner with Dick.

Mr. Speaker, in my 19 years with Dick, and I realize that in his eyes I am still somewhat of a newcomer to Public Works, we have not been without our differences. Sincere people can view things differently, and from time to time, we have. But Dick, don't forget, "Members make policy."

To say that he has been an outstanding counsel to the committee for 30 years, and has contributed mightily to the welfare of this Nation is certainly sufficient praise for any person, but in Dick's case it is not saying enough because it does not capture the man. To say that he has done this with a style and a grace that is unique and wonderful also falls short.

Mr. Speaker, it must still be added that Dick has done all of this with an unfailing sense of integrity, of fair play, and with an understanding of how our actions in Washington impact upon the person in the street, whether that street be in the Bronx from where Dick hails, a wide avenue in southern California where we have benefited from his input, or any point between.

Mr. Speaker, Dick is turning 70 on Sunday. On behalf of all those who ride on our Nation's highways or public transit systems, fly in the skies, live in a redeveloped urban area or Appalachia, or can simply turn on a tap and get clean water, I say "Happy birthday."

My wife, Lee, and I wish Dick, his wife, Julie, and their entire family many more years of good health and happiness. Happy birthday.

WESTERN VALUES

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. OWENS of Utah. Mr. Speaker, today I would like to call to the attention of my colleagues in the House of Representatives the speech that Chairman Paul Kirk of the Democratic National Committee made last Thursday, April 30, 1987, in Santa Fe, NM.

The work that Chairman Kirk has done to stress Western States values is an important achievement. Political parties have an obligation to speak out, to reflect American values, and to take a stand on vital issues. Chairman Kirk has a message for everyone, regardless of party or geographic location. Education, Social Security, economic growth, and defense are not parochial, but national issues. I appreciate and wholeheartily agree with the chairman's remarks, and ask you to spend a few minutes and judge them for yourself.

SPEECH BY DEMOCRATIC NATIONAL CHAIRMAN PAUL G. KIRK, JR., SANTA FE, NEW MEXICO, APRIL 30, 1987

Some may be asking why the National Democratic Party chose to meet here in the inter-Mountain West in April of 1987.

My answer is simple. The single most important thing a political party can do after a successful election is get ready for the next one. And so we have come west to Santa Fe.

The country is beginning to focus on the Presidential election of 1988. We have brought our meeting here to make a deliberate political statement, and it is this.

The Democratic Party of the United States is hearing and heeding the call of the west—its voices as well as its values.

Our political statement is made not just to the voters of this region. It is made to those who seek the Presidential nomination of the Democratic Party. It is made to those who seek the nomination of the Republican Party, and it is made to the country as a whole.

I often say that until we have our Presidential nominee or a Democratic President, the Democratic National Committee has the difficult but important job of conducting "a campaign without a candidate." We are the advance persons who send a message for a nominee not yet chosen. We are asked to set a tone for our future nominee and for the Party.

Today, we meet to do more than set a tone for our candidates. We meet in the West to set a challenge. That challenge is to do as the Democratic National Committee has done and will continue to do—to listen and respond to the call of the families of this region, to come here to hear their voices, to heed their values, to ask for their votes, and to make sure that the West is part of the Democratic Party's national message to its national audience.

The National Democratic Party cannot have a national message unless the voices and values of the West are a part of that message.

The National Democratic Party cannot have a national message to a national audience unless the voters of the West are a part of that audience.

And the National Democratic Party cannot have a competitive national strategy unless it is determined to compete to win in the West as a part of that strategy.

So let me also put a challenge before the Republican National Party and the 1988 Republican nominee. In the Presidential election of 1988, the Democratic Party of the United States will not write off a single electoral vote.

We will compete with and challenge the Republican Party for every electoral vote in the West, in the Southwest, and in every region of this country.

Two years ago, shortly after my election in 1985, it was no accident that I chose Scott Matheson—a respected leader from the inter-mountain West and a former Governor of Utah—to Chair our Democratic Policy Commission. It was the voice and vision of that son of this region that helped set the Democratic Party on a course towards the successful elections of 1986 and a return of the United States Senate to a Democratic majority.

And, in the results of those important elections last November, the Democratic Party heard the strong voices and sturdy values of the voters of the West.

We heard them from Alaska in Steve Cowper's election as Democratic Governor. And the DNC responded with the nomination of Alaska's Virgie King to the Credentials Committee.

Above the pounding surf of the Pacific, we heard them in the resounding re-election of Dan Inouye to the United States Senate.

We heard them from California with the re-election of Alan Cranston to the Democratic majority of the United States Senate. And we will hear them again in June with the election of our own Nancy Pelosi to the Congress of the United States. And the DNC responded with the nomination of Justin Ostro of California to the Rules Committee.

We heard them from Colorado with the election of Tim Wirth to the United States Senate and Roy Romer to the Democratic Governorship.

We heard them from Oregon and Idaho and from Wyoming with the election of Democratic Governors Neil Goldschmidt and Cecil Andrus and Mike Sullivan.

From Washington state to Washington, DC., the voices and values of the voters of the West could be heard with the election of Brock Adams to the U.S. Senate.

And the voices I enjoyed hearing most were the voices from the home state of both the Republican National Chairman and the Republican General Party Chairman. They were the voices of the voters of Nevada who said "No" to Frank Fahrenkopf, "No" to Paul Laxalt, and "No" to Ronald Reagan. They said "we want a Democrat in the Senate. We want a Democrat in the State House, and we say "Yes" to men of value like Harry Reid and Dick Bryant."

And finally, the values of the West could be heard most clearly in the voices of the voters right here in New Mexico. And they elected Democrat Jim Lewis as State Treasurer, the first black statewide elected official in the history of New Mexico, a state with a mere 2% black voting population. The citizens of this state judged a candidate as all Americans should judge all candidates—"not by the color of his skin, but by the content of his character" and by his competence for office.

And in 1988, the voices and values of the voters of New Mexico will be heard once again—as they will return to the Democratic majority of the U.S. Senate one of America's outstanding young, fighting leaders; a man of decency and dignity who serves the citizens of this state so ably—New Mexico's own Jeff Bingaman.

And how grateful we are for the public service, the dedication, and the ability which the citizens of Santa Fe and the 3rd Congressional District recognize, as we do in one of the country's outstanding young Congressmen—Bill Richardson.

But, despite Democratic successes in the West at the state and local level, the saying goes that electoral politics here are "split-level" politics. The linkage is broken between the issues, the platform, the values of the National Democratic Party and those of Western state and local candidates.

Here, where the electoral college continues to grow, we are told—when it comes to Presidential politics, "forget it; the West belongs to the Republicans." In recent years, the record bears that out. But this new era of National Democrats will not "forget it".

If the levels are said to be split or the linkage broken or perceived to be, let's not be afraid to ask the tough questions: Who split those levels? Who broke that linkage? Who caused that perception? How can it be repaired? If Democratic candidates can win state-wide in the West, why haven't national Democratic candidates won more recent state-wide contests in this region? Why—when a National election is the one moment when these very same voters are asked to respond to their most profound hopes for balanced economic growth, for preservation of a clean and wholesome natural environment, for prudent and principled and positive, pragmatic government, for a strong defense of freedom, for a sure direction for the country, and for a shared vision of our national character?

The answer to these questions is—we can and will earn the support of the families of this region in 1988 and beyond if only we continue to hear and heed their voices and respond to their call. We will broden our national base without abandoning our traditional base. And we are determined to rebuild the linkage with the individuals and families of the West by reaffirming the vision and values of our national character we share with them. That is why we chose to come here today.

This history of America's West is the history of America itself. It's story is our story. The pioneers to this region came from somewhere else to settle its new frontiers. The story of their sons and daughters is one of facing challenge and change and adversity; of solving problems by innovation and perserverance. They are proud, pragmatic, and patriotic. Their vision and values are of individual rights and rugged individualism, but of common sense and common purpose. They combine toughness of mind with compassion of heart. They combine independence of thought with a spirit of community. And they work to fulfill the American dream of leaving something better than they found. Their story is our story. Our hopes are their hopes.

The voters of this region respond to a candidate of the national Republican Party who said government was the problem. But the elite establishment of national Republicans did not tell them that 8 years of fiscal failure and historic budget deficits and paralyzing the ability to invest in their future was the only solution to the problem.

Westerners know what it means to store up reserves for the harshness of winter; they invest for the good of the future. They do not store away their problems for their children to bear or borrow at will from the futures of their grandchildren. The families of the West respond better to challenges than to promises—and so do national Democrats.

After a national Republican establishment leaves behind an economy resembling "swiss cheese" from region to region, and a country more sharply divided along economic class lines than ever before, the challenge of the Democratic Party in 1988 is to renew respect for the independence and the equal opportunity of each individual while restoring the linkage and interdependence of all of us as Americans.

Like the families of the Rocky Mountain West, the National Democratic Party understands that when a copper miner, or a cattle rancher, or a farmer of this region is foreclosed, the families of the machinists who supply their rigs from the factories in the Mid-West, the workers who provide the metal for those rigs from the steel mill in the East, the oil refiner in the South who supplies the energy to forge the steel—their jobs, their standard of living, their quality of life, their hopes, their futures are affected as well.

While the national Republican establishment would cut back on public education by 28%, the Democratic Party, like the families of the Southwest, understands that a good education for our children is a wise investment for the future of all of us. If the Hispanic children of Sante Fe and the Southwest, or children anywhere in this country, minority or otherwise, are not provided a quality education: How can they find a decent job that will pay a decent wage? Will it be their earned wages or ours which are used to support their families?

If we don't invest in education for the young, old age will continue to be a risk instead of a reward of American society.

If we don't invest in young Americans so that they can live a productive life, where will the revenue come from to cover Social Security for the aging Irish grandmother in

South Boston or the pension benefits for the Polish war veteran in Chicago?

And if we don't invest in quality education today, who will have the skills to produce the quality goods to enable America to complete in the global marketplace tomorrow?

Investing in the future is not only the smart thing to do. It's the right thing to do.

From the hearty family on the mountain range to the homeless family in the inner city, from the rain forest to the everglades, from Canyon lands to Cambridge, Sun Belt and Frost Belt, young and old, no matter the color of one's collar or the color of one's skin, we are all in this together—one nation, indivisible. America's diversity remains its strength.

It is up to us to use that diversity to weld a balanced, diversified economic growth, that unifies instead of divides, and that gives all Americans the equal opportunity to leave a better situation than they found.

Our heritage is one of accepting the challenge, facing the facts, and doing what must be done today to lighten the load and brighten the future for tomorrow. It is a heritage of strength and confidence, of hope and opportunity. It is that proud heritage which today, in Sante Fe, the Democratic Party of the United States reaffirms with the families of the West as together we begin the challenge of leading this country to the future.

Let's get on with it.

DIPLOMATIC RECIPROCITY AND SECURITY ACT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. BROOMFIELD. Mr. Speaker, Representatives DAN MICA, OLYMPIA SNOWE, DANTE FASCELL, and I have introduced the Diplomatic Reciprocity and Security Act. This bipartisan bill, cosponsored by the chairmen and ranking minority members of the Foreign Affairs Committee and its Subcommittee on International Operations, will correct significant United States weaknesses which Soviet espionage activities have exploited.

The United States cannot afford to continue to permit the Soviet Union to inflict damage on the national security of the United States through espionage directed against United States diplomatic personnel and against sensitive United States diplomatic, military, and intelligence communications.

The Soviets have penetrated the present and proposed United States Embassy sites in Moscow with electronic listening devices. The Soviets use their present and proposed diplomatic facilities in the United States, including the new Soviet Embassy atop Mount Alto in the District of Columbia, for electronic espionage to intercept sensitive United States Government communications.

In addition to damaging United States national security through espionage aimed at United States diplomatic premises or conducted from Soviet diplomatic premises, the Soviets have worked hard to make the quality of life miserable for United States diplomats in the Soviet Union, even though the United States affords all the creature comforts of America to Soviet diplomats in the United States.

The time has come for a strong United States response to the Soviets' despicable conduct. The Diplomatic Reciprocity and Security Act is an important element of that response. To combat Soviet espionage, the legislation will improve the security practices and procedures followed, in United States diplomatic activities. The legislation also is designed to improve Soviet treatment of United States diplomats in the Soviet Union by ensuring reciprocity between United States treatment of Soviet diplomats and Soviet treatment of United States diplomats.

I urge my colleagues to support enactment of the Diplomatic Reciprocity and Security Act. A brief section-by-section summary of the bill follows:

SECTION-BY SECTION SUMMARY

DIPLOMATIC RECIPROCITY AND SECURITY ACT

Section 1 entitles the bill "Diplomatic Reciprocity and Security Act".

Section 2 provides a table of contents for the bill.

TITLE I—SOVIET EMBASSY IN THE UNITED STATES AND UNITED STATES EMBASSY IN THE SOVIET UNION

Section 101 provides for U.S. withdrawal from the U.S.-Soviet new embassy agreement of 1969, which provided for the new Soviet Embassy on Mount Alto, in Washington, D.C. and the new U.S. Embassy in Moscow. The President may waive the provision if he determines and reports to the Congress that it is vital to U.S. national security to continue the agreement, and that steps have been or will be taken to improve security at the new U.S. Embassy chancery building in Moscow and to eliminate the threat to U.S. national security posed by electronic surveillance from Soviet facilities in the United States.

Section 102 expresses the sense of the Congress that the U.S. should recover damages from the Soviet Union for costs incurred by the U.S. due to Soviet intelligence activities directed at the new U.S. Embassy chancery building in Moscow.

Section 103 requires the Secretary of State to ensure that the U.S. Embassy in the Soviet Union receives treatment equivalent to that which the Soviet Embassy in the U.S. receives on pricing of and access to goods and services, and on the quantity and quality of embassy real estate.

Section 104 requires the Secretary of State to report on reduction of the number of Soviet commercial personnel in the United States.

TITLE II—IMPROVING STATE DEPARTMENT PERSONNEL PRACTICES AND ORGANIZATION TO COUNTER HOSTILE INTELLIGENCE THREATS

Section 201 requires periodic counter intelligence scope polygraph interviews for Diplomatic Security Service personnel.

Section 202 requires the Secretary of State to establish a special personnel security program for Department of State security personnel, and for security guard personnel, assigned to U.S. diplomatic and consular posts in high intelligence threat countries, such as communist countries.

Section 203 requires an accountability review board review in any case of a serious breach of security involving intelligence activities of a foreign government directed at a U.S. diplomatic or consular mission abroad.

Section 204 prohibits employment of communist country nationals in U.S. diplomatic and consular facilities in communist countries after FY 1989.

Section 205 requires the Secretary of State to ensure that the United States does not pay pension benefits to foreign national employees of U.S. diplomatic and consular posts who engage in intelligence activities directed against the United States.

Section 206 requires the Secretary of State to report to the Congress on the advisability of employing foreign nationals at foreign service posts abroad.

Section 207 streamlines and consolidates Department of State bureaus responsible for security, communications, construction, and foreign diplomatic posts in the United States.

Section 208 retitles as "Assistant Secretary of State for Foreign Missions" the current title of the "Director of the Office of Foreign Missions."

TITLE III—ADDITIONAL MEASURES TO PROTECT AGAINST HOSTILE INTELLIGENCE THREATS

Section 301 provides funds necessary to improve security at U.S. diplomatic and consular posts abroad.

Section 302 requires the Secretary of State to conduct periodic security surveys at diplomatic and consular posts to identify security weaknesses and correct them.

Section 303 provides that, if the Secretary of Defense judges that acquisition of U.S. real estate by an unfriendly foreign country for an embassy or consulate might improve that country's electronic espionage capability, the country may not acquire the property. The section also provides that, if the Director of the FBI judges that acquisition of U.S. real estate by an unfriendly foreign country for an embassy or consulate might improve that country's non-electronic espionage capability, the country may not acquire the property.

INTERIOR DEPARTMENT GIVE AWAYS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. MILLER of California. Mr. Speaker, I am increasingly concerned about the "bargain basement" mentality which has taken control of the Department of the Interior. This Department, in particular and this administration, appears intent on giving away this Nation's mineral resources at bargain basement prices.

Take for example the Department's proposed regulations concerning the collection of royalties from natural gas leases. The Department has proposed changing the value of gas for purposes of collecting royalties—an action which will reduce the amount of money the companies owe the Federal Government.

To make matters worse, the Department proposes to make these changes retroactive. This means that all of the companies which have not been paying what they owe the Government for the last few years, have been let off the hook. The net loss to the Treasury could be hundreds of millions of dollars.

In the next week or so, Congress will be voting on legislation designed to prevent the Department of the Interior from transferring 270,000 acres of public oil shale land to private interests for $2.50 per acre. It is uncon-

scionable that the Department would propose to dispose of public lands in such a way and at literally rock-bottom prices. The loser, once again, is the Federal taxpayer.

The Secretary and this administration have talked a lot about their pay-as-you-go philosophy—using it to justify decreased expenditures for national parks and increased entrance fees for citizens to use our parks and recreational and scenic areas. And, for the record, I don't mind paying my fair share to save and preserve and maintain our parks. What I do mind, however, is the double standard: ordinary citizens will pay more to use our national parks, while energy companies are being given lands and resources at bargain basement prices.

The Secretary tries to justify these give-aways as necessary for protecting our national security. I would suggest that the security he is really protecting is that of the energy companies, not of the Nation.

Mr. Speaker, I would like to bring to the attention of my colleagues an insightful article which recently appeared in the New York Times by John B. Oakes entitled "Hodel Squanders Our Birthright." Mr. Oakes does an excellent job of exploring the give-away policies of this administration.

