SENATE—*Wednesday, October 7, 1987*

(Legislative day of Friday, September 25, 1987)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. BREAUX].

PRAYER

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

Let us pray:

*Behold, how good and how pleasant it is for brethren to dwell together in unity! * * * As the dew of Hermon, and as the dew that descended upon the mountains of Zion: for there the Lord commanded the blessing, even life for evermore.*—Psalm 133:1, 3.

Gracious Father in heaven, grant to the Senate today oneness in mind and heart as they strive for the common good. We remember that our Nation was born out of controversy, conflict, and compromise. Out of this struggle came the United States of America—splendidly diverse—profoundly united—out of many one, "e pluribus unum." Though our diversity has multiplied, we remain a union. Merciful God, as the Senators in their diversity represent States and regions even more diverse—bind them together in their commitment to the Union. In controversy and conflict, lead them to compromise which does not sacrifice principle and strengthens unity. We ask this in the name of Him by whom all things are held together. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair will recognize the acting majority leader, the Senator from Wisconsin.

THE FUTURE TERROR: INTEREST ON THE NATIONAL DEBT

Mr. PROXMIRE. Mr. President there has been almost no discussion in this body of the third biggest expenditure of this Federal Government. It has also been the most rapidly rising cost of our Government. Within a few years it could exceed every other Government expense. I'm talking about interest on the national debt. When I entered this body in 1957 the interest charge on the national debt was $5.9 billion. Twenty-four years later in 1981 it had soared to $95 billion a sixteenfold explosion. By last year, 1986 interest cost had more than doubled in 5 short years to more than $190 billion. Focus for a minute, Mr. President, on that $190 billion. What did we get for it? Did it educate a single child? No. Did it provide lodging for even one family? No. Did it buy a submarine or even one round of ammunition to defend our country? No, Mr. President, for that $190 billion our country got nothing, zero, zip. All of that $190 billion was paid to creditors of this Government because the Congress had failed either to hold down spending or raise taxes to meet the spending that we as a Congress refused to pay for in past years.

The cost of carrying the national debt is made up of two components. No. 1 is the national debt itself, the principal on which the interest is paid. Obviously the bigger the debt, the bigger the interest payment if the interest rate remains the same. But the reason the interest charge on our debt rose so rapidly between 1957 and 1981 is not just because the principal rose so swiftly. The principal did rise from $272 billion in 1957 to $1.004 trillion in 1981. But the interest rate rose just as fast. The interest rate on 3-year Treasury bonds—the average maturity of Treasury debt—soared from 3.89 percent in 1957 to 14.44 percent. That combination skyrocketed the interest cost. The principal increased by a little more than threefold. But the interest burden increased about sixteenfold.

So what kind of interest burden should we expect to fall on this Government in the next few years? All of us know that depends in part on how successful the Congress is in holding down the deficit. But it also depends in equal measure on what happens to interest rates over the next few years. We know the deficits will continue. We know therefore that the principal of the debt will grow. How much will it grow? The Office of Management and Budget estimates the principal, that is the Federal debt itself, will climb from $2.35 trillion this year to just over $3 trillion in 1990. OMB has always been optimistic on these figures. This Senator thinks they are too optimistic on this one. But the real optimism comes in the OMB estimate of what will happen to interest rates in the next 3 or 4 years. The market is betting interest rates will rise. That's why long-term interest is sharply higher than short-term interest and has been rising more rapidly.

Interest rates are also likely to rise because the demand for credit as represented by the huge borrowing of the Federal Government will tend to drive up interest rates. The even greater borrowing by the household sector of our economy that is already at $2.8 trillion and rising very sharply will add to the pressure on interest rates. And the nearly $3 trillion borrowing by the nonfinancial business sector is also rising apace and will add even more pressure to interest rates. At the same time the supply of credit reflected in savings has dropped to less than 4 percent in 1986 and is still going down. In this kind of situation will the Federal Reserve Board be able to resist the intense pressure to accommodate the demand for more credit by sharply increasing the money supply? If they give in to the pressure and provide big increases in the money supply, there will be a massive increase in prices. Those price increases will pull interest rates right up through the roof.

In spite of this outlook OMB optimistically estimates that somehow interest rates will fall in the next 3 or 4 years. CBO could be very wrong about that. But let us suppose they are just a little wrong. Suppose instead of interest rates falling gradually as OMB predicts they rise by just 1 percent per year—a moderate rise given present circumstances. Then what happens to the cost of interest on the national debt, over the next 4 or 5 years?

Here's what happens: First, we recognize the fact that the Treasury refinances only about a third or a quarter of the debt each year. Then here's what happens to the interest burden: In 1988 it rises from the present 1987 level of about $193 billion to $202 billion in 1988, then to $225 billion in 1989, to $275 billion in 1990, and to $345 billion by 1991. And if this progression were to go on for another 2 years interest payments in 1993 would exceed $500 billion.

And never forget, Mr. President, that interest payments when they come due we must pay. We must pay them on time. We must pay them in full. We can cut education or housing or national defense expenditures. We can even change the law and reduce Social Security expenditures. But there is one iron, absolute expenditure we must make. That is the $500 billion we may find due in 1993.

Here is why Mr. President, it is essential that we get dead serious about cutting spending and then cutting spending some more and, if necessary, raising taxes by whatever is necessary to make real progress in cutting the deficit.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair will now recognize, under the standing order, the acting minority leader, the Senator from Nebraska, Mr. KARNES.

S. 1127, THE MEDICARE CATASTROPHIC LOSS PREVENTION ACT

Mr. KARNES. Mr. President, the Senate will soon consider legislation to expand the Medicare system to cover so-called acute-catastrophic needs. I have discussed this legislation with many of my constituents in town meetings over the past weeks, and I have noted a great deal of confusion over what the bill will and will not provide. Many older Americans have been led to believe that all health care needs we typically refer to as "catastrophic" will be covered upon passage of this legislation. In truth, most of these constituents would be surprised to learn this legislation essentially expands Government-sponsored insurance without even mentioning their primary need—long-term care. And it is important to note this would be done by significantly increasing every Medicare beneficiaries part B premium! Mr. President, I know the majority of my constituents that are on fixed incomes can ill-afford such an outrageous plan.

Medicare's 1966 hospital deductible has grown astronomically as have daily coinsurance amounts and skilled nursing facility copayments. The part B premium, while covering only 25 percent of program costs, will rise to nearly $25 per month in the coming year. These amounts are a burden on our seniors. Couldn't Congress perhaps adjust these amounts as an alternative to the expanded Medicare benefits program we are about to consider?

This legislation greatly expands Medicare and finances this expansion with a new tax on about 40 percent of our seniors. Although deductible this tax could be as much as $800 per retiree in 1988, rising to as high as $1,000 per retiree by 1992. This tax is indexed to Medicare cost increases, which are directly related to the extremely high inflation that plagues the health care industry. Typically, inflation outside the health care industry is much lower, and because Social Security and pension COLA's are tied to this form of inflation, Medicare premiums will likely outpace any increase in seniors' retirement benefits. Do we really want to see Medicare coverage become unaffordable for many of our seniors?

Mr. President, the "surtax" on high-income elderly persons to fund Medicare catastrophic benefits is simply a disguised reduction in Social Security cash benefits. Furthermore, the surtax could unfairly exceed the value of benefits received in some cases. Finally, the surtax introduces a new tax on the elderly for "in kind" benefits rather than benefits actually received. Can we really believe the Nation's seniors would approve of such a plan?

This concept will challenge the solvency of the Medicare trust fund. Without this legislation, the trust fund is already experiencing serious financing difficulties. As we are so keenly aware, the original Medicare program's costs were underestimated, and it is evident this is the case with this proposal as well. In light of these facts, how can we seriously believe this is an acceptable initiative?

Also, this proposal attempts to replace private Medicare supplemental coverage now provided to nearly 70 percent of the Nation's elderly, with a Government program. Furthermore, a retiree must opt out of part B altogether if he or she chooses not to be covered and not to pay the new tax. Is this fair?

In addition, this initiative will require changes in State law minimum requirements for Medicare supplement policies. In the event this legislation should pass, States will need time to amend State laws, insurers will require time to adjust coverages and premiums, and the elderly consumer will need to be educated on the new Medicare coverages and private options. Now, although the insurance industry has always served our seniors well, can we truly expect them to accomplish all of this by the January 1, 1988, effective date currently requested?