However, I fear he has only touched the tip of the iceberg and that the more we probe and examine the activities of this Secretary, the more give-aways we are going to find.

Mr. Speaker, I ask unanimous consent that the article by Mr. Oakes be included at this point in the RECORD.

HODEL SQUANDERS OUR BIRTHRIGHT

(By John B. Oakes)

If James G. Watt were still Secretary of the Interior, he couldn't have done much worse than Secretary Donald P. Hodel has done in recent weeks. Except for differences in decibel level, the two have faithfully followed the identical policy of squandering the nation's natural resources for presumed short-term gains.

Mr. Hodel's two most recent violations of his trust are separate but related. The first was to throw open to oil extraction the entire coastal plain of the Arctic National Wildlife Refuge in northeastern Alaska, the only place in North America where the complete range of Arctic ecosystems is still preserved intact.

The second, a week later, was Mr. Hodel's decision to open for oil and gas leasing millions of acres of the most environmentally sensitive off-shore areas along the Atlantic, Pacific and Alaska coasts.

The Reagan-Watt-Hodel leasing program is not a sensible or orderly method of stretching out America's dwindling supply of this finite energy resource. It is, rather, a self-destroying crash program, as though the nation's life depended on draining America dry of all its oil reserves as quickly as possible.

There are other and better ways of tackling the energy problem, but the Administration shows little interest in them. All of its emphasis is on extraction. None is on the far less costly and far more productive avenues of greater energy efficiency (especially in transportation, housing and manufacturing) and of alternative energy sources (especially solar). The discovery of new oil can hold off for only a few years at most of the total depletion within the next several decades of domestic oil resources at present rates of consumption.

The facts about the Arctic Refuge are straightforward, but what Mr. Hodel says about them is not. The key area that he would now open to oil exploitation is its huge coastal plain, comprising the only 100 miles of Alaska's 1,100-mile North Coast still fully protected from oil development. It is indispensable terrain for North America's largest herd of caribou, whose annual trek from the Canadian side of the border is one of the world's unique wildlife migrations. A request from the Canadian Government for continued protection of the herd was ignored.

The Arctic coastal plain is also home to an immense variety of other animal and bird life of the tundra whose habitat—and therefore whose existence—would be irretrievably damaged by any kind of industrial incursion into a wilderness as fragile as this. Violation of this land of majestic silence would be an act of spiritual degradation. It should be contemplated only as a last resort.

By the Government's own admission, the chances of finding any oil at all beneath the refuge in commercially exploitable volume are less than one in five. The department's mean estimate of the amount of oil available (on the 19 percent chance that *any* is available) would only be enough to meet America's energy needs for less than 200 days.

Assistant Secretary William P. Horn speaks glibly of an oilfield potentially the size of neighboring Prudhoe Bay. The respected analyst Armory Lovins of the Rocky Mountain Institute points out that the overall possibility of such a strike is no more than 1 percent.

To replicate the Prudhoe Bay complex is Mr. Hodel's goal. Prudhoe Bay is producing half as much air pollution as New York City. Water pollution from its oil spillage and toxic chemical waste is spreading out through the flat wetlands of the tundra. Even in the unlikely event that another Prudhoe Bay would in fact be discovered, it would, while it lasted, reduce America's dependence on foreign oil only from 40 to 30 percent.

To enlist native Alaskan support for prospective oil development in the refuge, the Interior Department has been attempting to trade subsurface mineral rights in the area for lands held by native corporations in other parts of Alaska. The cynical idea is to induce the native Alaskan groups to add their pressure to the Government's own strenuous campaign to open the area to oil development, regardless of the effects on native culture and way of life. Not for the first time, the Government is engaged in the dirty business of corrupting native societies for a shabby purpose.

Only Congress can save the situation now. A bill introduced by Morris K. Udall, the House Interior Committee's chairman, will do the job by turning the refuge into an officially designated wilderness area where there can be no mineral or any other kind of exploitation. In 1980, Mr. Udall, a father of the Alaska Lands Act, was forced to compromise on protection of the refuge to secure passage of the basic law. This time around, there can be no compromise.

Secretary Hodel again showed his contempt for environmental values when he set a five-year schedule for offshore oil and gas leasing that would threaten some of the most crucially important fishery, wildlife and scenic areas on either coast.

Advertised by the Interior Department as a compromise with environmentalists, this is no compromise at all. If it were, the outcome would have been different in the Bering Sea, for example. One of the world's richest fishing grounds, the sea is also one of the heaviest concentration areas for Alaska's exotic marine mammals and birds. It is up for grabs under the oil and gas leasing program.

In what could have been a historic step in resolving conflicts between environmentalists and developers, representatives of conservation organizations, fishermen, native Alaskan groups and major oil companies—meeting under aegis of Robert Redford's Institute for Resource Management—negotiated a compromise agreement on Bering Sea areas to be excluded from oil and gas development.

But it was not to be. Mr. Hodel has rejected the recommendations. He has included in the lease program some 32 million acres of the most environmentally sensitive areas off the Alaskan coast that the interested parties had agreed to include. So much for compromise.

While recognizing a near-shore buffer zone along most of the Atlantic coast, the Hodel plan leaves unprotected the famed Georges Bank, a rich fishing ground off New England that one oil spill could annihilate. Most of the offshore deep water areas off the northern California and Northwest Pacific coasts that Mr. Hodel deferred from the leasing program are tracts in which the oil industry is not now particularly interested.

Mr. Hodel triumphantly called his five-year leasing program "the foundation of America's energy future." If America is to have an "energy future," it will have to be based on a whole lot firmer foundation than this.

The search for new sources of domestic oil at any cost is at best a temporary expedient, not a policy. A realistic energy policy would concentrate instead on development of alternative energy sources and on a serious program of promoting energy efficiency and fuel conservation.

The Administration has consistently downgraded both these paths to energy independence. It has cut severely the already meager appropriations for research and development of alternative energy, especially solar. Late last year, President Reagan actually vetoed a bill (that has since become law) setting Federal energy efficiency standards for home appliances that have the endorsement of the industry itself.

This new bill alone will save, before the end of the century, the energy equivalent of at least one billion barrels of oil, which could easily surpass the entire output of the projected Arctic Refuge development. A program to efficiently insulate America's housing stock would save within a few years much more than even the most optimistic production prospects of the refuge. Substitution of fuel-efficient cars for the current supply of "gas guzzlers" would do the same.

But where is the national policy to achieve such goals? Everything the Administration does on this issue—from relaxing gas consumption standards and raising speed limits to belittling the search for renewable energy alternatives—moves in the opposite direction.

The point is not that there should be no leasing or development of prospective oil-bearing lands, but that there is no reason to plunge into the relatively few areas where exploitation would do permanent and irreparable environmental harm with dubious and temporary economic results. There is a

compelling national interest, however, in constructing a high-priority Federal program to develop both energy efficiency and alternative methods of energy production. That would be the creative pathway to an "energy future" for America.

FAMILY OPPORTUNITIES FOR CHILD CARE ACT OF 1987

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. HAWKINS. Mr. Speaker, there has been a great deal of discussion in the past several months about the need to move recipients of aid to families with dependent children [AFDC] into education, training, and employment programs. Any new approach to achieve this goal will not be successful unless child care assistance is a major component of any comprehensive effort to reform the current welfare system.

To address this critical need, today I am introducing the "Family Opportunities for Child Care Act of 1987." This bill provides for developmentally appropriate child care at the market rate which will enable recipients of AFDC benefits to make productive use of education, training, and employment programs. Developmentally appropriate child care must include not just custodial care, but also provide a stimulating educational environment which will enhance children's learning skills. The cost of quality child care must reflect the reasonable going rates for the various regions across the country.

In fiscal year 1986, 10,995,000 persons, or 3,747,000 families received AFDC benefits. Of that total, 7,294,000, or two-thirds of the recipients, were children. The lack of affordable quality child care is a severe impediment to educational achievement and work experience necessary for the attainment of self-sufficiency for a significant proportion of families who receive AFDC benefits. How can we expect to assist these families to achieve self-sufficiency unless there are provisions for the care of their children?

This bill provides support to States for extended day, full-year child care through contracts and/or child care certificates for recipients during their participation in education and training programs. Child care assistance is to be provided to recipients who obtain unsubsidized employment for a period up to 12 months, part of which will be on a sliding fee scale. For recipients who obtain subsidized employment, child care assistance will be provided for a period up to 18 months while they are searching for unsubsidized employment.

My bill increases child care services, requires coordination among existing State and Federal child care services, and establishes a demonstration program that will support innovative child care activities such as training for child care providers and parent education, particularly for young parents. The bill makes a long-term commitment to the need for child care services through the establishment of a national commission to develop a long-range national child care policy. Five hundred million dollars are authorized to carry out provisions of the bill in fiscal year 1988 and such sums as may be necessary in succeeding fiscal years.

In fiscal year 1984, there were 1,545,000 children under the age of 3 years who received AFDC benefits; 1,502,000 between 3 and 5 years; 2,282,000 between 6 and 11 years; and 1,824,000 between 12 and 18 years. Considering that the national average cost of care is $3,000 annually, our investment will need to be great over an extended period of time.

The Census Bureau recently issued a report that working women in this country pay about $11 billion a year for child care while at work. During hearings on welfare reform and related issues, including child care, that were conducted by the Education and Labor Committee, many of the witnesses stated, "Child care is not cheap." It would be grossly unfair to expect no support for child care and supportive services for individuals on AFDC who are attempting to make the leap from dependency to self-sufficiency. Studies have shown that people on welfare want to work if given the opportunity.

I am talking about the future of this Nation, our most important resource, our children. It is critical that we invest in them as early as possible. We can invest now and give American children a safe and stimulating care environment, while their parents work toward achieving self-sufficiency. Or, we can pay later to support poor families who will need assistance year after year. Paying now means more high school graduates, more taxpayers, better educated citizens, and fewer dropouts doomed to economic misery.

ADDRESS BY RABBI ARTHUR SCHNEIER

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. WEISS. Mr. Speaker, on February 14, 1987, Rabbi Arthur Schneier, president of the Appeal of Conscience Foundation, was one of several international religious leaders to address the religious section of the International Forum for the Survival of Humanity, for a Nuclear Weapon Free World, which was convened by Soviet Leader Mikhail Gorbachev in Moscow. Rabbi Schneier, the senior rabbi of the Park East Synagogue in New York, heads the Appeal of Conscience Foundation, an ecumenical organization dedicated to strengthening religious freedom and human rights throughout the world. I would like to share with my colleagues Rabbi Schneier's important and eloquent remarks.

ADDRESS BY RABBI ARTHUR SCHNEIER, D.D.

I am honoured to address this International Forum for the Survival of Humanity, for the Nuclear Free World. Our coming together is an occasion to exchange ideas and—no less important—to meet old friends and make new ones.

Religious leaders welcome such opportunities. We especially appreciate the outreach to diversity of views and the encounter with men and women of science, scholarship, the arts and the world of business.

I speak to you today as an American who has been privileged to work with leaders of major faiths in many countries, in the interest of peace, mutual understanding and international cooperation. Our conscience dictates a commitment to the preservation of the human family—unity within diversity.

Those of us who are from the religious sphere are cognizant of our limitations. We know what we can and cannot do. We cannot make decisions for our governments—but we can seek to influence them. We cannot speak for the men and women who worship in our churches, temples, mosques and synagogues—but we can speak to them. And while we seek through prayer to reach on high to the Almighty, we know that we live down here, on this earth, in this world.

Just as we speak to our congregants, so also do we listen to them. We hear cries of anguish as we do their shouts of joy. What do they tell us, these families within the great human family? They speak to us of their fears no less than of their hopes.

There is the fear of nuclear accident. Here Americans no less than Soviet citizens are worried—increasingly so. The names of Three Mile Island and Chernobyl strike terror into our hearts, one for the horror that might have happened, the other for the horror that did.

And finally there is the fear of nuclear Holocaust that could destroy life as we know it on the planet Earth. The word Holocaust of course resonates with a special doom in the Jewish community, for it is the word we use to describe the awful events that befell our people in Nazi-occupied Europe.

I also speak to you as a Jew, born in Vienna, who fled as a child with his family to what we thought was the safety of Budapest. I remember the Nazi terror, which turned the streets of Budapest into hunting ground where Fascists stalked Jewish children and women and old men and shot them or put them onto trains for the journey to hell or, at the end, made them march to their death.

I was one of the lucky ones. In Budapest, just 42 years ago last month I was liberated by the Red Army, and I will never forget the moment, nor my profound gratitude to the soldiers whose courage and determination freed not only me but also helped free a whole continent from the evil of Nazism and the doctrine of racial superiority. I appear before you today as someone who has directly experienced war, a survivor of the Holocaust and Hitler's War against humanity, someone whose life was for ever changed by war. I do not speak here academically about violence unobserved: I speak as a witness to the Known War, as a victim whose testimony must be heard; for the involuntary fraternity of victims of war know a language and a perspective that only we can utter. This perspective and language speaks of agony, terror, and the profound sanctity of life. Of all those living in the world today, surely it is the survivors who understand why there must not and cannot be war again for the awful fact is that there is little likelihood any of us would survive a nuclear Holocaust or the nuclear winter that would follow.

Having survived the Nazi Holocaust I am driven by the need to prevent a nuclear Holocaust. Is this merely a dream, the idea that we can prevent what to many seems to be the inevitable destruction of the planet? My countryman Martin Luther King, Jr. some

25 years ago inspired all Americans with the words, "I have a dream". It is a dream that has begun to come true because so many of his fellow-Americans shared that dream with him, and joined him in the quest for fulfillment of it. I believe that we here, and the people whom we represent, in a sense share the dream of peace enunciated by the Prophets of old, the dream turning swords into plowshares and of making war no more.

The proliferation of nuclear weapons to many more countries and the development of missile systems with multiple warheads has made this dream a practical necessity. The truth is that we have created a technology that can exceed our ability to control it. Technology has acquired a dynamism into itself, one that eventually may defy human safeguards.

Concurrent with the expansion of technology to unbelievable proportions, our abilities to regulate it have been infinitely complicated by problems related to the distances and scope over which these technologies operate. The new generations of weaponry outdistance the regulatory machinery presently available for controlling the arms race. We must remain one step ahead. Agreements which do not anticipate the future are in danger of being rendered obsolete. The tools that we have customarily used, the statements that we have made in the past, have become, through our progress, inadequate to deal with our new conditions. The same intensity of seminal thought that has resulted in the machinery of war must now be directed toward peace.

Additional problems are associated with the advances made in the technology of human armament. While the knowledge of the inner-workings of a nuclear reactor is not within the grasp of most of humanity, it has been amply shown that any educated individual who so desires can create a nuclear bomb by following design plans available in a number of scientific texts.

The Special UN Session on Disarmament, in its Final Document, put it best: "The hundreds of billions of dollars spent annually on the manufacture of weapons are in sombre and dramatic contrasts to the want and poverty in which the third of the world's population lives". Have we the right to deny the world community the improvements of life that are now possible as a result of advancements in technology?

What is to be done about this nightmarish situation? We must speak of an intellectual and spiritual transformation as the midwife of disarmament. If we want to approach the 21st century, force must be replaced by dialogue. We must reemphasize our mutual interdependence.

In the face of man's inability to find in technology the answers he seeks, there has been a dramatic reaffirmation of religious faith in all parts of the world. Religious leaders therefore bear a special responsibility to harness spiritual resources in the quest for peace. In the words of the Prophet Ezekiel: "But if the watchman see the sword come, and blew not the trumpet, and the people be not warned; if the sword come, and take any person from among them, he is taken away in his iniquity? but his blood will I require at the watchman's hand." (33.6).

Dare we, watchman of faith, close our eyes to the sword of the destruction hovering over mankind?

Regrettably, this task of peace-building seems so vast and difficult that many of us have stopped trying and devote our energies instead of our private concerns, leaving it to "others" to deal with the great issues of war and peace. The issues are complicated, the knowledge required so vast, the technology so advanced that many just throw up their hands and say, "It is beyond me. I cannot deal with it".

I think this is wrong and dangerous, both, I believe there are things we can and must do. I believe we cannot leave it to the experts but must come to grips with the issue ourselves.

Remarking on the human condition, Rabbi Tarfon is quoted in the Ethics of the Fathers: "The day is short, the task is great, the workmen are lazy, the reward is great and the master is insistent." (Ch. II, 15).

This dictum serves as an exhortation that is as relevant to the spiraling arms race as it is to an individual. We all realize that in our time we face the potential for self-induced cataclyms of unparalleled proportions. To avert the calamity let us remember that the day is short and that the task is great. We are forges of our own fate and if we rise to meet the challenge the regard is indeed great. Time is running out for human existence. We dare not delay.

The elevation of humanity through its own travail to a level of just coexistence and peace is an imperative that requires persistence and urgency. Human history can be aborted precisely at a time when instant communication has potentially improved mutual understanding between peoples.

At the very outset, we must—it seems to me—learn to trust one another. That is no easy task, and I am not so naive as to suggest that any of the states whose citizens are with us today, including my own country, should lay down its arms in a unilateral manner out of "trust" that others would do the same. But trust can be earned, by acts of faith and of decency, by behaving in such a way as to demonstrate—in the word of the United States Declaration of Independence—"a decent respect to the opinion of mankind".