Finally, the Senate is expected to consider an amendment to this legislation that will provide an outpatient prescription drug benefit. Recognizing the significant cost prescription drugs present to our seniors, as the amendment is drafted, less than 20 percent of our Medicare beneficiaries will ever receive reimbursement for these expenses, yet all will pay a significant premium for this add-on benefit. Can we really call this a benefit?

Mr. President, these are just a few of the many questions I have about this legislation in its current form. I believe we should all review this initiative very carefully. Because I feel so strongly in this regard, I ask unanimous consent that my specific thoughts on the "Seniors Surtax"; "State Law Problems"; and the "Role of Private Insurance" be included in the RECORD immediately following my oral remarks. I hope each of our colleagues will have the opportunity to review them as we prepare to address this concept.

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

SENIORS SURTAX

Under the legislation, as many as 40 percent of all Medicare beneficiaries electing part B coverage will mandatorily pay a new annual "supplemental" premium or "surtax" of as much as $850 per person based upon the tax liability of the beneficiary. Revenues are used to fund Medicare acute-catastrophic coverage for relatively few beneficiaries.

This so-called premium will rise to as much as $1,000 per person by 1992 and, by some estimates, $2,000 per person for today's 50 years olds when they turn 65. This is comparable to a tax on the elderly, a "seniors surtax," for acute-catastrophic care coverage regardless of whether these benefits are utilized. Few of these taxpayer beneficiaries will utilize these additional Medicare benefits and will continue to need private insurance coverage for other health care needs.

The Treasury has reviewed this income-related financing mechanism and agrees that, even though deductible, it is a surtax which represents an income tax rate increase. This surtax would rise with Medicare's costs, and thus would rise faster than the income of these Medicare-eligible beneficiaries.

Witness the recent 38.5-percent increase in part B premiums which cover only 25 percent of part B program costs. This part B premium alone is projected to amount to nearly $300 for the 1988 calendar year. On top of this amount, the bill would add up to another $850 in supplemental premiums for some 40 percent of Medicare recipients.

Beneficiaries would not know the amount of surtax owed until tax returns are filed. All elderly filing tax returns will be required to file additional forms and compute calculations based upon months of Medicare coverage. These elderly would consult a table similar to the current income tax tables to determine this surtax. The IRS would keep this tax data for audit purposes.

The "surtax" on high-income elderly persons to fund Medicare catastrophic benefits is simply a disguised reduction in Social Security cash benefits. Furthermore, the "surtax" could unfairly exceed the value of benefits received in some cases. Finally, the "surtax" introduces a new tax on the elderly for "in-kind" benefits rather than benefits actually received and complicates income tax "simplification" reforms of the 1986 Tax Reform Act.

A significant portion of Medicare-eligible persons are covered for acute-catastrophic benefits under employer-provided group health plans. While many such plans pay the basic part B premium for retirees, the Senate bill would shift costs for catastrophic care from employers to beneficiaries.

The Senate bill, like the House-passed bill, replaces private Medicare supplemental coverage now provided to nearly 70 percent of the Nation's elderly, with a Government program. A retiree must opt out of part B altogether under the Senate bill if he or she chooses not to be covered and not to pay the new tax.

STATE LAW PROBLEMS

Mr. President, in expanding Medicare benefits, we should be keenly aware that the Congress also forces changes to State laws which regulate minimum standards for Medicare supplement insurance.

All private policies provide supplemental coverage pursuant to minimum standard requirements of State law. State laws, in turn, reflect the model standards issued by the National Association of Insurance Commissioners (NAIC). These model standards are drafted to comply with Federal standards for Medicare supplement policies included

in the 1980 "Baucus amendment" to the Social Security Act (P.L. 96-265). This provision defines minimum standards that must be met before companies can market Medicare supplement policies.

Medicare supplement policies generally cover those costs not covered by Medicare, primarily deductibles, coinsurance and some policies cover costs in excess of Medicare-approved amounts. One provision of the "Baucus amendment" establishes Federal sanctions, consisting of fines, imprisonment, or both for knowingly selling policies that duplicate coverage in individual already has under Medicare. This provision was enacted, in part, in response to reported marketing and advertising abuses in the sale of private Medicare supplement insurance to the elderly.