Here I believe we who are men of religion have a special role to play. We are not policy-makers, but we can be trust-builders. We can call on our leaders to live up to their international obligations, and also to the obligations they owe their own citizens. Here is just one example:

When Soviet authorities revealed the full scope of the damage wrought by the nuclear accident in Chernobyl, that helped create confidence. And when America responded by sending some of its leading scientists and physicians to join in the Soviet effort to limit the damage and heal the sick and the injured, that too created trust.

Americans watch with great interest and satisfaction the new process of openness—what is known as glasnost—that we are witnessing in the Soviet Union today.

The release of Dr. and Mrs. Sakharov, yes his very presence at this Forum today is a measure of trust and confidence. The release of dissidents and the reevaluation process on refuseniks signifying a new approach in the field of human rights is a measure of trust and confidence—to be harnessed as we seek to halt the armaments race.

In the realm of arts and literatures, all of us can take heart that works, long absent from library bookshelves and bookstores, are now becoming available, some for the first time. In the cinema, in music, art and theatre, there are signs of a new tolerance. This builds confidence.

In the Soviet press we see problems long ignored now openly discussed, and we read of vigorous debate about foreign and domestic policies. Another cause for trust and confidence.

What is so striking, it seems to me, is the great window of opportunity that is presented to the world today. In my country, President Reagan is nearing the end of his second and last term as President. I fervently believe this President wishes to bestow upon future generations of America a legacy of peace and improved relationships with the Soviet Union. And, judging from his recent words and actions, I believe Secretary Gorbachev also wishes to end or significantly reduce the arms race and the huge burden of armaments his country bears, so that the energies of the Soviet people may be devoted to the health and welfare of all of the people, the same wish that I believe my President has for his countrymen.

If I were speaking to Ronald Reagan and Mikhail Gorbachev today, I would say to them: Join hand, one with the other, in another summit meeting, to continue the discussions that seemed until the very end to be going so well in Reykjavik. Schedule another meeting, soon. Let it be in Washington, and schedule still another one, after that, for Moscow. Can it happen? Will it happen? Are the leaders of the United States of America and the Soviet Union on the same track? I strongly believe so, and I will offer one piece of evidence that astonished me when I first learned of it.

Last June, in a remarkable talk to a group of Soviet writers, Secretary Gorbachev said in part: "The society is ripe for change. If we step away, the society will not agree to a return. The process must be made irreversible. If not us, then who? If not now, when?"

This language, and the thought itself, struck me and many Americans as familiar. Who was it? None other than President Reagan, in his second inaugural address, some 18 months earlier. The President was speaking about the need to end decades of deficit spending, but his language was significant: "We've come to a turning point, a moment for hard decisions. I have asked the cabinet and my staff a question, and now I put the same question to all of you. If not us, who? and if not now, when?"

A coincidence? Perhaps. But both Secretary Gorbachev and President Reagan were quoting Jewish sage Hillel, the great spiritual leader of his generation nearly 2000 years ago. It was Hillel who first asked:

"If I am not for myself, who is for me? If I care only for myself, what am I? If not now, when?"

In these ancient questions, so aptly quoted by both Ronald Reagan and Mikhail Gorbachev, there are grounds for convergence and reason to hope. Let us hope, and let us pray, let us join hands together, and let us build the house of peace—peace with friendship, peace with justice, for ourselves and our children and our children's children.

TRIBUTE TO FRED SILVERMAN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. GARCIA. Mr. Speaker, I rise today to mourn the passing of my friend Fred Silverman, 52, president, Bronx-Lebanon Hospital Center and nationally recognized hospital

leader, who died on April 16 following a heart attack. Mr. Silverman, president since 1977, was the driving force behind the hospital's New Directions Program. Under his leadership, Bronx-Lebanon reestablished its financial stability and has emerged as the largest voluntary provider of health services in the South Bronx, maintaining an occupancy rate of 90 percent during the past 3 years, and providing 193,000 inpatient and almost 400,000 outpatient and emergency room visits annually. "An ability to succeed when all the odds were against him was a quality we continually witnessed and admired," said Myron Strober, chairman of Bronx-Lebanon Hospital Center's Board of Trustees.

He literally took Bronx-Lebanon from the brink of bankruptcy to the point where it is now ready to break ground on its New Directions major upgrading, modernization, and community revitalization program. This program, which Mr. Silverman and the hospital's board of trustees initiated in June 1981, is a multifaceted program that includes construction to replace the hospital's existing antiquated physical plant with new and modern facilities, the expansion of mental health services, establishment of a skilled nursing facility and sponsorship of needed housing and other community development projects to help stimulate the revitalization of the Bronx community.

During his tenure as president of the 565-bed voluntary teaching hospital affiliated with Albert Einstein College of Medicine, Silverman set a high performance/cost effective pace aimed at providing quality service for the people of the South Bronx.

The President initiated extensive outreaches into the community to help improve the health and quality of life for the people of the South Bronx. As a result, the hospital is widely known in the metropolitan areas as "the hospital that goes beyond its four walls."

As Silverman said of New Directions, "There is desolation in the South Bronx. But one can also sense a miracle in the making, an opportunity to help rebuild a community that has begun to save itself, and a chance to permanently strengthen the health care institution that looms largest in the community's daily struggles."

Silverman played a key role in creating the New York State Emergency Hospital Reimbursement Program [EHRP], Transitional Reimbursement Program [TRP] and the New York State prospective hospital rate reimbursement methodology [NYPHRM], all of which have provided funds necessary to finance care to the medically indigent.

Most recently, he was instrumental in securing the passage of the New York State distressed hospital capital financing bill, which will provide those hospitals serving indigent patients with critically needed bond financing for their capital construction programs. He was also responsible for implementing one of the first hospital industrial engineering programs and one of the first hospital quality assurance programs in the United States.

Prior to his appointment as president, Silverman was deputy director of Montefiore Hospital and Medical Center (1972–77). From 1969 to 1972, he was division administrator, Hospital of the Albert Einstein College of Medicine.

Silverman was the recipient of numerous professional/government/community awards, including the Patrolmen's Benevolent Association Award, the New York City Community Leadership Award given by the Urban League, the Merit Award from Bronx Council of Churches, and the Outstanding Citizen of the Year Award from the Bronx Citizens Club.

He was cited in the CONGRESSIONAL RECORD in 1981. He was chairman of the Coalition of Distressed Hospitals and the Government Affairs Committee of the Greater New York Hospital Association, a member of the Board of Directors of the Hospital Association of New York State, and, a member of the special subcommittee of the New York State Council on Health Care Financing.

His public and community service included membership in the Task Force on the New York City Crisis-Health Committee, Bronx Community Planning Board No. 3, Bronx Chamber of Commerce, Health Systems Agency Board (Bronx Borough) and Health Systems Agency (local board).

Among his teaching appointments were: New York University, associate professor; City University of New York, assistant professor, and with Leham College, School of Nursing.

He is survived by his wife, Lois, and four children, Mark, Gail, Karyn, and Jeffrey Silverman; his father, Joseph Silverman, and sister, Ruth Forbes.

The South Bronx will miss a great man, a leader in the caring of our sick. Fred Silverman, thank you very much, we will always be in your debt.

F-5E JET FIGHTERS TO HONDURAS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. GEJDENSON. Mr. Speaker, today I am introducing a resolution of disapproval for the sale of F-5E advanced fighter aircraft to Honduras. The United States has had a longstanding policy of not being the first to introduce advanced weaponry into Central America. This policy of restraint has so far kept a terrible ground war on the Honduras/Nicaragua border from escalating into a devastating air war. But with the sale of these weapons that policy of restraint will be abandoned and with it the hopes for ever bringing peace to the region. The conflict can only escalate introduction of these fighter jets into Honduras. Nicaragua has threatened to seek delivery of Soviet Mig's if and when Honduras buys F-5's. Central America threatens to become a region as armed and as tense as the middle east.

Mr. Speaker, we should not be blind to the true purpose of providing advanced weaponry to Honduras. It is not for the defense of Honduran territory, Honduras is not threatened by Nicaragua since that country has virtually no airpower. In fact, Honduras is the only country in the region with any jet fighters at all. Why, then, are we proposing to sell F-5's to a country that has no need for them? F-5's are usually sold to countries that face an enemy with superior airpower. No country anywhere near Honduras poses such a threat.

No, Mr. Speaker, these jet fighters are not for the defense of Honduras against incoming air attack, they are to provide air cover for the Contras as they invade Nicaragua.

We know that Honduras is already the staging ground and safe haven of the Contras. Millions of dollars worth of military equipment and airstrips originally for the purpose of joint United States-Honduran military exercises have been made available to the Contras. Indeed, very little of what we give Honduras in the way of military assistance is really for the defense of that country.

In 1981, before it had convinced the Argentinians to help create a Contra army, the administration proposed only $5 million in military aid to Honduras. For fiscal 1988 it has proposed $181 million. No, these F-5's are not for the defense of Honduras. They are for the Contras so that once again, as in Vietnam, the United States can be instrumental in providing air cover for ground troops moving in hostile territory. It is not hard to imagine how rapidly a ground war can escalate to air war if the right equipment is available.

It seems to me that if our purpose in providing the F-5's to Honduras is really to assist the Contras, the administration should say so and put the sale in the next Contra aid request rather than drag the Hondurans further into a war they did not start and do not deserve to die in.

Mr. Speaker, there has been altogether too much subterfuge in our foreign policy and far too much secret assistance to the Contras. To allow this kind of backdoor help to go through. If the Contras need air cover for their assault on Nicaragua, let the administration come to the Congress, make its case and ask for it.

The use of third parties—Honduras in this case—to further hidden foreign policy agendas has to stop and the sale of F-5 fighter jets to Honduras is the place to begin.

NATIONAL OSTEOPOROSIS PREVENTION WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Ms. SNOWE. Mr. Speaker, on May 4, 1987, the House passed legislation which I introduced and which was cosponsored by 221 of my colleagues designating the week of Mother's Day, May 10 through May 16, 1987 as "National Osteoporosis Prevention Week."

This year on Mother's Day families across the country celebrated motherhood. But, beyond the obvious significance of this day, there are more subtle meanings that we have come to associate with Mother's Day. More than ever, the link between the generations is symbolized by women who care for their children and who also have a role in the care of their parents.

As family caregivers, women are the great communicators of ideas among the generations. This intergenerational sharing is most crucial in the area of health care. While health care is not only a woman's issue, women face

special health problems as well as special biases in the care that they receive.

In a recent report released on the health of older women, the Older Women's League [OWL] has found that although women live longer today, they do not always experience good health in their later years. Women are subject to special health problems that increase with age, and many may face their own illness in conjunction with the responsibility of caring for a spouse or an older parent.

In recent years, we have all become more aware of the effect of lifestyle on our health. Just a few short years ago, osteoporosis, a bone disorder common in older women, was a word that was hardly known, and then only in a select circle. It was because of this lack of awareness that in 1985 and again in 1986 I sponsored legislation in the House of Representatives, which was signed by the President, establishing "National Osteoporosis Awareness Week." This year, in an effort to build upon the awareness that has been successfully generated, I introduced "National Osteoporosis Prevention Week" to be celebrated during the week of Mother's Day.

Osteoporosis afflicts 24 million Americans, most of whom are women. Known as "the silent thief," osteoporosis robs the skeleton of its resources—often for decades—until the bones are so weak that they cannot withstand normal stress. While everyone loses bone tissue with age, postmenopausal white women are at greatest risk of this disease, particularly if they are slender, have a family history of osteoporosis, or have a history of low calcium intake, inadequate physical activity, excessive smoking, or heavy alcohol use. In fact, by the time a woman reaches her 80's, she can have lost up to two-thirds of her bone mass.

Osteoporosis is not a normal consequence of aging. It is, however, the leading cause of hip fractures in the elderly and costs our Nation between $7 and $10 billion a year. Curiously, however, although the costs in human suffering and health care expenditures is great, little research has been done on bone disorders in general and osteoporosis in particular. Recently, the newly formed National Osteoporosis Foundation has spearheaded efforts to support research and education associated with the risks, causes, and effects of osteoporosis in an attempt to reduce the widespread incidence of this disease. The causes of osteoporosis are not known exactly and treatment remains controversial. Consequently, experts agree that prevention is essential to decreasing the prevalence of osteoporosis in our country. Women are in the position to decrease some of the risks associated with bone disorders like osteoporosis by making lifestyle changes such as increasing their calcium intake, eating a well-balanced diet, performing weight-bearing exercises such as walking, and avoiding smoking.

Sadly, bone loss is found increasingly in younger women and many experts agree that women in their 20's and early 30's should be screened for bone loss. Bone mass peaks at approximately age 35 and begins to accelerate at menopause. Of course, some women are more tragically affected by the loss of bone mass than others. Thus, it is extremely important that research continue and that an attempt be made to educate women about the risks of osteoporosis and the prevention of its tragic effects.

For this reason, during the week of Mother's Day, it is appropriate to appreciate and thank the women and mothers of this country, both as family caregivers and family health educators. Equally important, we should use this week to support women in obtaining a healthier life in old age by providing them with the information and treatment relevant to special health problems such as osteoporosis. By recognizing osteoporosis as a national public health threat, we will hopefully encourage continuing research regarding the risks, causes, and treatment of osteoporosis, which will eventually lead to an optimal quality of life for all older citizens of our country.

A DEMOCRATIC FOREIGN POLICY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. SOLARZ. Mr. Speaker, select committees of the two Houses are currently looking into the foreign policy imbroglio associated with the sale of arms to Iran and the diversion of money to the Nicaraguan Contras. Behind the specifics of this scandal, however, lie broader questions about the purposes and direction of American foreign policy. In the hopes that it might help to stimulate further discussion on those important matters, I ask that the following address, which I delivered before the Democratic Women's Club of Indian River County (FL) a few weeks ago, be printed in the RECORD.

A DEMOCRATIC FOREIGN POLICY

(By Congressman Stephen J. Solarz)

Today, perhaps more so than at any time since the beginning of the 1980's, we Democrats have a renewed confidence in our Party and its future.

We have just come through a succession of successful—a few of them miraculous—victories in last November's elections, culminating in the recapture of the Senate.

Recent polls show that the teflon of Ronald Reagan's early years has finally worn thin. Americans in increasing numbers are now daring to say that the emperor truly has no clothes.

There has now arrived on the scene a new generation of young, dynamic Democratic leaders—men and women eager to lead the Party, and the nation, into the 21st century—men and women, moreover, who are well prepared to do so.

The Reagan Administration, on the other hand, currently finds itself ensnared in a scandal of still widening proportions, complete with sordid revelations of clandestine arms sales, secret Swiss bank accounts, disreputable middlemen, and the illegal diversion of funds.

It seems likely that past and present senior Administration officials have violated the law and will be the subject of criminal prosecution. One of them, Michael Deaver, has already been indicted.

Yet for all the attention that will be—and, I might add, should be—focused on the current scandal, we should not forget that Iranamuck is only the latest in a long line of foreign policy debacles perpetrated by the current Administration.

Looking back on this sorry record, Americans have a right to feel betrayed by the Reagan Administration.

It is an Administration that pledged it would never bargain with terrorists—and then engaged in the most shameless intrigues to exchange American weapons for hostages.

It is an Administration that pledged it would never pay ransom for the release of American hostages—and then fell all over itself to trade a Soviet spy for an innocent American journalist.

It is an Administration that told us that we must accept vast new sacrifices in order to maintain America's security—and then offered at Reykjavik, to the utter dismay of the Joint Chiefs of Staff, to eliminate all our ballistic nuclear missiles without at the same time addressing the question of the Warsaw Pact's overwhelming superiority in conventional forces.

It is an Administration that voiced pious platitudes about arms control—and then tore up arms control treaties that helped to insure our safety for the past 15 years.

It is an Administration that launched a farcical disinformation campaign against Mu'ammar Qadhafi—and succeeded only in deceiving the American people.

It is an Administration that promised a "hands off" policy in the Persian Gulf War—and then secretly provided arms to one of the combatants and intelligence to the other.

It is an Administration that sought to bring about a government of laws, not men, in Nicaragua—but in the process subverted the rule of law here in the United States.

It is an Administration that blows rhetorical kisses to human rights—even as it cuddles up to despots in Latin America, racists in southern Africa, and repressive regimes in the Far East.

The conclusion is inescapable: We are dealing here with something far more fundamental than simply a few individuals who, in their zeal to secure the release of American hostages or aid the contras, may have broken the law.

What confronts us is nothing less than an Administration whose foreign policy is out of control—an Administration whose policies have seriously eroded the political, strategic, and moral position of the United States throughout the world.

In short, we are in rather desperate need of a reformulated, restructured, and revitalized foreign policy.

And that gets me to the gist of my remarks before you this evening.

I believe it would be a profound mistake for Democrats simply to sit back and count on returning to power in 1988 solely because of the mistakes and miscalculations of the Reagan Administration.

We must recognize that criticism, no matter how justified, is not an adequate substitute for a policy of our own.

So for the next few minutes I'd like to lay out for you a blueprint for a Democratic foreign policy—a foreign policy that will protect our national interests and promote our national ideals, a foreign policy consistent with American values and reflective of American aspirations.

There can be little doubt that the major foreign policy problem we face today is how to manage our relationship with the Soviet Union.

For the first time in our history, the United States confronts a country that is

not only strategically and ideologically hostile to us, but also has the military capacity to destroy our entire society.

In the half century since the beginning of World War II, the Soviet Union has extended and enforced its dominance over more than 100 million people, from the Baltic Republics in the north to the Balkan nations in the south.

During this period of time, we have also seen the terrible toll of Communist tyranny in the Gulag Archipelago of the Soviet Union, in the Cultural Revolution of China, in the autogenocide of Cambodia, in the torture of political prisoners in Cuba, and in the reeducation camps and boat people of Vietnam.

Today, the reality of Soviet repression and Communist tyranny represents not a distant memory, but a living nightmare.

It is a nightmare in the distant valleys of Afghanistan, for the peasants who have seen their loved ones murdered and their land destroyed.

It is a nightmare in the remote jungles of Southeast Asia, for the villagers who have been killed or crippled by yellow rain.

It is a nightmare in the infamous prisons and labor camps of the Soviet Union, for the dissidents and refuseniks who are yearning to breathe free.

It is a nightmare in the bleak streets of Poland, for the supporters of Solidarnosc whose dream of an independent trade union was crushed by martial law.

But Democrats also know that however profound the differences that divide us from the Soviet Union, our two nations have no choice but to strive for the kind of controlled competition and creative cooperation which will reduce the threat of nuclear war.

We must be prepared to stand up to the Soviets whenever necessary—but also to sit down with them whenever possible.

Democrats will give the highest priority to repairing our relationship with the Soviet Union.

For Democrats know that in the atomic age, the pursuit of peace is a moral and political imperative.

In arms control, more than anywhere else, we have an obligation and an opportunity to achieve a breakthrough in our relations with the Soviet Union that could substantially reduce the threat of war.

And here the present Administration has failed most tragically.

The arms control policies of this Administration—insofar as it has an arms control policy—have been characterized by intransigence and intractibility.

The Reagan Administration is the first Administration in a quarter century which has failed to reach an arms control agreement with the Soviet Union.

President Kennedy negotiated the Limited Nuclear Test Ban Treaty, President Johnson the Nuclear Nonproliferation Treaty, President Nixon the SALT I and ABM Treaties, President Ford the Peaceful Nuclear Explosions Treaty, and President Carter the SALT II Treaty.

And the Reagan Administration?

Not only has it failed to achieve any new agreement. It has systematically set out to destroy existing agreements.

It has renounced the SALT II Treaty.

It has sought to redefine the ABM Treaty in such a manner as to render it meaningless.

It has publically stated that it has no interest in a Comprehensive Test Ban Treaty.

To be sure, after six long years, it now appears we may be on the verge of an agreement with the Soviet Union to eliminate all intermediate-range nuclear weapons from Europe, which would certainly be a welcome step in the right direction.

But even this would do little to protect the United States from those strategic systems capable of striking American soil from the Soviet Union.

For that we continue to need an accord on strategic weaponry that would deal with those sea-launched and land-based intercontinental ballistic missiles capable of destroying our entire civilization.

So far our ability to get such an agreement has been handicapped by the Administration's stubborn insistence on developing and deploying a "Star Wars" defensive system.

Of course, if we could develop a perfect defense against nuclear weapons, it would be in our interests to do so.

Not even the President's own advisers, however, believe that we will see a leakproof shield against nuclear attack in our lifetimes, despite the billions of dollars being poured into the SDI program.

But an "almost perfect" defense is meaningless in the context of a fullscale nuclear attack.

Even if we were able to stop 95 percent of the incoming warheads, the remaining 5 percent would be more than sufficient to destroy American society as we now know it.

In short, the President's Star Wars program will make arms control impossible and set the stage for a massive escalation of the arms race, since the Soviets will feel compelled to counter our defensive systems by increasing the number of their offensive weapons.

And at the end of the day, after the expenditure of hundreds of billions of dollars, neither of us will be any more secure than we are now.

Fortunately, the makings of a grand compromise on arms control are clearly visible.

With a measure of goodwill and a determination on both sides to succeed, it should be possible to hammer out an accord where the Soviets would agree to mutual and verifiable reductions in their offensive strategic forces, in return for our acceptance of mutual and verifiable restrictions in Star Wars and other defensive technologies.

Before an agreement along these lines can be reached, however, the Administration must get its own house in order.

Internally driven by ideological conflicts between the Far Right and the Farther Right, the Reagan Administration, even after six years, has yet to formulate a coherent arms control strategy.

If the Administration can call a halt to its internal ideological warfare, Democrats stand ready to work with it to fashion a coherent national approach to arms control.

We recognize, for instance, that a total ban on Star Wars research is neither verifiable nor desirable, and we remain willing to fund such efforts at reasonable levels.

At the same time, we are not prepared to support the Administration's desire to rush into the earliest possible deployment of an untested ABM system, thereby undermining arms treaties currently in place.

Democrats call for a reaffirmation of our commitment to the ABM Treaty.

Democrats call for a return to the numerical limits of the SALT II treaty, and a pledge to abide by these limits so long as the Soviets do so.

Democrats support the negotiation of a Comprehensive Nuclear Test Ban, and deplore the fact that this Administration is the first in thirty years to reject such a goal.

Democrats urge Senate ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty.

Democrats believe that a country as dependent on overhead satellites as our own should open negotiations with the Soviets to head off a race in anti-satellite weaponry.

And finally, Democrats believe that we must remember the words of John Kennedy, who declared: "Let us never negotiate out of fear, but let us never fear to negotiate."

Yet arms control, important as it may be, is not a panacea for the many problems that confront us, let alone any guarantee that war will be avoided.

The preservation of peace will depend primarily on our ability to manage our global differences and regional disputes with the Soviet Union.

We must be under no illusions that solutions to the problems in Afghanistan, Cambodia, Eastern Europe, and Central America will be easily achieved.

But given the very real possibility that a regional crisis could easily escalate into a superpower confrontation, we have no alternative but to pursue the peaceful resolution of these dangerous disputes.

The Middle East is perhaps the area where a regional crisis is most likely to escalate into a superpower confrontation.

And here as well the Administration has failed to build upon the successes of its predecessors.

It has frittered away six years by not effectively following up on the historic breakthrough achieved by President Carter at Camp David.

In the absence of progress toward peace, another Middle East war is virtually inevitable.

And without an active American involvement in the region, there is not likely to be any progress toward peace.

President Nixon recognized this reality, and took an active role in working toward a regional settlement.

So did President Ford.

And, of course, so too did President Carter.

But under Ronald Reagan, the United States has abdicated its role and its responsibility for moving the peace process forward.

The Camp David accords remain the single most significant step toward peace in forty years of unrelenting conflict and confrontation in the Middle East.

Democrats call upon the Administration to reinvigorate the Camp David process, as the region's best hope for a just and lasting peace.

We have an obligation to Israel—our closest friend and our most reliable democratic ally in the region—to work harder for a general Mideast settlement, for another war in the Middle East could jeopardize the security and even the survival of Israel.

But we also have an obligation to ourselves, for renewed fighting could have serious consequences for vital American interests as well.

It could endanger our access to oil from the Persian Gulf.

It could jeopardize our relations with moderate Arab regimes.

And it could bring us to the brink of a military confrontation with the Soviet Union, as occurred during the Yom Kippur War in 1973, when Chairman Brezhnev threatened to send six Soviet airborne divi-

sions to rescue the encircled Egyptian Third Army, and President Nixon responded by putting the United States on a nuclear alert.

In Central America, our Party will work with our democratic friends in the region to resolve the conflict in Nicaragua through peaceful rather than military means.

The Reagan Administration has involved the United States in what is essentially a civil war in an effort to overthrow an internationally recognized regime.

In sharp contrast to the situations in Cambodia and Afghanistan, where we are being asked by our friends in the region to help indigenous resistance forces oppose a foreign occupation, many of our friends in Latin America have assailed our efforts to bring down the government of Nicaragua.

Let me make it clear: Democrats hold no brief for the Sandinista government in Managua.

We believe that the Sandinistas have betrayed the democratic promises of their revolution.

And we have said repeatedly that the Sandinistas have no business interfering in the affairs of their neighbors.

Our profound disagreement with the Administration concerning Nicaragua is not over what we think of the Sandinistas, but how to deal with them.

Essentially there are three ways to solve the Nicaraguan problem.

We could rely on the contras to overthrow the Sandinista regime.

But the chances of that occurring are virtually non-existent.

Today the contras are no closer to taking power than they were a year, or two, or three years ago.

Moreover, no one seriously believes that, with or without American aid, the contras can prevail in their efforts to overthrow the Sandinistas.

This leads to our second option: We could send in the Marines to do the job which the contras are incapable of doing by themselves.

Yet I can hardly imagine a more disastrous course of action on which our country might embark.

To Americanize the war would be enormously divisive here at home, would fan the flames of anti-Americanism throughout the hemisphere, would embitter our friends and jeopardize our alliances in Europe, would hand the Soviets an immense propaganda bonanza by drawing attention away from their invasion of Afghanistan, and would probably bog down our armed forces for years to come in a protracted and bloody guerrilla war.

The American people do not want any more Cubans in our hemisphere.

But neither do they want any more Vietnams.

If our differences with Nicaragua cannot be resolved on the battlefield, then they must be settled at the bargaining table, which gets us to the third of our three possible options.

Recently Costa Rica put forth a comprehensive peace plan that appears to be drawing increasingly serious consideration in the region.

The plan calls for an immediate ceasefire to all the guerrilla wars in the region, a cutoff of aid to all rebel groups, a general amnesty, the withdrawal of all foreign military advisors, a prohibition on the creation of foreign military bases, the establishment of freedom of the press and freedom of speech, and the holding of genuinely free and fair elections.

There is no guarantee that this plan will be any more successful in bringing peace to Central America than its predecessors.

But we will never know if it can succeed if we fail to give it a chance.

So far the Administration's response to this proposal has been characterized by the kind of vacuous vacillations which belie a fear that it might actually work.

Democrats, on the other hand, would actively support this initiative on the grounds that it provides what may well be the last best hope for a peaceful settlement of the conflicts in Central America in a way that would preclude the establishment of a Soviet or Cuban military presence in the region, while simultaneously advancing the prospects for human rights and political pluralism.

Speaking of human rights, we must recognize that by advancing the prospects for democracy, we not only are faithful to our own values, but enhance the stability and security of our friends and allies as well.

Unlike the Reagan Administration, which regularly denounces the suppression of human rights in Communist countries while often remaining silent in the face of similar violations by anti-Communist regimes, a Democratic foreign policy will oppose tyranny wherever it is found.

There is something profoundly wrong with the values of an Administration that stands up for pluralism and democracy in Central America, but stands still for racism and repression in southern Africa.

There is something profoundly wrong with the values of Administration that denounces material law in Poland, but supports World Bank loans to the repressive regime in Chile.

Democrats believe that American interests can be secure only in a world that respects basic human rights, and the American interests are advanced by our taking an uncompromising stand in defense of freedom.

That is why a Democratic foreign policy will make the cause of human rights a major American priority.

Democrats would speak up on behalf of Andrei Sakharov in the Soviet Union, but we will also call for the release of Nelson Mandela in South Africa.

Democrats will denounce state-sponsored terrorism abetted by Communist countries like Bulgaria, which may have been involved in the attempted assassination of the Pope.

But we will also condemn terrorism by fascist countries like Chile, which committed murder in the streets of our nation's capital.

A Democratic foreign policy would end the double standard which has characterized the Reagan Administration's policy toward human rights.

Nowhere do our differences with this Administration come into sharper focus than in our opposition to the President's policies toward South Africa.

The Administration's policy of constructive engagement toward South Africa, which was based on the notion that by cozying up to the racist regime in Pretoria, we could somehow induce it to abandon apartheid, is a monument to moral myopia and wishful thinking.

It has made the United States appear an apologist for apartheid.

It has placed our country on the wrong side of one of the fundamental moral questions of the twentieth century.

The Administration, in opposing sanctions against South Africa, has said it is not our task to choose between blacks and whites in that country.

But that is not the choice we face.

There are, after all, many whites in South Africa who are strongly opposed to the apartheid system.

The choice that confronts us in South Africa is not a choice between black and white, but between right and wrong, between decency and indecency, between justice and injustice.

Supporters of the Administration's policy have contended that sanctions against South Africa cannot be justified since there are many other human rights-abusing regimes around the world against which we have not imposed sanctions.

Yet the United States has adopted a wide range of sanctions against other governments that violate human rights, ranging from the total embargoes we have placed on commerce with Communist countries like Cambodia, Vietnam, and Nicaragua, to the comprehensive restrictions we have placed on trade with such non-Communist countries as Libya, Uganda, and Iran.

In view of this record, the United States would have been more vulnerable to a charge of inconsistency and selective indignation had we failed to adopt sanctions against South Africa.

Democrats reject President Reagan's rapprochement with racism.

Under Democratic leadership no longer will anyone wonder where America stands.

We shall stand in total opposition to apartheid and the injustice it represents, for we well remember what President Kennedy told us, that "Those who make peaceful reform impossible will make violent revolution inevitable."

Finally, we must remember that to be effective, American foreign policy must reflect the ideals and values of the American people.

Selling arms to terrorists fails to meet this test.

Proclaiming one policy in public while pursuing its opposite in secret fails to meet this test.

Opposing repression in some countries while winking at it in others fails to meet this test.

Subverting the mechanisms of international law by mining Nicaraguan harbors and thumbing our nose at the World Court fails to meet this test.

Writing assassination manuals fails to meet this test.

Stretching or simply ignoring the law fails to meet this test.

Fifty-odd years ago, Franklin Roosevelt told an earlier generation of Americans that they had a rendezvous with destiny.

I'd like to think the same is true of this generation.

Certainly the Democratic Party stands ready to play its part.

After some years of fractious contention on foreign policy issues the Party is once more united in support of such fundamental American objectives as strengthening the NATO alliance, preventing the spread of Soviet hegemony, assuring the survivial and security of Israel, advancing the cause of nuclear nonproliferation, attacking worldwide economic want and social injustice, and everywhere encouraging the cause of human freedom and dignity.

We have before us an ambitious agenda—but one worth pursuing.

The United States can neither police the world nor retreat from it.

But together we can better the world.

And in the process, we can help America fully live up to its historic promise—a prom-

ise of strength wisely employed, of justice consistently sought, and of peace resolutely and relentlessly pursued.

THE END OF FOWLER'S REIGN OF ERROR AT THE FCC

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. ECKART. Mr. Speaker, last month an era came to an end at the Federal Communications Commission, and not a moment too soon. FCC Chairman Mark Fowler retired, ending a reign of deregulatory error the likes of which have not been seen in this country's many years of broadcast regulation.

For over 40 years, through both Republican and Democratic administrations, the broadcast industry has benefited from a balanced administration of the existing communications laws.

These laws have always prescribed a minimal intrusion by the Government into broadcasting but have also required a continuing commitment by broadcast licensees to serve the public interest.

The American broadcasting industry flourished under the stable consensus that developed over the years. It is one industry that is unmatched anywhere in the world.

But now, after 6 years of "anything goes, devil-may-care, public-be-damned deregulation," we are left with an industry facing increasing uncertainties and the growing conviction that a sense of balance must be restored.

Mark Fowler's deregulatory reign of error has turned 40 years of broadcasting regulation on its head. Broadcast licenses, and even whole networks, are selling as fast as hotcakes—and with as little thought. I fear that a whole industry is losing sight of a commitment to the public interest in a mad rush to maximnize the bottom line.

What is needed is not a radical set of new laws but a restored commitment to existing law. We need to reaffirm the truth that broadcasting is more than a business. It is also a vital public trust.

The recent House Telecommunications Subcommittee hearings on the impact of media mergers on network news operations were an important step in asserting the public interest in the public's airwaves. Another important step was taken today when the full Energy and Commerce Committee voted to report out H.R. 1934, a bill to codify the existing fairness doctrine. Final passage is expected shortly.

Mr. Speaker, I would like to submit for the RECORD an article that appeared in the Washington Post on April 20, 1987 by Tom Shales. Mr. Shales states with his usual clarity and force a sentiment that is definitive regarding Chairman Fowler's tenure at the FCC.

[From the Washington Post, May 20, 1987]

FOWLER'S WAY: FOUL IS FAIR

(By Tom Shales)

When the Federal Communications Commission declared last week that it was going to crack down on sexually explicit language in broadcasting, it was slapping itself on the wrist. Or shooting itself in the foot. The FCC was addressing a problem it helped create.

Six years of anything-goes, devil-may-care, public-be-damned deregulation of the broadcasting industry nurtured the environment in which so-called raunch radio was able to flourish. By announcing the FCC's intention to get tough, outgoing Chairman Mark S. Fowler was in effect declaring his own policies and philosophy to be colossal failures.

There are those who knew this all along.

For six years Fowler has howled a tirelessly repeated litany about how this holy entity called "the marketplace," not the government, should set the rules for broadcasting. Right. So in the matter of raunch radio, the marketplace was heard, loudly and clearly. In city after city, frisky deejays regaling listeners with lewd innuendo zoomed to the top of the ratings in their markets.

Howard Stern, the notorious smutmonger who once steamed up the Washington market, has been a smash hit in New York. After NBC radio dropped him, he went to another station and continued to thrive. If ratings are votes, thousands of listeners vote each day to keep Stern and others like him on the air, and in full filth.

In Rochester, N.Y., recently, TV station WUHF polled its viewers to see how many would like to see unedited R-rated movies in prime time. Electronic Media reports that 23,000 viewers cast yes votes and only 5,277 were opposed. Here is a case of the marketplace speaking decisively. But according to the new FCC edict on dirty words, that vote could be overturned by the very commission that has said there should be almost no regulation of broadcasting, certainly not of program content.

Now, suddenly, and just as he hotfoots it out of office, Fowler seems to be conceding his vision of an unregulated utopia was never very realistic. Indeed, for communications activists, for any of those who believe that the electronic media have enormous influence on the quality of life in America—and thus enormous obligations—it wasn't just unrealistic, it was ruinous.