The bill S. 1127 would increase Medicare coverage primarily by eliminating certain deductibles and coinsurance. As a result, benefits now being provided by private Medicare supplement insurance policies under the standards required by State laws pursuant to the 1980 "Baucus amendment" model standards will duplicate Medicare-covered benefits.

It is anticipated that changes to current NAIC "Medicare supplement" model standards and subsequent State law changes may not occur for one to three years. Thus, until State laws are conformed, Medicare supplement insurers will be in the untenable position of either providing the minimum coverage required by State law and thus be subject to Federal sanctions of a $25,000 fine, 5 years imprisonment, or both; or violating State law standards by eliminating their Medicare supplement policy coverage which would duplicate Medicare.

In addition, a significant number of private Medicare supplement-policies are required by State law or private contract to be "guaranteed renewable," and the insurer must renew the policy upon the timely receipt of a renewal premium. While permiums under such guaranteed renewable contracts may be adjusted for all policies on a class basis, renewal is considered to be a continuation or extension of the original contract. Thus, Medicare supplement insurers may not unilaterally alter the coverage of such a policy. Insurers may be subject to numerous legal actions if coverage is unilaterally restructured to reflect the changes precipitated by this legislation.

At best, Mr. President, in enacting this legislation this year with its effective date on January 1, 1988, we will be giving States three months to change their laws. We will be giving insurers three months of alter policy coverages, recalculate premiums, and inform elderly consumers.

Perhaps all Medicare benefit increases under the bill should be made effective at least one year from the date of enactment to give States time to amend State laws, to give insurers time to adjust coverages and premiums, and to educate elderly consumers on the new Medicare coverages and private options. A January 1, 1989, effective date would provide a minimal transition period for these changes.

PRIVATE INSURANCE ROLE

Mr. President, Medicare has come a long way since its enactment in 1966. Following the system's creation most commercial insurance companies began to write what we called "Medi-Gap" policies. Typically, these policies would pay a specific benefit addressed as either a Medicare copayment amount or a deductible amount or both. These policies looked like they worked with Medicare, but didn't actually. This was not a satisfactory situation.

As I mentioned earlier, the "Baucus amendment" directed the States to set specific standards for what would then be termed "Medicare supplement insurance." Only policies meeting these standards could employ this term and no other policy could address Medicare in its benefits. Further, any other type of health insurance policy delivered to a person eligible for Medicare because of age must be accompanied with an outline of coverage including the statement, "this policy is not a Medicare supplement policy."

This action not only eliminated the confusion of what was and what was not Medicare supplement insurance, but also allowed companies a standard base upon which they could build Medicare supplement insurance coverage. This has worked very well and as pointed out in the Bowen report of last November has provided private industry prepayment of normal expenses and insurance for extraordinary expenses while acting as a simplifying mechanism for dealing with the complexities of the Medicare program. Industry statistics indicate that 70 percent of the Medicare beneficiaries have insurance of this nature.

Private Medicare supplemental insurance has been criticized because many of these policies are said to have low loss ratios. Loss ratios must be kept in perspective as only one element in measuring the value of a health insurance product. According to GAO's own observations, loss ratios must be interpreted with care. Various factors can affect loss ratios such as health of the policyholder (healthy people file few claims), the number of policyholders under group plans, or whether premiums can be adjusted annually.

Medicare itself could be said to have a 75-percent loss ratio rather than the 98 percent often touted by some. Based upon the detailed figures included in the "Appendix" for the "Budget for Fiscal Year 1988," the Federal hospital insurance trust fund had income of about $67 billion, and outgo of $49.6 billion. A loss ratio is essentially premium income compared to benefits paid. Thus, the trust fund's loss ratio is about 75 percent, the minimum "target" under the "Baucus amendment" for group policies.

Legislation establishing Medicare catastrophic coverage must maintain a significant role for private insurance.

CONCLUSION

Mr. President, Medicare's 1986 $40 hospital deductible has now grown to $540, the hospital daily coinsurance amounts have risen from $10 to $135 and $270 with a skilled nursing facility daily copayment amount of $67.50. The part B premium is rising to nearly $25 per month. Expenses for care which exceed Medicare approved costs and other noncovered costs are increasing.