What Gerald Ford said after Watergate could as well be said about the departure of Fowler; our long national nightmare is over. The clampdown on naughty language, misguided though it may be, is only the beginning of Flowler's repudiation. Clearly the most radical and arguably the most reckless chairman in the history of the FCC, Fowler will probably live to see most of his dirty work undone.

If the FCC won't regulate, Congress will force it to. A golden age of de-deregulation seems already underway. One bill now being considered would codify the principles of the Fairness Doctrine, which protects the public from one-sided coverage of controversial issues. Fowler wanted the doctrine abolished.

Fowler was the great absolutionist. He absolved broadcasters of all social responsibility. Their task was only to make money. In making money, it was imagined, the social benefits would fall into place. The precise social benefits of raunch radio are hard to discern.

So are the precise social benefits of gigantic mergers of communications companies, deemphasis on minority hiring practices at TV and radio stations, and an avalanche of witless kiddy shows built around the marketing campaigns for toys and dolls. These are some of the legacies of the Fowler era.

From the beginning, Fowlerism was doomed. It was dopey all along, predicated on foolhardy renegade suppositions. The most specious was summed up in one of Fowler's favorite catch phrases: "the print model." He must have uttered "the print model" 184,000 times since he took office. He recently invoked it repeatedly during unconvincing rote testimony at congressional hearings on the proposed Fairness Doctrine legislation.

Fowler insists that broadcasting is the same as print, merely a different publishing technology, and therefore should suffer no more regulation than print does. A child of 4 can perceive the fundamental differences between print and broadcasting, but Fowler never could, or never would.

During Fowler's tenure, Americans saw broadcasting standards plummet. Dirty radio was only part of it. The old genteel image of the citizen broadcaster concerned for his community was replaced with that of the quick-buck trafficker buying and selling stations for enormous fast profits. Fowler's FCC dumped the antitrafficking provisions.

Of course, Fowler was up front about where his sympathies lay. He saw his mission as making life easier and more profitable for business executives involved in broadcasting. No other interests seemed to concern him.

Jack Valenti, president of the Motion Picture Association of America and longtime Fowler foe, once noted, "The rules that have protected the powerless are the rules that he's trying to change." David Levy, executive director of the Caucus for Producers, Writers and Directors in Hollywood, wrote last May, "We view his years on the FCC as a disaster for the public good and as a gigantic windfall for private interests."

Throughout his tenure, Fowler made himself available to speak to cheering throngs at industry get-togethers, but, says consumer advocate Ralph Nader, repeatedly declined requests to address public interest groups involved in communications issues. "Fowler has done more damage and proposed more damage than any of the top 100 Reagan people," Nader once said, "and he's a coward in addition."

In an ironic way, the dirty-words decision last week is like the first coat of farewell tar-and-feathers for Fowler, who officially left office on Friday. Other, and much more significant, reversals and revisions of Fowlerism are sure to follow. Reaganomics and trickle-down will end up looking immortal by comparison.

So will the Twist, the Black Bottom and the Turkey Trot.

"He is passionately devoted to an ideal that he hasn't the slightest hope of understanding," one broadcasting industry insider has said of Fowler. That may be the key to his failure at the FCC; he just never quite realized that broadcasters have rightly been held to higher standards than those applied to upholsterers, haberdashers and fumigators.

"I don't consciously try to make those meetings entertaining or funny," Fowler said of FCC proceedings in a USA Today interview last June. "There are serious issues. There's a lot of money at stake." Yes. Money. A lot of money. It didn't ever dawn on Fowler that there was more at stake than that.

We are as well rid of him as the indignant villagers were well rid of Dr. Frankenstein. Fowler was one for the books: a mad scientist who kept trying to burn down his own laboratory.

DOWN IN MY FLORIDA

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. PEPPER. Mr. Speaker, I would like to take this opportunity to recognize Mr. William Rigsby, a resident of Miami for 62 years and a poet. Mr. Rigsby has woven together words that promote the beauty "Down in My Florida" and truly captures the soul of my home State. It is with great pleasure that I enter into the RECORD one of Mr. Rigsby's poems.

DOWN IN MY FLORIDA

The breezes are the softest that gently blow,
The oceans and rivers the bluest that flow,
Down in my Florida.

The flower blossoms are the sweetest that bloom,
While to me none can compare, with that tropical southern moon,
Down in my Florida.

Nowhere: do birds sing quite so sweet,
Nowhere: do hearts so lightly beat,
There's nowhere: a land so fair
So full of song,—so free of care,
As in my Florida.

Tis' there the sun shines brightest,
There orange blossoms are whitest,
The days are never quite so long,
Yet always filled with happy song,
Down in my Florida.

Therefore, I'm sure that happy land,
Our "Lord" prepares for immortal man is built kinda on a plan,
As my Florida.

—*William E. Rigsby.*

SCHOLARSHIP MONEY AWARDED FOR WINNING ESSAYS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. BUECHNER. Mr. Speaker, I rise today to congratulate three outstanding young people from my district who will be awarded scholarship money from the Creve Coeur Chamber of Commerce for their winning essays.

The winners are Jonathan Levy, of Parkway North High School and the recipient of a $1,500 scholarship; Julie Cox, of Westminster Christian Academy and the recipient of a $1,000 scholarship; and Ethan Gross, of Ladue High School and the recipient of a $700 scholarship. Their winning essays centered on the running of the Federal Government.

These young adults understand clearly that the burgeoning national debt and the budget deficit are serious problems that must be dealt with quickly. They also know that our inability to follow general business principles have resulted in the largest deficits in this Government's history.

This kind of clear thinking by our Nation's future leaders gives cause for optimism. These three outstanding young people have demonstrated not only their first-class academic abilities, but the rare characteristics of leadership that will serve this country well.

In this, the year of the Bicentennial of our Constitution, the true meaning of the document, its basic concept of freedom with responsibility, is particularly clear when viewed with the wonderment and enthusiasm of our young citizens. From time to time, it is refreshing and, I think, instructive to think about the greatness of our country, and our constitutional government, from a youthful perspective.

Our core values and beliefs are shaped by the previous generations. And, so it is especially heartening to see the basic American values that are enshrined in our Constitution passed on to our young generation.

Mr. Speaker, I commend these three talented young people—Jonathan Levy, Julie Cox, and Ethan Gross—for their extraordinary gift for the written word, and their youthful insight. I wish Jonathan, Julie, and Ethan my sincere congratulations and continued success in their academic pursuits.

TRIBUTE TO JOHN MARSHALL HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. WAXMAN. Mr. Speaker, it is with much excitement and great pride that I call to your attention and the attention of this House to the first-place victory of Marshall High School of Los Angeles in the national academic decathlon.

Marshall High students competed with teams from 38 States. They scored a stunning victory with 49,369 points out of a possible 60,000.

The academic decathlon attracted almost 400 contestants—including students at the A, B, and C grade average levels. The contest includes six multiple choice tests, speeches, personal interviews, essays, and a grueling round-robin super quiz on constitutional law.

John Marshall High School and the homes of virtually all the academic decathlon contestants fall within my district. Marshall's winning team reflects the rich ethnic diversity of the district.

Contestants and observers agree that the team's success was due not only to the brilliance of the students, but also to the tremendous effort made by their coach, David Tokofsky, his assistant, Ann Choi-Rho, and Marshall's principal, Don Hahn.

David Florey, a Marshall senior in the C average category, beat out every other student in the competition by scoring nearly 9,000 points. Florey won a stunning 89 percent of possible points.

The winning team included: David Chan, Silva Darbinian, Matthew Elstein, David Florey, Gideon Javier, Susie Kim, Ethan McKinney, Christopher Nichelson, Stephanie Shelton, Ben Wolf, and Howard Wu.

I am particularly proud of the five team members of foreign birth: David Chan from Hong Kong, Silva Darbinian from Soviet Armenia, Gideon Javier from the Philippines, Susie Kim from South Korea, and Howard Wu from the People's Republic of China. These young people symbolize the creativity, drive, and vitality added to our Nation's life by citizens of foreign birth.

I know that people from all over the world who have settled in Los Angeles take deep satisfaction in the achievements of these fine youths.

As thrilling as the Marshall team's victory was, the reaction in Los Angeles was equally inspiring. The team, its coaches, and 24 faculty and parents who joined Principal Hahn on the trip to Dallas were met by hundreds of exultant classmates, neighbors, and friends. They were welcomed at the airport by the school band and a large contingent of cheerleaders.

The John Marshall academic decathlon team came back with impressive tangible gains in scholarships, medals, and awards. However, equally important, the Marshall victory showed the broad public a side of our young people often neglected.

At long last, attention was given to teenagers, not for athletic prowess, drug abuse, or unwanted pregnancies, but for keen intelligence and the ability to make an Herculean effort to win for themselves, their school, and their city a never to be forgotten moment of glory.

I ask my colleagues in the House of Representatives to join me in saluting John Marshall High School of Los Angeles and its triumphant academic decathlon team!

R.S. McCLELLAND RETIRES

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. TAYLOR. Mr. Speaker, On May 23, 1987, R.S. McClelland, Jr., the chairman and chief executive office of the Missouri Telephone Co. will retire.

While he will remain as the chairman of the board, Bob will not participate in the day-to-day operations of the company.

Bob began his telephone career in 1951 and his contribution to the industry over the past 36 years has been significant indeed.

He has served on the board of directors and the executive committee of the U.S. Telephone Association, as well as the Missouri Telephone Association where he was president in 1976–1977.

He has been a member of the board and president of the National REA Telephone Association (now NRTA). He was a board member of OPASTCO as well as the Theodore Gary Chapter of I.T.P.A.

Bob has been very active in civic affairs and has devoted considerable time and effort as a member of the board of trustees of Southwest Baptist University at Bolivar, MO. He was vice chairman of the board in 1971.

Those of us who have had the opportunity to know Bob McClelland have always enjoyed his dry wit and humor. He is astute, honest to the core, and is the kind of man you are proud to call a friend.

Bob and his wife Bette, will retire in Springfield, MO where I know they will continue to be active in community affairs albeit at a little slower pace.

AN ANTIDEMOCRATIC TONE IN CENTRAL AMERICA PROTEST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. BEREUTER. Mr. Speaker, recently, the Omaha World-Herald published an incisive, thoughtful editorial on the subject of the recent demonstrations here in Washington that protested U.S. policy in Central America. I commend it to the attention of my colleagues.

[From the Omaha World-Herald, Apr. 25, 1987]

AN ANTIDEMOCRATIC TONE IN CENTRAL AMERICA PROTEST

Not everyone who went to Washington, D.C., for this weekend's demonstration against U.S. policies in Central America may be aware of a behind-the-scenes struggle over the demonstration's purpose. But the struggle is worth knowing about. It goes to the heart of one of the major issues involved in the protests.

Organizational activities have been proceeding since last fall. Sponsors include labor unions, church groups and political organizations. Not all the sponsors merely oppose U.S. policies. A few have openly supported the Sandinistas in Nicaragua and the Marxist-Leninist movement that is trying to overthrow the democratically elected government of El Salvador.

AFL-CIO President Lane Kirkland objected to having member unions associated with the demonstrators who supported Marxism in Central America. According to an account by Morton Kondracke in The New Republic magazine, Kirkland wrote a letter to other union leaders urging them to withdraw their support.

"It is possible to criticize the Reagan administration's policies toward Nicaragua without embracing the Sandinista regime," Kirkland wrote. "It is possible to criticize the administration's policies toward El Salvador without supporting the guerrilla movement."

Protests from Kirkland and other labor leaders got the organizers' attention. A group of seven religious leaders wrote to Kirkland denying that the idea was to demand a cutoff of all U.S. aid to democratic governments in Central America. Speaking invitations for a representative of the Sandinistas and a Salvadoran dissident were withdrawn, a demonstration leader said, because of concerns expressed by organized labor.

The issue that caused Kirkland to become concerned can't be glossed over so easily. Despite whatever changes may have been made to reduce the objections, the fact remains, as Kondracke pointed out, that "a vast, committed network of church, labor, peace-and-justice, student and women's groups has grown up that opposes U.S. policy in Central America—not just aid to the contras but also efforts to aid the elected governments of Presidents Duarte in Salvador and Vinicio Cerezo in Guatemala."

It is one thing to take the position that the United States is going about it all wrong in trying to encourage democracy, justice and stability in Central America. To take a position favoring the overthrow of democratically elected governments by Communist insurgents is quite another.

The American labor movement has a record of patriotism and anti-communism. It is no wonder that some of its top leaders have found the political agenda of some of the demonstration's organizers to be too much to swallow.

CONGRATULATIONS TO JONATHAN TONY FOR WINNING ESSAY

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. BEUCHNER. Mr. Speaker, I rise today to congratulate a young man from my district who was one of the winners of an essay contest on the bicentennial of the Constitution. His name is Jonathan Tony, a third-grader at Carrollton Elementary School in Bridgeton.

The true meaning of our Constitution, its basic concept of freedom with responsibility, is particularly clear when viewed with the wonderment and enthusiasm of a young person. From time to time, it is refreshing to think about the greatness of our country, and its founding document, from a youthful perspective.

In his essay, Jonathan imagined taking a time machine back to Philadelphia's Independence Hall where he saw George Washington, James Madison, Ben Franklin, and Jonathan Dayton. He watched a debate on the length of the President's term, then invoked the Bill of Rights when a policeman arrested him for eavesdropping on the secret meeting.

There's very little more important today than holding great knowledge of the history that has shaped our Nation. This is especially important for our young people, who will become the world leaders of tomorrow.

Our core values and beliefs are shaped by previous generations. And, so it is especially heartening to see the basic values that are enshrined in the Constitution passed on to our young generation.

Secretary of Education William Bennett, who named all of the winners, called the real message of the Constitution "particularly clear when seen through children's eyes, with children's wonder and simple clarity."

Mr. Speaker, I commend Jonathan Tony for his extraordinary gift for the written word, and his youthful insight into the meaning of our Constitution. I wish Jonathan my sincere congratulations and continued success in his academic pursuits.

HONORING A HEALTH CARE LEADER, SISTER ROSEMARY DONLEY, EXECUTIVE VICE PRESIDENT OF CATHOLIC UNIVERSITY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. WALGREN. Mr. Speaker, we all know some people that have such special qualities that words cannot encompass them. Sister Rosemary Donley, who has recently been appointed to serve as executive vice president of Catholic University, is such a person.

As a Sister of Charity, Sister Rosemary has kept her life centered on the values of her Order. How extraordinary it is to see someone who contributes so much to individuals recognized for having so much to contribute to the administration of such a complex institution as Catholic University.

Recently the spring issue of the university's Journal of Contemporary Health Law and Policy was dedicated to Sister Rosemary in recognition of her contribution as dean of the Catholic University School of Nursing. It is a wonderful testament to a remarkable person who is making the world a much better place for life.

DEDICATION

On September 1, 1986, the sixth Dean of the School of Nursing of The Catholic University of America became the third Executive Vice President of the University. It is with unbounded joy and great pride that The Board of Editors of The Journal of Contemporary Health Law and Policy dedicates this volume in honor of Professor Rosemary Donley, S.C.

After serving seven outstanding years as the Dean of the School of Nursing and overseeing the ambitious development of the School to the point that it received national recognition by being ranked ninth in the country in 1985 by deans and nurse researchers associated with accredited schools of nursing, Sister Donley now directs her considerable administrative talents to the University, itself, as it moves into its second one hundred years. Her infectious wit and graceful charm complement her total dedication to her work with her colleagues, to her students, the University, to excellence and creativity in scholarship, and to the honorable devotion to her vows as a Sister of Charity.

Her record of professional accomplishment is one that is writ in bold print for it is one of total service to her profession and of truly remarkable achievement. As a Sister of Charity, Sister Donley has spent her professional life in search of answers to the complex medical-legal-policy questions that have proliferated in the high technology milieu of health care in the United States in the latter half of the twentieth century. She has brought to the search basic skills in thinking and analyzing the Jesuit tradition first acquired during her baccalaureate preparation at St. Louis University and fine-tuned in graduate work at the University of Pittsburgh where she earned a Master's Degree in Nursing Education and Ph.D. in Higher Education.

Her understanding of multifarious health issues in this country and the political reali-

ties surrounding the federal legislative process in health matters was strengthened by her selection as a Robert Wood Johnson Health Policy Fellow under a grant from the Robert Wood Johnson Foundation and the Institute of Medicine of the National Academy of Science in 1977. During her fellowship year, Sister Donley worked in the office of Congressman Doug Walgren of Pennsylvania and obtained invaluable experiences with the subcommittee on Health and Environment of the Interstate and Foreign Commerce Committee as well as with the majority staff of the Senate's Human Resources Committee, which was then chaired by Senator Harrison Williams. That year on Capitol Hill afforded her an opportunity to gain an expanded and deepened grasp of the American polictical process but also enabled her to build a network of congressional staff members who provide her with continuing access to the development of current health legislation. This network has also enriched graduate nursing students with professional opportunities to become involved with the political health scene as part of their required course work for their degrees. As a result of her influence in the Nursing School, graduates of the program are better prepared to contribute to health policy formulation when they assume leadership positions in nursing education and nursing administration.

Sister Donley has shared her knowledge and insights on health issues and especially on the role nurses can play in the formulation of policies and health legislation in the future. She has accomplished this with enthusiasm, charisma and a genuine concern for people—those in need of care and those responsible for that care in their professional positions at all levels of nursing. Her reflections on health care, health policy and nursing have appeared in chapters in numerous books and in approximately forty journals.