These amounts are significant out-of-pocket costs for the elderly and it's obvious changes are needed. I would support such changes, but the legislation before us, does far more than adjust the deductible and coinsurance amounts, and will add more costs for retirees participating in the program. Costs of expanded benefits will rise in later years, further burdening both retirees and the Federal Treasury.

We will consider an amendment to this bill to establish a Medicare provided outpatient prescription drug benefit. Recognizing prescription drugs are a large expense for seniors, I also note there is nearly an $8 billion difference in estimates between CBO and HHS on the cost of establishing such a benefit. Absent certainly, how do we ensure a self-funding program? What if costs escalate above the added income from the new surtax?

Do we really want to impose a new tax on the elderly? The financing mechanism, a mandatory tax on senior citizens, also poses uncertainties as these mandatory supplemental premiums rise even higher in later years to as much as $1,000 or more per person. What if costs rise to such amounts that beneficiaries do opt out of part B? With the Medicare trust fund's financial picture already appearing somewhat precarious in future years, will this further exacerbate the problem?

This legislation will challenge the solvency of the Medicare trust fund. Without this legislation, the trust fund is expected to experience financial difficulties, falling some $20 billion short by the year 2005. Just as the original Medicare Program's costs were underestimated, it is likely that, due to our increasingly aging population, costs will outpace the "self-financing" mechanism of this legislation.

Mr. President, perhaps we need to further study and reflect on this plan and its implications before hastily expanding benefits for reasons that appear to be politically motivated. Are we making the wisest choice to invest scarce Federal dollars in this program, or should these dollars be used to support our seniors' true catastrophic need—long-term care?

I thank my colleagues for considering these remarks and urge a careful review of this legislation.

RECOGNITION OF SENATOR BREAUX

The PRESIDING OFFICER (Mr. PROXMIRE). Under the previous order, the Senator from Louisiana is recognized for not to exceed 15 minutes.

NOMINATION OF JUDGE ROBERT BORK

Mr. BREAUX. Mr. President, my colleagues and I have been asked by the President of the United States to confirm his nomination of Robert Bork to be an Associate Justice of the U.S. Supreme Court. My duty as a U.S. Senator, under article 2, section 2 of our Constitution, is to confirm that nomination or to reject it. This is not an easy task, but it is one that carries

with it enormous responsibility which I and my 99 colleagues accept.

Who is this man that President Reagan asks me to confirm? Some of my constituents tell me, in good faith, he is a legal scholar, extremely intelligent, a former law professor, and court of appeals judge who would protect our Constitution from all legal attacks and I ought to vote to confirm him.

Others, with equal good faith, tell me that he has a dedicated political agenda, is committed to reversing decades of Supreme Court precedents and wiping out constitutionally protected privacy, free speech, and equal rights for all classes of people and I should vote to reject his nomination.

All my constituents' views are important. I have received, as other Senators, numerous calls and letters, and I commend my constituents for participating in the public debate by following the Senate hearings and expressing their opinions.

However, this decision, Mr. President, cannot be a political decision. It cannot be a popularity contest. It cannot be decided by adding up the numbers in a poll or merely counting the mail we received. My decision must be based on whether this nominee in and of himself is the right person for the job.

I feel, Mr. President, that a nominee to our Highest Court must be predictable as to what kind of Justice he will be. By predictable, I mean not how he will vote on each and every case, but predictable as to the philosophy upon which he will rely throughout his Court tenure. Robert Bork lacks this predictability.

He was, at one time, a socialist campaigning for socialist candidates. He has been a New Deal liberal. At another time he was a libertarian. Then he changed, again, to become a strong conservative. During the confirmation hearings he tried aggressively to portray himself as a moderate. One can only wear so many hats before it becomes impossible to tell what role he is playing.

A lifetime of political writings and speeches by Judge Bork, followed now by his public testimony discounting these former views, clearly suggests a lack of predictability.

Lack of predictability for a person who will be appointed for life is a serious concern that we cannot dismiss.

Our Constitution, which we celebrate this year for protecting our democratic form of government for 200 years, is protected itself principally by our Supreme Court. That document guarantees the rights of the majority and it also protects the rights of the minority. Judge Bork views the Constitution differently, it seems, depending on the issue.