Sister's scholarship and contributions to nursing have had an impact on the quality of nursing care provided by nurses who have been influenced by her thoughtful and dynamic presentations on nursing and health care in the country and, indeed, throughout the world. As a board member of the Professional Seminar Consultants, Inc., she has been Seminar Director and Study Tour Leader to the U.S.S.R. and to Israel in 1985, The People's Republic of China in 1984 and 1982, Spain in 1983, and Kenya in 1981. As Senior Editor of Image: The Journal of Nursing Scholarship, she was invited to be program chairperson of the International Association of Nurse Editors in England in 1984.

In this country, her numerous presentations to professional groups include speeches on Health Care Financing, Prospective Payment Systems and DRG's the new Federalism, Health Perspective for the 1980's Health Care Delivery, and Leadership and Health Care Policy. She has maintained special interest in the National Student Nurses' Association and addressed them at their national meetings. Of particular note is her participation as the Harriet Osburn Jackell Lecturer at St. Vincent's Hospital in Portland, Oregon, and the Sr. Annetta Walsh Lecturer at St. Xavier's College in Chicago, Illinois.

Currently, Sister Rosemary is a Member of the Secretary of the Navy's Health Care Advisory Committee, the National Advisory Committee for the Robert Wood Johnson's Program for Health Care for the Homeless, The Mission Board of the Bon Secours Health Corporation, the Corporate Board of National Childrens's Medical Center, Washington, D.C. and the Mayor of The District of Columbia's Committee on Corrections.

She holds appointments on the Editorial Board of Educations Records, Nursing Success Today and The Journal of Contemporary Health Law and Policy and is President of the National League for Nursing. In the past, her activities with Sigma Theta Tau, the National Honor Society in Nursing, included National President (1975-1981) and National First Vice President (1971-1974). Her many contributions to nursing have been recognized by awards as a distinguished nursing leader and educator including the conferal of honorary degrees from Villanova University (1985) and Felician College (1981) as well as recipient of the Outstanding Alumna Award of the Department of Higher Education at the University of Pittsburgh (1985), the Distinguished Service Award of Sigma Theta Tau (1981); the Alumni Merit Award of St. Louis University (1980); and recognition as a Fellow at The American Academy of Nursing (1980).

In the School of Nursing, Sister has been truly a woman of the eighties—a woman of spirit and one, for all times. Her generous sharing of herself, her talents and her knowledge have encouraged the development of faculty members, expanded their opportunities for scholarship and instilled an excitement for teaching and learning among faculty and students alike. Beyond the School of Nursing, Sister Rosemary embodies a wonderful role model for women of the nineties and, indeed, the twenty-first century. She has been a protagonist in improving the delivery system for health care. Her ability to challenge, to encourage, and to support others has had a profound impact on nurses and on the health care they provide. Her departure from the Nursing School Deanship will be a loss—but her influence will remain in commitment to improved health care, contributions to the profession, involvement in research and maintaining the quality of educational programs not only in the School of Nursing but in the total University.

Long before The Journal of Contemporary Health Law and Policy became a reality, Sister Donley encouraged and supported its planning and development. Now that it is established, she has continued to support its growth in thought, word and deed and has become a most valued friend. It is altogether fitting that we recognize her support and also mark her selfless commitment to the School of Nursing and to our University by dedicating this volume in her honor; for, in reality, Sister Rosemary's life exemplifies the very motto of the University, Deus Mea Lux Est.

The Student Editorial Board
MARY JEAN FLAHERTY, S.C.
GEORGE P. SMITH, II

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PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes No. 102 through No. 115 Monday, May 11, and Tuesday, May 12. Had I been present on the House floor, I would have cast my votes in the following manner:

Roll No. 102, "yea", Journal approval.
Roll No. 103, "no", Hunter amendment.
Roll No. 104, "aye", Hunter amendment.
Roll No. 105, "aye", Young amendment.

Roll No. 106, "no", Armey amendment.
Roll No. 107, "no", Hefley amendment.
Roll No. 108, "aye", Dellums amendment.
Roll No. 109, "no", Rowland amendment.
Roll No. 110, "aye", Bennett amendment.
Roll No. 111, "no", Kemp amendment.
Roll No. 112, "aye", McCloskey amendment.
Roll No. 113, "no", Courter amendment.
Roll No. 114, "aye", AuCoin amendment.
Roll No. 115, "no", Darden amendment.

SLAIN POLICEMAN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. KANJORSKI. Mr. Speaker, few of us ever risk our lives in the course of a day's work, yet our Nation's police officers are called upon to do just this every day of their lives. I would like to take this opportunity to draw your attention to those brave men and women who have died in service to their communities.

On Friday, May 15, the Grand Ladies Auxiliary Lodge of the Fraternal Order of Police will hold a special memorial service honoring those police officers who have fallen in the line of duty during the past year on the west front of the Capitol Building. Among those being honored for their brave service is Patrolman Richard Janczewski of Avoca, PA.

Richard Janczewski was 23 years old when he was shot and killed last Memorial Day while patrolling a wooded area near the Scranton/Wilkes-Barre Airport. He had been responding to a complaint about a man who was considered to be unbalanced when he was slayed. The man, who many believe had no intention of shooting Officer Janczewski, may have panicked in his state of confusion. Sadly, we will never know the exact passing of events for this man took his own life after committing the murder.

To give one's life in the effort to save the lives of others is the most precious gift any of us have to give, and no memorial can ever express adequate gratitude. To the families of those who lost their lives and particularly to Officer Janczewski's young widow, Julie, we who have benefited from their services can bestow honor upon their names and remember their deeds. This small tribute is the least we can do.

Mr. Speaker, we too often fail to recognize the everyday bravery our police officers exhibit in their efforts to protect the citizens of this Nation. Perhaps a fellow officer of Richard Janczewski said it best,

> All the police officers around here are like a brotherhood. We see things like this happen every day. But when it happens to one of our own * * * it's hard to take.

It is especially difficult when one is so young. It is an honor for me to bring to our attention the deeds of Police Officer Richard Janczewski and of all the other police officers across the country who are being honored for their sacrifices to upholding the laws of this Nation.

JAMES O. BROWN: TEACHING US ABOUT LIFE

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. DERRICK. Mr. Speaker, I rise to honor one of South Carolina's finest educators and one of the most decent men I have ever known, James O. Brown, on the occasion of his pending retirement.

J.O. was born on a plantation in Marlboro County 37 years ago. The road he has traveled from sharecropper's son to principal of A.L. Corbett Middle School in Wagener, SC has been a long—and sometimes difficult—one. But his career—as a student, an athlete, a solider and now an educator—has been marked by a determination seldom found in individuals.

He is respected by his colleagues, admired by his students and loved by his family.

He has instilled in Corbett's teaching staff his long-held beliefs that our schools need discipline and that our instructors deserve respect. "We need discipline," he recently told the Aiken Standard, "because without it, the teachers can't teach and the other students can't learn."

We have learned much from J.O. Brown through the years, not just about education, but about life in general.

As part of that same newspaper profile, J.O. also spoke of his life in Aiken County. "Looking back," he remarked, "I think maybe it was predestined that I would come to Wagener. After living here and working here for several years, I looked around and realized that I was enjoying Wagener. It was a good place to be, and a good place to raise a family."

In fact, J.O.—through his accomplishments in the field of education—has made Wagener a great place to be and to raise a family. All of Aiken County owes him a debt of gratitude. And I, Mr. Speaker, owe him my thanks for his valued friendship over the years.

JACK BUECHNER HONORS ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. BUECHNER. Mr. Speaker, I rise today to honor the Anti-Defamation League of B'nai Brith on the occasion of their annual Americanism award dinner this evening in St. Louis. As an honorary chairman of the dinner, I would like to express a few thoughts about the ADL and the recipient of the ADL's "Americanism" award.

Tonight's recipient of this year's Americanism award is my good friend and Missouri's Governor, John Ashcroft. I can think of no other person more deserving of this award than John. He indeed embodies that dedication to the democratic ideals we all share and respect.

The Anti-Defamation League has done much good work not only for the Jewish people, but has worked for the fair treatment of all citizen's alike. It is fitting that as the ADL enters its 75th anniversary it has been able to remain true to their ideals as drafted in their charter of 1919. They have made an outstanding contribution to the country, to State and to local communities to end discrimination and support the civil rights of all people.

I must also mention the excellent work that the ADL has done to aid Israel and the plight of Jews all over the world. From issues such as United States defense spending for Israel to Soviet Jewry, and to issues that are just emerging such as an international peace conference, the ADL has always been there in support of such efforts.

I wish the Anti-Defamation League continued success as they work on behalf of human rights in this country and worldwide.

THE NATIONAL COLLEGE SAVINGS INCENTIVE ACT

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. FLIPPO. Mr. Speaker, I am pleased to introduce today a bill that would help parents and families cope with the rising costs of a college education. The National College Savings Incentive Act is designed to assist parents in planning and providing for the postsecondary education of their children.

A recent study published by the Carnegie Foundation for the Advancement of Teaching found that college students and their families bear the brunt of college costs. According to the foundation president, Ernest Boyer, "Family resources and students' own earnings together cover 72 percent of college costs, leaving the rest to be made up by grants, loans, and scholarships."

The rising costs of a college education, however, threaten to undermine the ability of future generations of college students to finance a college degree from a 4-year institution. Since 1970, the price of a college education has increased faster than the Consumer Price Index. The rate of increase has accelerated in the 1980's.

The total changes (tuition and fees, room and board) at an average cost public university increased by 143 percent between the 1973–74 academic year and 1985–86. The average increase has been much higher among private universities.

The average annual cost at a 4-year public institution for a commuting student rose from around $2,900 in the 1980–81 academic year to $4,240 in 1985–86. The cost of attending a private 4-year institution rose from approximately $5,400 to around $8,350 over the same time period. If similar trends persist in the future, and from all indications they will, it will be virtually impossible for many of our brightest young people to obtain a college degree.

The rising costs of higher education have triggered the development of new and innovative programs to help families deal with the

problem of rising college costs. A number of States and institutions are following the example of the State of Michigan in implementing an innovative prepaid tuition program.

Under the Michigan plan, the parents, grandparents, or any other interested party may guarantee the college education of a child by allowing them to pay a child's college tuition at any time after the child's birth. The prepaid tuition payment is pooled together with similar payments from other parents in an invested sinking fund. When a participating child has been accepted by and enrolls at the school of his or her choice, the trust will pay the tuition of the child without further tuition cost to the child or his or her family.

The effectiveness of the prepaid tuition plans are limited by Federal gift tax and income tax laws. The purpose of the bill I am introducing today is to clarify Federal income tax treatment of the prepayments of the cost of higher education and insure proper administration of trust funds. The essential features of this bill are as follows:

A state, an education institution (public or private) or a consortium of educational institutions (public or private) would be permitted to establish programs guaranteeing a package of prepaid educational benefits.

The sponsored plans could guarantee a broad range of educational benefits including tuition and fees, room and board, and/or books.

Potential sponsors would include parents, grandparents, guardians or any other individual or entity willing to guarantee payments including employers.

Prepayments could be lump sum or serial.

Portability of benefits would be permitted.

No Federal tax deduction would be allowed for the prepayment. Thus, financing would be with after-tax dollars.

No Federal tax would be imposed on interest earned on trust fund investments.

No Federal tax would be imposed on a sponsor or a beneficiary upon receipt of educational benefits.

The National College Savings Incentive Act represents sound public policy. It is an appropriate response to a growing national problem. The young people of our nation are slowly but surely losing access to higher education. The rising cost of attending college is pricing this option out of the reach of far too many of our talented youngsters. The bill I am submitting today will help assist parents and families deal with the high costs of educating their children. The education guarantee programs have an additional benefit to society in that they encourage savings.

This bill does not represent a new Federal program or initiative. It is an appropriate Federal response to innovative new ideas and concepts initiated by the various States and private institutions. Federal legislation is necessary to make the State and local program work more effectively and efficiently.

Mr. Speaker, I urge my colleagues to support the National College Savings Incentive Act.

MENTAL HEALTH DISCRIMINATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. FASCELL. Mr. Speaker, today I am joining several of our colleagues in sponsoring H.R. 1067, the Medicare Mental Illness Non-Discrimination Act of 1987. I am pleased to join in sponsoring this measure because it addresses a long-standing inequity in the treatment of mental health illness under the Medicare Program. Since the inception of the Medicare Program, the maximum reimbursement for services provided by a psychiatrist or non-psychiatric physician providing for the treatment of mental, psychoneurotic, or personality disorder has been limited to $250 per calendar year for each Medicare beneficiary. In constant dollars, this benefit is now worth approximately $57 a year. While the benefits for physical illnesses have increased throughout the program, treatment for mental illnesses has been stymied.

Such discriminatory practices over the last two decades leave us with a very difficult problem today. While it is clearly time to curtail the prejudices against mental health in our Medicare system, CBO estimates the cost of this legislation at as much as $150 million in 1988 and between $1.5 and $2 billion over the next 5 years. At a time of severe cutbacks and budget restrictions, this sum is very hard to swallow.

The American Psychiatric Association acknowledges this financial dilemma and has stated its support for an incremental increase. I have joined in sponsoring H.R. 1067 to state my support for ending this historic discrimination. I urge our colleagues to join in supporting this principle and to work with the sponsors of the bill to find an affordable solution to this problem and begin alleviating this inequity.

TRIBUTE TO CHINN HO

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. AKAKA. Mr. Speaker, it is with profound sadness that I report the passing yesterday of one of Hawaii's greatest sons, Chinn Ho. I know that the Members of this House will join me in mourning his death, and extending our wholehearted sympathies to his wife, Betty; his sons, Stuart, Dean, and John; his daughters, Karen, Robin, and Heather; his brothers, Leonard and William; his sisters, Alice, Hilda, and Laura; and, of course, his 16 grandchildren.

To say that Chinn Ho lived a long life is clear; he died at the age of 83. To say that he lived a full life, however, is an understatement; Chinn Ho may well have coined the phrase.

An exemplary individual, the friendship that we developed and built over the years is a friendship that I cannot forget. I think his loss is not only my loss, and a loss to those who loved him, but it is really a loss to those who make Hawaii their home.

From a professional point of view, Chinn Ho was a financier extraordinaire; a genius who has set a pace for growth in Hawaii that has led us to where we are today, and that ensures great potential for us in the future.

Of course, the real test of a person's success in their profession is the manner in which he is viewed by his peers. Well, I can say with great confidence that Chinn Ho was held only in the highest esteem. Just listen to some of the comments made in a recent Honolulu Advertiser article:

Chinn Ho was my best friend and teacher. He made a mark on Hawaii that can never be erased.* * *—Philip Gialanella, publisher, Honolulu Advertiser.

For those of us who started in the streets, he was the original Horatio Alger. He was a real role model and we all looked up to him.—Walter Dods, president, First Hawaiian Bank.

Chinn Ho was a very, very special man with a keen ability to seek out good investments. He had the boldness and fortitude to take large positions in certain investments, and stick with it. He had a special place at the firm.—Cedric Chun, vice president, Dean Witter Reynolds Inc.

Rising from modest, humble beginnings, Chinn Ho was a man of uncommon intellect, energy, and compassion. It was precisely this combination that led him to achieve the local, even global, recognition that he knew. A model of commitment, of service, I believe that even in death his influence will live on.

On a personal note, I remember Chinn Ho, as I think all who know him do, with joy, with inspiration, and certainly with concern for his fellow man.

I hope each and every one of the family and friends will find solace in knowing that today we mourn Chinn Ho's death, but for years to come we will celebrate his life.

U.S. HEALTH SERVICE INTRODUCTION STATEMENT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. DELLUMS. Mr. Speaker, today I am reintroducing the U.S. Health Service Act, a bill to establish a National Health Service to provide high quality, comprehensive health care for all Americans.

Each Congress, starting with the 95th Congress, I have introduced bills to create a National Health Service. In the 99th Congress this bill was H.R. 2049.

There has been a flurry of interest in recent months concerning proposals for catastrophic health insurance. However, even the most comprehensive of the proposed bills provides only partial coverage even to the limited population group it covers.

Once again, we are pursuing a piecemeal approach to the problems of our Nation's health. Catastrophic health insurance, while potentially helpful for addressing the problem of financial disaster as the result of a costly ill-

ness, does nothing for the provision of comprehensive care to the population.

It is time to begin to approach the problem of health and health care in a rigorous and comprehensive way. In the past year, a number of groups concerned with the increasing health care crisis have banded together to promote the idea of a National Health Service Program. This renewed interest has led to the rebirth of the Coalition for a National Health Service. The coalition, supported by leading figures in the health field, as well as such groups as the Gray Panthers, has become instrumental in promoting the program as well as organizing local campaigns in support of a National Health Service.

Last November the people of Massachusetts overwhelmingly endorsed a ballot measure calling for a National Health Program. Numerous other jurisdictions have placed or are placing referenda measures on their ballots in support of such legislation and popular support is rapidly increasing.

A renewed indication of support this year is important to further the growing efforts across the country.

Detailed explanations of my legislation are available from my office.

TRIBUTE TO RALPH FASANELLA

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. ATKINS. Mr. Speaker, on May 18, 1987, the citizens of Lawrence, MA will salute the artist Ralph Fasanella, who for over 40 years has used the tools of his trade to realistically portray the life of the American working class. Today, I would like to join in this tribute to this gifted artist.

Born to working class parents, Fasanella has long been sensitive to the struggles and tribulations of the working class. As a young man, he was actively involved in the labor movement, and then in the mid-1940's, Fasanella turned his energies toward the canvas.

Beginning with little formal training as an artist, Fasanella taught himself to paint through trial and error. Over time, he perfected his skills as an artist—some have called him the best American primitive artist since Grandma Moses—but he never forgot his working class roots. Throughout his career the central themes of his work were the struggles of labor and the lifestyle of those who made up its work force. His over 100 paintings capture the essence of the movement and express the artist's utmost respect for the American laborer.

In the late 1970's, Fasanella's deep concern and personal interest in the history of the U.S. labor movement led him to the city of Lawrence—the site of the 1912 bread and roses strike. This strike, the first of its kind to include both disgruntled men and women, marked a significant step in the rise of the labor movement in the country.

Fasanella spent 2 years researching the strike, and the lives of the textile workers who lived in Lawrence in the early 20th century. His stay in Lawrence inspired his painting of 17 works of art, included among them is "Lawrence 1912: Bread and Roses Strike."

Mr. Speaker, this year has been designated the "year of the worker" in the city of Lawrence. It is therefore without question appropriate to honor a man who has spent the better part of his life depicting the life of the American laborer for all the world to see. Through Ralph Fasanella's works, the spirit of the American labor movement endures today.

IN APPRECIATION OF THE WORK OF THE COMMUNITY LEADER STEPHEN LOUIS EPSTEIN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. SCHUMER. Mr. Speaker, I would like to call the attention of my colleagues to the longstanding commitment and contributions of an outstanding member of our community, Stephen Louis Epstein.

Known as the "Sheriff of Nottingham" for his tireless work on behalf of the Nottingham Park area of Brooklyn, Mr. Epstein tonight retires after 15 years of service to the Nottingham Association. Appointed to the board of directors of the Nottingham Association in 1972, he was elected vice president in 1976 and president in 1978.

Under his excellent direction, the Nottingham Association has grown into a vibrant and active association with 1,200 member families, both neighborhood homeowners and tenants. One of Mr. Epstein's most important roles in the association has been that of radio monitor and backup man to the Nottingham Association car patrol.

As editor since 1976 of the Nottingham Park News, the local newspaper of the Nottingham area, Mr. Epstein has won several awards for his editorial excellence.

Mr. Epstein has served New York City since 1964 as a teacher in the New York City Board of Education schools, having received a masters degree in elementary education from Long Island University. He has received several awards for his community service and for his activism as a member of the United Federation of Teachers. He is married to Loretta Bendis; Lori and Steve are the proud parents of two sons, David and Andrew.

Stephen Epstein's leadership has been an outstanding example to the community. I ask my colleagues to join me today in thanking Stephen Epstein for his tireless work on behalf of the community, and in wishing him and his family good luck and good health.

HAPPY 70TH BIRTHDAY TO DICK SULLIVAN

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. HOWARD. Mr. Speaker, Sunday, May 17, is the 70th birthday of Richard J. Sullivan, a man who has served the public for 30 years as the chief counsel of the Committee on Public Works and Transportation.

Mr. Sullivan arrived in Washington to begin serving as the committee's chief counsel in 1957 during the Presidency of Dwight D. Eisenhower and just 1 year after the approval of the Interstate Highway System. He has been here ever since, which is longer than virtually all of the Members of the House.

Although he came to the committee from the Bronx, NY, he has served with chairmen from Maryland, Minnesota, Alabama, California, and New Jersey as well as New York. There has not been a public works project or public works bill in three decades on which he has not left his mark.

As the chief counsel, Mr. Sullivan has overseen the drafting of some landmark legislation in the Public Works Committee. There has been the Economic Development Act of 1965, the Aviation and Airway Improvement Act of 1970, the Clean Water Act of 1972, the Airline Deregulation Act of 1978, the Motor Vehicle Reform Act of 1980, and the Surface Transportation Assistance Act of 1982, to name just a few. In the last few months, the committee has reauthorized the Superfund Program, the Clean Water Act, the highway transit program and has passed a major overhaul of the Nation's water resources policy.

In his three decades on the committee, Dick has become a master at getting things done. With his direct, blunt and gruff style, he can get things moving in the Halls of Congress and in other parts of Washington as well. Without Dick's wise political and legal counsel, the Public Works and Transportation Committee would move forward much less surely.

Richard J. Sullivan was born in the Bronx 70 years ago to Joseph and Katherine Sullivan. He received a B.A. degree from Fordham University and an LL.B. from Fordham Law School. He served during World War II in North Africa, Sicily, and the European Theater as an infantryman. He was awarded eight battle stars and a combat infantry badge. Dick and Julie Sullivan celebrate their 35th wedding anniversary this year.

It has been an honor to have known Dick since I came to Congress in 1965. He has been a trusted friend, legal counselor and general adviser. In recent years, he has talked about retirement but I have squelched that. I believe he is too valuable to the Congress to allow him to retire.

I want to wish Dick Sullivan a happy 70th birthday and thank him for the many years of public service. I know all my colleagues will join in that wish with me.

AFFORDABLE CHILD CARE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. BIAGGI. Mr. Speaker, I would like to call to the attention of my colleagues the remarks of Secretary of Labor William E. Brock, as he recently addressed the first national conference on work and family issues. As Secretary Brock stated, the major changes in our work force, including the rapidly increasing number

of dual-earner and single-parent families, will affect our Nation's productivity and competitiveness. As we strive to increase our competitiveness, Secretary Brock questions, "whether or not we can find a way to achieve that productivity without sacrificing our human values and our greatest national strength—our families."

One of the biggest problems facing our families today is the problem of quality and affordable child care. Almost half of our Nation's mothers return to work before their child's first birthday. Over half of the mothers of children under 3 are in the labor force and 70 percent of the mothers of school age children are either working or looking for work. However, with the growing number of working mothers, we have not seen adequate child care. As many as 7 million children under the age of 13 are left alone for some part of their day. This cannot continue.

That is why I have introduced legislation which addresses the issue of quality and affordable child care. What better place to have child care than at the location of parental employment. The Department of Labor shines as an example with one of the few Federal onsite day care centers. My legislation seeks to ensure more employees can have the advantage of onsite day care, by providing a tax incentive to employers to establish day care facilities.

Secretary Brock said, "investments in child care have both a short-term and a long-term payoff for productivity. In the short-run, safe, adequate, affordable and available child care helps resolve the most serious dilemma faced by working parents. It helps make them better, less worried, less harried, more productive workers." The national employer supported child care project survey of onsite day care concluded that onsite child care resulted in a 65-percent reduction in employee turnover, a 53-percent reduction in employee absenteeism, an 85-percent increase in employee recruitment, and a 90-percent increase in employee morale. Who can argue with results like these?

I agree with Secretary Brock that the organization that can adapt to the changing needs of the work force are the organization that will prosper. I further concur that the "organizations which do not adjust to these changes will not be able to recruit and retain the skilled and committed employees who are essential to a company's success." I urge my colleagues to look at H.R. 541, the Onsite Day Care Privatization Act. This is a relatively inexpensive method to address a potentially expensive problem. We must increase our competitiveness. We must encourage our Nation's employers to join with us in changing to meet the new needs of employees. I urge my colleagues to cosponsor H.R. 541. Not only will you be helping employers, you will be helping parents and children, and above all, our national competitiveness.

BILL TO CHANGE THE CLASSIFICATION OF LEATHER BELTS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. MATSUI. Mr. Speaker, today I am introducing a bill to change the classification of leather belts, and parts thereof, designed to carry tools. They are worn by construction workers, carpenters, linemen, and other workers. As such they are articles of apparel in that they are worn on the person and are essential articles to the men and women who wear them in their trades. Yet it appears that these articles are not being classified under TSUS item 761.60, leather apparel belts, but are being classified in the basket category for leather articles, other than footwear uppers in TSUSA item 791.9020.

To correct this misclassification, the proposed legislation would establish the correct classification by an addition to the headnote of subpart B or part 13 of schedule 7.

Under the present classification, imported articles are duty-free. Under the proposed correct classification, imports would be subject to a duty of 5.3 percent ad valorem. This is of importance to domestic manufacturers who are feeling the adverse impact of growing imports. U.S. manufacturers of the articles in question are located in California, Florida, Missouri, and Oklahoma.

TENNESSEAN IS VOLUNTEER OF 1987

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. SUNDQUIST. Mr. Speaker, I would like to bring to your attention that this year's National Volunteer of the Year is Mrs. Martha Summers, from my district in Tennessee.

That distinguished honor has been bestowed by Joint Action in Community Service, Inc., a national organization with a network of volunteers throughout the United States, Puerto Rico, and the United States Virgin Islands. Their purpose is to help disadvantaged youth to make the transition from Job Corps training to community life.

Since beginning her service with J.A.C.S., Mrs. Summers has assisted nearly 2,000 former Job Corps members, providing employment and housing location, transportation, continuing education assistance, and general support as they readjust to the community.

In her efforts, Mr. Summers utilizes the resources of the American Red Cross, as well as others J.A.C.S. agencies.

Mr. Speaker, I am honored to bring the efforts of this outstanding citizen to your attention, because, in my opinion, our country needs more individuals who are willing to give their efforts to their community. One of the reasons America is such a great Nation is that we have an exceptional record of giving our time and services to those who are not as fortunate, and here we have a shining example for other to emulate.

And may I also say that I think it's appropriate that this year's honoree was chosen from the great State of Tennessee, the Volunteer State.

Mr. Speaker, I am very proud of the efforts of this fine American citizen, and I thank you for your time.

HONORING GEN. GEORGE C. MARSHALL

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. MURPHY. Mr. Speaker, I take this opportunity to recognize the achievements of Gen. George C. Marshall, a Uniontown, PA, native, whose memory is being honored during the Marshall Plan Commemoration Weekend, May 15–17, at the Pennsylvania State University's Fayette County campus. Friends, family and a host of official dignitaries will gather in Marshall's boyhood hometown to pay tribute to this outstanding American patriot.

This celebration marks the 40th anniversary of the Marshall plan which provided for the postwar recovery of Europe. For his work, General Marshall received worldwide acclaim, climaxing in his being awarded the Nobel Peace Prize.

George C. Marshall was born December 31, 1880, in a two-story house on West Main Street in Uniontown, PA. Ironically enough, this spot is now the site of the Uniontown Post 47 Veterans of Foreign Wars building. Marshall's father was a coal and coke operator in Dunbar, PA. Unfortunately, George's father died only a few months after his son was commissioned as an Army officer. Stories are still told of how George would play down by the placid Coal Lick Run. Nicknamed "Flicker," General Marshall's boyhood days may best be remembered for the ferry that George built to get fellow students across the Coal Lick Run and to school.

Marshall studied at Miss Alcinda Thompson's private school on West Church Street. Though just an average student, the General did not begin showing his true worth until he entered the Virginia Military Institute [VMI] at the age of 17.

Marshall and his family attended St. Peter's Episcopal Church on Morgantown Street. One of George's duties was to pump the bellows on the pipe organ during the services.

After graduation from VMI, Marshall was commissioned as an officer on February 2, 1903, in Uniontown. He then left for the Philippines. Marshall had a distinguished military career and by the time he was to return home to Uniontown in September of 1939, he had already been named Army Chief of Staff. Other offices held by Marshall included Secretary of State and Secretary of Defense. The General retired from public service in 1951.

Two years later, the General proudly returned to Uniontown to show his wife where he had spent his childhood years. He toured the area giving a few speeches and reminis-

cing with old friends. He talked fondly of places such as Chalk Hill, Dulaney's Cave, and the Summit.

The General made one special stop along the way to talk with the students of Uniontown High School. Marshall wanted the students to understand and study history, especially their local history. Marshall said, "It is of great importance for you to understand the facts of history—the cause and effect. It is the failure to comprehend this which has got us into more trouble than anything else."

The General would visit Uniontown only once more in his lifetime for the 200th anniversary of the Battle of Fort Necessity.

Five years after this final trip, Gen. George Catlett Marshall died on October 16, 1959.

Uniontown certainly has not forgotten its favorite son. The Uniontown Lions Club dedicated a stone monument with a bust of Marshall and a plaque in the minipark between West Church and South Street. This area has since been renamed Marshall Square. Gen. George C. Marshall Post 103 of the American Veterans has its home on Buttermilk Lane in Hopwood, and the main auditorium in the Uniontown VFW home is called Marshall Hall. Uniontown and the neighboring areas will continue to honor Marshall with the 40th anniversary of the Marshall Plan Commemoration.

RECOGNITION OF EDWARD U. MILLER

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to recognize Edward U. Miller on the occasion of his graduation from the U.S. Naval Academy.

Mr. Miller and his parents, Billie U. Miller and the late G. Edward Miller, are long-time residents of Asheboro, NC. His late father and I grew up in the same small town, Erwin, TN. Mr. Miller graduated from Asheboro High School in 1982 and while in high school achieved the rank of Eagle Scout. He is a member of the Asheboro First Baptist Church and participated in a number of youth programs there.

At the academy, he has maintained a grade point average of over 3.0. Upon graduation, he will be assigned to the pilot training school at the Naval Air Station in Pensacola, FL.

I congratulate Edward on his assignment and his distinguished academy career and I look forward to his future accomplishments which will continue to make Asheboro and the Fourth District of North Carolina proud of him.

INTRODUCTION OF THE FILM INTEGRITY ACT OF 1987: PRESERVING AMERICA'S FILM HERITAGE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. GEPHARDT. Mr. Speaker, I am introducing today the Film Integrity Act of 1987. Simply put, this legislation gives the screenwriter and director of a film the right of consent for any alteration of their work. It leaves these artists with the right to decide whether the artistic integrity of their film is being violated.

This legislation reflects my deep concern over the potential impact of techniques like colorization on America's film treasury. Film is a uniquely American art form: we brought it to life, we made it talk, we used it to address our deepest social concerns. Classic feature films are a vital part of America's living heritage. They have become one of the most potent voices through which one generation speaks to the next.

But these voices are now in danger of being muffled and distorted because the best films in America's library are threatened with colorization. What would our lives be like without the images we all share from black and white films: the stark Oklahoma landscapes of "The Grapes of Wrath," symbolizing the poverty and the hope of Americans during the Great Depression; the raging ice-filled river into which Jimmy Stewart plunged in "It's a Wonderful Life"; the black elevator grates closing in front of Mary Astor's blanched face at the end of "The Maltese Falcon." Other films scheduled for colorization include "Casablanca," "Grand Hotel," "Woman of the Year," "Suspicion," "They Died with Their Boots On," "The Philadelphia Story," "Treasure of the Sierra Madre," and "A Night at the Opera." We must not lose these and other pieces of America's film legacy.

The choices of how a film is created and developed are very personal; these decisions should not be second-guessed by entrepreneurs in search of a quick buck. We are not just talking about the older black and white films. In modern classics like Woody Allen's "Manhattan" and Martin Scorsese's "Raging Bull," for example, the directors made a conscious artistic decision that their message could be told best in the simplicity of black and white. All of us who have enjoyed these and other recent black and white films share their judgment.

The potential abuses of colorization are endless. How would it be if some business executive decided that the start of "The Wizard of Oz" should be colorized, and the second half "de-colorized"? It would be like giving a disco beat to Louis Armstrong's classic jazz recordings, or taking Ansel Adams' photographs of Yosemite, and coloring the sky blue and the grass green.

My legislation does not stand in the way of new advancements in film technology. It does not ban these changes. But it does restrain film editors and computer technicians who would distort the original intent of our films. It holds those who would tamper with our American heritage to a higher standard than a mere dollar sign. We must insist on nothing less.

KPRS: A TRADITION OF EXCELLENCE

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. WHEAT. Mr. Speaker, it is my pleasure to congratulate radio station KPRS-KPRT which is celebrating its 36th anniversary in the broadcast industry on May 13. The station, which is located in Missouri's Fifth District, is the oldest black-owned radio station in the country.

In 1952, Mr. Andrew Carter became the first black person to be issued a broadcast license by the Federal Communications Commission and that year he became part owner of radio station KPRS. Subsequently, Mr. Carter became principle owner and president of the radio station, a position which he still holds today. As head of KPRS, Mr. Carter served as chairman of the Kansas City Model City Program and as a director of the Kansas City Ad Club, the Civil Counsel, the NAACP, and the YMCA. Mr. Carter and his wife, Mildred, who is chairman of the board of KPRS Broadcasting, continue to oversee the operations of the radio station.

This family owned and operated radio station has been broadcasting continuously since 1952. Its operations were expanded onto the FM dial in 1963 as KPRT. Throughout the years, KPRS-KPRT has provided valuable service to thousands of listeners in the metropolitan community. Each year, KPRS stages fundraising events to help the crime prevention efforts of the ad hoc committee of Kansas City. The station also holds an annual food basket drive to help provide food for the needy during the Christmas holidays. Thousands of listeners tune to KPRS-KPRT for their religious news and news about the metropolitan area's boys and girls clubs.

I am proud to share with my congressional colleagues the achievements and tradition of community service of radio station KPRS-KPRT. As the station moves into its 36th year of operation, it will be broadcasting via a more powerful transmitter. As a result, more listeners will be able to tune in to KPRS-KPRT and enjoy its fine commerical programming and participate in its community service activities.

25TH ANNIVERSARY OF VOCATIONAL AND TECHNICAL EDUCATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. SAXTON. Mr. Speaker, I rise today with great pleasure to commemorate the 25th anniversary of the establishment of vocational and technical education in Burlington County, NJ.