When the issue is individual rights, Judge Bork says he is a strict constructionist and he has consistently exercised judicial restraint when individuals have asked the court to prohibit Government interference with their activities.

However, when the case is big business complaining about Government intrusion, Judge Bork has been much more willing to find new constitutional protection for big business. Judge Bork has, for instance, voted against individuals and workers and in favor of the Government in 26 of 28 administrative law and constitutional split decisions. He also voted in favor of business and against the executive branch in eight out of eight administrative law split decisons. In cases where individuals sought the right to have their day in court, Judge Bork voted against the individuals in 14 out of 14 split cases.

The hearings themselves have produced in Judge Bork's testimony a man who has written and decided cases one way, versus candidate Bork who reversed himself on the protection of the first amendment, who reversed himself on the protection of women and who reversed himself on civil rights. But the facts of history cannot be reversed and his record is what we must use to judge him.

The personal credentials of Judge Bork are impressive: law professor, court of appeals judge and, from all evidence, a man of high moral principle and honesty. In fact there are many areas addressed in his writings with which I agree. I agree, for instance, with Judge Bork's critique of the judicial excesses that led the Court to decide the Roe versus Wade decision allowing for abortion. But we cannot support a person for a lifetime appointment based on one issue, any more than we can oppose him for that reason—the total picture must be evaluated.

Finally, as Southern Senator, let me say that I feel strongly that geographical representation on our Nation's Highest Court is important. Is there not a single person from the South competent to replace our retired southern justice from Virginia, Justice Powell? Why not search again and send us our brightest and most intelligent?

So I say to our President:

"Your duty, Mr. President, is to nominate the best you can find. Our duty is to make sure that the person is, in fact, the best.

"Send us a conservative, Mr. President, if that is your wish. That is your right. But Mr. President, send us the very best you can find. I want to help you in that search. Let us go back and look again, ask for new recommendations and then come back and let us work together so that history will record that Ronald Reagan found the very best."

My vote, Mr. President, will be not to confirm this nominee.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will not be a period for the transaction of morning business, not to extend beyond the hour of 9 a.m., with Senators permitted to speak therein for not to exceed 1 minute.

PROHIBITION OF IMPORTS OF PRODUCTS FROM IRAN—S. 1748

Mr. DOLE. Mr. President, I would like to offer one point of clarification with respect to S. 1748 and to offer guidance thereon to the appropriate agencies of the Federal Government in establishing regulations and procedures of implementation.

In fairness to United States businesses, it was not the Senate's intent to affect Iranian products under loading, in storage to or in transit to the United States on the date of enactment. While we want to halt the importation of Iranian products, we do not want to cause financial harm to United States companies presently involved in legitimate business transactions with Iran. The Senate intends for the appropriate Federal agencies to reflect these concerns when promulgating regulations.

THE BORK NOMINATION

Mr. GORE. Mr. President, when the nomination of Judge Robert Bork to the Supreme Court was first announced in July, I pledged to keep an open mind and give the matter serious consideration. I have kept that pledge. The issue has raised strong emotions on both sides, and there was pressure to make hasty judgments. I believed that Judge Bork deserved a fair hearing.

This is not a partisan matter. I do not believe that Judge Bork or any other Supreme Court nominee should be subjected to an ideological litmus test. Ideology should never be the sole criterion used either for nomination or confirmation. I wouldn't vote against Judge Bork solely because he is a conservative.

I have listened carefully to what Judge Bork has said, and given his views careful scrutiny. I reviewed the committee hearings and Judge Bork's testimony. I met with Judge Bork in my office on Friday and asked him to address some of my concerns. I respect Judge Bork as a man of integrity and intellect. He is neither a racist nor a bigot. But I have come to the view that Judge Robert Bork does not belong on the Highest Court of our Nation. In all good conscience, I cannot support his nomination, and I will vote against that nomination when it reaches the floor.

Judge Bork does not understand the Constitution as most Americans do. He says he would interpret the Constitution exactly as the framers would have, 200 years ago. But 200 years ago black people were property and women couldn't vote. Two hundred years ago, due process was a restriction on the Federal Government alone. Not only have we added amendments to our Constitution, we have changed the context in which it should be read.

We have grown as a people. Our country has made great strides toward eliminating injustice. Our society now stands as an example of the greatness that can be achieved if everyone is given an opportunity.