The first meeting of the Burlington County Vocational Board of Education was held on Tuesday, May 22, 1962, in the Office of the County Superintendent of Schools.

By the effort and foresightedness of its first director, Jon Ossi, and its beginnings in a facility with 8-foot high partitions separating classrooms, the vocational education program in Burlington County has expanded to two fine campuses offering an impressive array of full-time vocational education classes along with a complete academic program.

The first graduating class consisted of 15 licensed practical nurses in 1964. Since then, the program has experienced unparalleled growth and success, graduating over 4,700 students in a variety of programs.

Under the leadership of superintendent, Dr. Benjamin Verdile, and a team of distinguished faculty and staff, the Medford and Westampton campuses are alive with energy. Students participate in a myriad of classes and programs in school and in the community. From cosmetology and art to environmental science and computer technology, the students develop and demonstrate their expertise in a variety of creative fields preparing them for productive and fulfilling lives.

I commend the Board of Freeholders and the Burlington County Vocational Board of Education for working together to develop a quality education system responsive to the needs of students and our society.

I also extend my congratulations to the excellent faculty, student body and staff at Burlington County vocational and technical schools. It is through their accomplishments and contributions that this program is celebrating its 25th year with a flair of pride.

A SALUTE TO KENT AMOS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. STOKES. Mr. Speaker, I want to take a few moments to share with my colleagues the good work of Kent Amos who is committing his time and talents toward developing America's greatest resource—our children.

For over 6 years Mr. Amos has opened his home to and shared his financial resources with needy inner-city youth, providing tutoring, counseling and emotional support. Through his efforts these "extended family" members have gone on to achieve high school and collegiate honors and professional success.

An article about Kent's current work with over 42 children appeared in a recent issue of the Washington Post Parade Magazine. Kent has directed his efforts to provide love, hope, and inspiration for these students.

Mr. Speaker, I know of few people who can boast such an impressive record. Kent Amos is an exceptional and dedicated human being. I would like to share the article with my colleagues and ask them to join me in saluting Kent Amos.

LOVE WITHOUT MEASURE

(By Sherrye Henry)

An affluent entrepreneur in Washington, D.C., gives new meaning to the concept of the extended family. Six years ago, Kent Amos and his wife, Carmen, had only two children—Wesley, now 22, and Debbie, 17. Today, they have 42 girls and boys and, if Amos has his way, the number will soar geometrically. Why? "The capacity to live is without measure," he says, "and so are the children who need help."

The first Amos family additions were accidental: Basketball players Wesley brought home from Calvin Coolidge Senior High School after practice stayed for dinner and conversation one night and kept coming back for more. Typical inner-city kids, many were from broken homes or no homes, with most of the disadvantages that entails.

Milton Newton was one of them. He had spent most of his life getting into trouble—until he met Kent Amos. "Milton needed a lot of help," Amos recalls. "I'm not sure where his father was. His mother was in the Virgin Islands. He needed family. He'd failed eighth grade and was having a rough time with ninth after his grandmother had sent him to live with an aunt here in Washington. I took a liking to him. For the last five years, he's called me Dad."

Milton and his friends soon became regular after-school visitors to the Amos home and were asked to stay for dinner almost every night. A routine was established dining as a group, then a two-hour study period. Says Amos: "During this period, there is silence—no phones, no television. They are required to do their work and study and read." Eventually, group discussions ensured about long-range goals, and then came private dialogues about their personal concerns. Soon, all the boys were calling him Dad, and Kent Amos was living the part.

He saw their teachers regularly, checked their report cards, attended their games and began to love them as his own. He also set rigorous standards for behavior and scholastic achievement, pledging college as a reward—and they met the challenge. Milton, now 22, graduated from high school with honors and a full athletic scholarship to the University of Kansas, where he is completing his junior year. In addition to Milton, there are now 13 more "children" in college.

"The first kids just evolved," says Amos. "But then Carmen and I made a conscious decision to broaden what we were doing. We decided our house could accommodate 20 to 25 kids a night. So we went to the school and said we would take them on."

Kent Amos kept his expanding family running smoothly by tapping into his business skills; He is a trained systems and management expert and was the youngest corporate director in Xerox history. A second refrigerator was purchased for the house; another pantry was added for paper plates, canned goods and fruit juices; shelves were stocked with school supplies, thesauruses and dictionaries. On most school nights and almost every evening in the summer, eight to 10 boys and girls gathered at the Amos home for what they could find in no other place—constant attention and continuous affection.

Initially, Carmen cooked for the group. But when the rapidly growing number became unmanageable for this homemaker with a demanding job as a customer-service representative for Xerox, Kent sought out a sympathetic home-economics teacher at Coolidge High who agreed to prepare dishes in class if the Amoses would provide the food. Twice a month, Kent spends several hours in a supermarket stocking up. "I take four or five kids to the store," he says. "Each one takes a shopping cart. We use a separate checkout lane just for us, and I spend from $400 to $500 every two weeks on food."

Kent Amos' favorite word in describing his relationship with his children is "consistency." He admits that some youngsters are naturally smarter, cleaner, more attractive and more productive than others, "But that doesn't matter," he says. "I love and treat them all the same. They are all my children."

Still, being consistent with these children tests the Amoses for more emotional fiber than most middle-class parents will ever need. Kent had to go to court with one of his first boys, an 18-year-old who later broke probation after being arrested for burglary. He was sent to the prison where his real father and stepfather were inmates. During regular visits, Kent oversaw the boy's efforts to acquire a GED (high school equivalency diploma). He since was released from prison and has a job. A worse fate befell André, slain at the age of 17 by a drug dealer against whom he had agreed to testify. André was killed in the autumn of 1985 in the same house in which his father had killed his mother 10 years earlier.

Most of the chidren have only a single parent, or they live with relatives in large groups of siblings or half-siblings where father figures, if present, often are involved in illegal activities. A few have stable homes, but most face overwhelming financial disadvantages. One boy—a top-ranking student from a strong, solid home—lost his father to cancer.

After Kent stops by the school—first to watch his girls at cheerleading practice, then to measure the basketball team's progress and, finally, to check on one talented forward whom he once had ordered off the court until he'd improved his grades—he arrives home shortly before his children do. Carmen is icing a cake (two boys are celebrating birthdays tonight), and they have a rare moment to measure the personal costs involved in being responsible for so many lives. Kent insists the costs are minimal. The 14 young people in college all have scholarships that require only supplemental living expenses, although occasionally one of the youngsters has a pressing need, including clothing—from underwear to a topcoat. Kent estimates that he spends from $15,000 to $20,000 each year on his brood; hardly small change. But he looks around his tastefully furnished home and says, "I'm living in a pretty nice house, I have a good life and manage my money well . . . My wife and I each drive a Mercedes . . . What am I giving up—stocks?"

How about leisure time?

Kent shrugs away the thought of any activity that does not include Carmen or the children, "They are my life," he says.

The children burst through the door at this point, strewing jackets across a giant pool table and carrying foil-wrapped platters of lasagna and bowls of salad into the kitchen. Carmen directs the table-setting and food-warming for tonight's group of 14, some of whom already are studying for exams. Kent soon is in the midst of them, firing questions. Though Carmen appears infinitely calm, she says that Kent has far more patience with this daily gathering of youngsters, "I'm more private than he is," she says. "Once I get everybody situated and fed, I'll take my quiet time, Kent thrives on having the kids around. He's the special force."

Her only major problem, she says, initially involved losing her living room to a study hall. But Carmen and Kent eventually set up tables in another part of the house so the kids could study and she occasionally could entertain friends. "If there are a lot of dishes, or if I'm tired, the kids'll do them," Carmen says. "They are also good about picking up after themselves. We share a lot of love. That's why the program works."

And it is a program now. At the beginning of 1986, Kent set up his own management-consulting firm, The Triad Group. Concurrently, with a major contract from Xerox, he orchestrated the nonprofit Urban Youth Investment Program, which already has installed $250,000 worth of computer equipment in Coolidge High to train students for skilled jobs. Kent not only intends to expand his own parental responsibility to 200 children, but he also hopes to provide a concrete programmatic model for others who might wish to pursue his vision.

After dinner, Kent savors the quiet as the children study. Among his successes is Derrick Davis, 20, who once faced glum prospects. Just two years ago, Derrick was going nowhere. Then Kent arranged living space for him in a good home and took him into the Amos program. Today—after leading Coolidge High's basketball team to the city championship and being named all-American—Derrick is a freshman at Oklahoma State University, which granted him an athletic scholarship.

Derrick remembers the dark days, before Kent Amos helped him: "I was a street hustler. I wanted to make fast money. I was living with my father, and things weren't going right between us. I had a girlfriend . . . she had a baby . . . When I first came to Coolidge, I didn't have anything on my mind but cutting class, hanging out with boys who didn't go to class. Then Mr. Amos came to me and asked me what kind of life did I want. He said if I went to school, enhanced my study habits. I could have that. What I said I wanted—what I want—is a nice job, a nice family and to raise my own kids someday. After he talked to me, I said: 'Why throw that away when I can give it a chance?' When the guys I used to hang out with ask where I've been, I say in school, and they say, 'Yeah, that's good.' Good that I'm trying to make something out of myself. Since my father's seen some of these people trying to help me, he's been coming back. This program made a big difference for me. Now I can dream of being like Mr. Amos—helping young people."

Kent Amos passionately believes in people and the power of love. "These kids don't need to drown," he says. "There are enough substantial adults out there—entertainers, athletes, professional people—who can make a difference and who—if they would just walk into the water and lock arms—would stop these kids from being swept downstream." There are, he maintains, vast numbers of children ready to be saved, and well-meaning people ready to help—if shown what to do.

"Kids are easy to love, once you get to know them," says Kent Amos, "and love is truly the answer."

POLICING THE JAPANESE AUTO INDUSTRY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. DONALD E. LUKENS. Mr. Speaker, I was interested to hear my distinguished colleague from Missouri, Mr. WHEAT, speak recently on the floor of the House about the United States-Japan trade deficit and the fact that nearly 60 percent of that deficit can be attributed to automotive products. Mr. WHEAT also suggested Congress take a close look at this largest single segment of the deficit. He went on to point out that perhaps as much as $8 billion of the $34 billion auto deficit results from Japanese manufacturers finding ways to export cars around the quota imposed on them by the Government of Japan.

My votes in this Chamber will show that I do not favor protectionist legislation, and I consider myself a supporter of free markets and trade. However, I am opposed to any foreign company illegally dumping products in the United States below costs and any foreign company circumventing their own government's export control by shipping parts to third countries for assembly and reexport to America. Also, it stretches reason to permit export of passenger cars disguised as trucks just because there are no legal quotas on trucks. For instance, look at the very small Mitsubishi Montero or Suzuki Samurai models which are smaller than our American Motors own Jeep. Who can call these midget cars trucks?

The gentleman from Missouri calculates that as many as 150,000 vehicles are imported into this country disguised as trucks. And these are in addition to the Japanese Government's authorized quota of 113,000!

I believe there will be much more trade legislation to come before this Congress and I, for one, will be carefully monitoring car exports to see if the Japanese Government is willing to police its own voluntary restraint order before more action is taken by this Congress.

REV. LUTHER HEYDE RETIRES

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1987

Mr. KOLTER. Mr. Speaker, today I rise to honor a constituent of the Fourth District of Pennsylvania, Rev. Luther Heyde of Butler.

A retiring minister from St. Marks Evangelical Lutheran Church, Reverend Heyde has contributed greatly to the religious community since 1951.

Not only did he carry out full-time pastoral duties, Reverend Heyde was also involved in music with the Youth of America. He has published numerous musical compositions and arrangements.

Reverend Heyde was born in 1921 in Attica, OH, the son of a Lutheran pastor. He later moved to Logan, OH, and graduated from Capital University in 1942. Also in 1942, he attended Evangelical Lutheran Seminary in Columbus. On September 2, 1945, Pastor Heyde was ordained. He married Marvalene Cretcher on October 27, 1945. They later traveled to India to do missionary work.

The dedicated service of Reverend Heyde has been a valuable asset to the Butler religious community and I am proud to tell my colleagues of the achievements of Rev. Luther Heyde.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 14, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 15

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 970, authorizing funds for a research program for the modification of plants and plant materials to develop new marketable industrial and commercial products.

SR-332

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 506, Digital Audio Recorder Act.

SR-253

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine activities of the Food Safety and Inspection Service of the Department of Agriculture.

SD-342

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

Labor and Human Resources
Business meeting, to resume consideration of S. 538, to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, and other pending calendar business.
SD-430

11:15 a.m.
*Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume markup of S. 57, to establish an agricultural loan interest subsidy program, and related measures.
SR-428A

2:00 p.m.
Labor and Human Resources
To resume hearings to review Federal efforts in AIDS research.
SD-430

MAY 18

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the status of the Pension Benefit Guaranty Corporation (PBGC), and on proposals to increase the PBGC premium and to change the rules governing minimum plan funding.
SD-215

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on pending nominations for the Board of Directors of the Corporation for Public Broadcasting.
SR-253

Energy and Natural Resources
To hold hearings on proposed legislation to expand the clean coal technology program.
SD-366

MAY 19

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.
SD-192

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, focusing on atmosphere and satellite programs.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1145 and H.R. 278, bills to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the Alaska Native Claims Settlement Act.
SD-366

Foreign Relations
Business meeting, to consider S. Res. 167, to declare the policy of the Senate with respect to the Constitution, and as it applies in interpreting the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems.
SD-419

Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To resume joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

10:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on S. 305, S. 236, S. 902, and H.R. 1728, bills to improve the administration for the commodity distribution program and to extend the eligibility of certain school districts to receive alternative forms of assistance for school lunch programs.
SR-332

2:00 p.m.
Commerce, Science, and Transportation
To resume hearings on S. 907, to further United States technological leadership by providing for support by the Department of Commerce of cooperative centers for the transfer of research in manufacturing.
SR-253

Governmental Affairs
Business meeting, to consider S. 328, Prompt Payment Act Amendments of 1987, the nomination of Norma Pace, of Connecticut, to be a Governor of the U.S. Postal Service, and proposed trade legislation.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

MAY 20

9:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.
S-146, Capitol

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Business meeting, to continue markup of trade legislation.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume oversight hearings on the implementation of the Federal Insecticide, Fungicide, and Rodenticide Act, focusing on pesticide residues in domestic and imported food.
SR-332

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for Army military construction programs.
SD-192

Foreign Relations
Business meeting, to consider proposed legislation relating to trade issues on those programs which fall within the committee's jurisdiction.
SD-419

Judiciary
To hold hearings on the nominations of Richard B. Abell, of Virginia, to be an Assistant Attorney General, and Verne L. Speirs, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention, both of the Department of Justice.
SD-226

Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

2:00 p.m.
Energy and Natural Resources
To hold oversight hearings to review energy security issues.
SD-366

Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

MAY 21

8:45 a.m.
Veterans' Affairs
To hold hearings on S. 6, Veterans' Health Care Improvement Act, S. 216, to increase the per diem rates paid to States for providing care to veterans in State homes, S. 631, to improve the procedures for the procurement of medical and pharmaceutical supplies by the VA, S. 713, to facilitate the recruitment of registered nurses by the VA, proposed Veterans Administration Health Care Personnel Act of 1987, and other related proposals, and proposed legislation approving VA construction of major medical facilities.
SR-418

10:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affairs.
SR-325

1:15 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 799, to designate a segment of the Kings River, California, as a wild and scenic river, and H.R. 626, to convey certain Federal public lands in Cherokee, Dekalb and Etowah Counties, Alabama, to any trustee who will convey such lands to the current owners of record.
SD-366

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

MAY 27

10:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To resume joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

MAY 28

9:30 a.m.
Judiciary
To hold hearings on the nomination of Charles F. Rule, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.
SD-226

10:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

MAY 29

10:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

JUNE 2

9:30 a.m.
Energy and Natural Resources
To hold hearings on oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-366

JUNE 4

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources
To resume hearings on oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-366

2:00 p.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

JUNE 5

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on current water-related programs of the U.S. Geological Survey, focusing on quantification and analysis of ground water resources.
SD-366

JUNE 10

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 9, Service-Disabled Veterans' Benefits Improvement Act, S. 453, Veterans' Ionizing Radiation Compensation Improvements Act, S. 1002, Veterans' Radiation Exposure Disability and Death Benefits Act, and other related measures.
SR-418

JUNE 11

9:30 a.m.
Energy and Natural Resources
To resume hearings on oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-366

JUNE 12

9:30 a.m.
*Energy and Natural Resources
To continue hearings on oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-366

JUNE 17

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the implementation of the Veterans Administration loan guaranty program, and on proposed legislation relating to the VA loan guaranty program.
SR-418

JUNE 18

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To resume hearings on current water-related programs of the U.S. Geological Survey, focusing on quantification and analysis of ground water resources.
SD-366

JUNE 30

9:30 a.m.
Veterans' Affairs
Business meeting, to consider S. 6, Veterans Health Care Improvement Act, S. 9, Service-Disabled Veterans' Benefits Improvement Act, proposals providing VA compensation, pension, education assistance, home loan, and other related benefits, and proposed legislation providing for disability payments based on nuclear-detonation radiation exposure.
SR-418

CANCELLATIONS

MAY 14

8:00 a.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up S. 558, to revise the procedures for the enforcement of fair housing under title VIII of the Civil Rights Act of 1968.
SD-226

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 373, authorizing funds for programs of the Elementary and Secondary Education Act.
SD-430

JUNE 23

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.
SD-192