The Constitution is not a mere list of 200-year-old rules. It is an instrument of dynamic principles and the blueprint of a broad, democratic and pluralistic society. Americans are not ready to let the Supreme Court take us back to the days when our Constitution was given a narrow and restrictive interpretation.

The Supreme Court is the guardian of our liberties, all of our liberties. We need Justices with the courage and compassion to ensure that our country truly has liberty and justice for all. To quote Congresswoman Barbara Jordan, "I like the idea that the Supreme Court of the United States is the last bulwark of protection for our freedoms." That is essential to our system of government and our tradition of liberty.

Judge Bork has opposed every major civil rights initiative of the last 30 years. He now admits that many of these initiatives have worked—and I agree. Judge Bork has great faith in the legislative process and sees it as the last resort for those who have been treated unfairly by the State. However, he has criticized many cases which have expanded voting rights so that we have a truly representative democracy. How can a judge say: "The legislature will protect your rights" when he opposes decisions to strike down poll taxes, literacy tests, and malapportioned districts that deny minority voting rights?

It is not solely Judge Bork's narrow views of the Constitution and the protections it provides minorities. it is also his unwillingness to find protection for fundamental rights in the due process clause, his failure to find a right to privacy or first amendment protections for creative expression and civil disobedience, that disturb me. In addition, he finds no legal basis for Members of Congress to sue the executive for unconstitutional behavior. Not only are these matters disturbing, Judge Bork's positions on these issues are at odds with generally accepted constitutional law and Supreme Court precedent.

The due process guarantees of the 5th and 14th amendments, along with the 9th amendment's assurance that "(T)he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," demonstrate that the framers intended to protect fundamental values from Government intrusion. The most scholarly and conservative Justices of this century have recognized this. Why is Judge Bork seemingly blind to this aspect of original intent?

The right to privacy provides us all with a safeguard against unreasonable governmental intrusion into our private lives. And just as Judge Bork does not like his adversaries investigating which movies he views in the privacy of his own home, the American public does not want the Government interfering with the privacy of the marital relationship. There are certain activities and areas which should remain unassailable by the Government I do not wish to see a Justice on the Supreme Court who does not recognize that fundamental principle.

The first amendment's right to freedom of speech is the cornerstone of the American system of government. We cannot afford to limit it in any way, save that of protecting our people from imminent lawless action. We cannot afford to distinguish between Thomas Paine's eloquence regarding the harshness of British rule and Paul Cohen's jacket demanding—in crude terms—an end to the Vietnam war draft. Both are expressions of dissatisfaction with the Government, and both deserve the protection of the Constitution.

Last, I believe that Judge Bork's view that Members of Congress do not have standing to sue the executive branch provides the executive with too much power, thereby undermining the balance of power which the framers of the Constitution originally intended. We cannot let the executive authority run rampant. The "Iran-Contra affair" should have taught us at least this. If the Supreme Court won't hear the claims of Members of Congress that the executive has gone beyond the limits of its power, who will? If the Legislature is the last resort for those whose rights have been trampled on—as Judge Bork contends—what are we to do when an imperial executive ignores that law and tramples on the Legislature. We cannot allow a judge on the Court who would eschew that responsbility.

For all these reasons, I will vote against Judge Bork's nomination. I do not mean to say that he lacks intelligence or experience. However, there are other characteristics which are equally important for a Supreme Court Justice. While I do not believe in judges making law—that is a congressional responsibility—I do believe that they must take care to see that the spirit as well as the words of the Constitution and the laws of the United States are fairly and equally applied. And the Supreme Court must not only ensure that the laws are fairly applied, but that the laws themselves are fair. Fair means not only that they do not unduly burden our right to privacy, but that they do not deprive us of a fundamental right, and that they do not distinguish on the basis of race, sex, religion, or other invidious and largely irrelevant factors.

I oppose Judge Bork's nomination.

BICENTENNIAL MINUTE

OCTOBER 7, 1929: BRITISH PRIME MINISTER RAMSAY MAC DONALD ADDRESSES SENATE

Mr. DOLE. Mr. President, on October 7, 1929, British Labor Party Prime Minister Ramsay MacDonald delivered a major address before the Senate. He spoke warmly of British-American friendship, and advocated making the Kellogg-Briand peace pact, ratified earlier that year, a living principle. While MacDonald's was one of the more substantive addresses by a visiting dignitary to be given before the Senate, it was not the first. Ever since 1852, when Gov. Louis Kossuth of Hungary addressed the Senate, foreign leaders occasionally have sought the Senate Chamber as the site of major speeches. Prior to MacDonald, the only Englishman to address the Senate had been Prime Minister Arthur James Balfour, whose grim mission in May 1917 was to brief the Senators on the terrible war in Europe that the United States had just voted to enter.

The purpose of MacDonald's 1929 visit to America was to invite the United States to join England, France, Italy, and Japan for a naval conference in London, designed to avert future wars. The Prime Minister arrived at the Senate trailing clouds of good will and hope for a safer world, and made his way into the Capitol through the cheering crowds of well-wishers lining the stairs. Nearly every Senator was present and the galleries were packed with notables eager to hear more about the conference he proposed. The Labor Party leader was roundly applauded when he declared that—

> There can be no war—nay, it is absolutely impossible, if you and we do our duty in making the peace pact effective, that any section of our arms, whether land, or sea, or air, can ever again come into hostile conflict.

The conference MacDonald espoused did take place and in April 1930 the London Naval Treaty was signed by the United States, Great Britain, and Japan. The next Englishman to address the Senate was King George VI in June 1942. Like Balfour before him, the King came in the

midst of a devastating war, which had not been averted as MacDonald had dreamed in 1929.

AMERICA'S SELF-INTEREST IN HELPING GORBACHEV

Mr. PELL. Mr. President, the New York Times this morning, October 7, published an extraordinary article by Whitney MacMillan and Richard H. Ullman entitled "America's Self-Interest in Helping Gorbachev." Mr. MacMillan is chief executive office of Cargill Inc., and Richard Ullman is a very distinguished professor of international affairs at Princeton University. Both are members of a task force convened during the last 6 months to assess recent Soviet reforms and to suggest what would be wise policy responses for the United States. This task force, organized by the Institute for East-West Security Studies, has among its membership some of the most experienced and knowledgeable Americans who have dealt with Soviet affairs. So this is a group, and a report, that deserves to be taken seriously.

In their analysis, Professor Ullman and Mr. MacMillan take account of the argument often heard that any apparent move toward "reform" in the Soviet Union should be viewed with suspicion, the argument summed up in the homely precept that "a well-fed Russian bear may be even more dangerous for the West than one on short rations."

In rejecting this view, their article states:

> Such a projection may someday be valid. But that would be many years from now, and if Mr. Gorbachev succeeded in his plans the Soviet Union would likely by then be a considerably changed society with a growing stake in a moderate international order. Thus any risks for the West in Mr. Gorbachev's success would more than be balanced by the likely benefits.

Professor Ullman and Mr. MacMillan cite chapter and verse to demonstrate that Mr. Gorbachev "has begun to move Soviet policy in a number of directions that are broadly compatible with longstanding Western interests"—in agreeing to the U.S. proposal to eliminate all intermediate range nuclear missiles; in accepting onsite inspections for verification of nuclear reductions; and in revising long established Soviet precepts on reductions of conventional forces in Europe.

The same appears to be true in Soviet domestic policy, where Gorbachev's leadership has sought to move the Soviet internal economy in directions that will enable it to respond to market forces. Improvements in the area of human rights have been widely reported and stand at the heart of the glasnost that has become the signature of Gorbachev's policy.

Mr. MacMillan and Professor Ullman conclude:

> None of these suggested measures is irreversible. None will weaken the West . . . Where they strengthen the Soviet Union they strengthen those elements that most want to move Soviet society in directions that further long-run Western interests in a moderate international order.

In short, while we should continue to be realistic in our appraisal of these changes, there is every reason, on the basis of careful, clear-eyed analysis, to hope for their success as being in our own national interest, as well as that of the people of the Soviet Union.

Mr. President, I ask unanimous consent that the full text of the article from today's New York Times be printed at this point in the RECORD.

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

[From the New York Times, Oct. 7, 1987]

AMERICA'S SELF-INTEREST IN HELPING GORBACHEV

(By Whitney MacMillan and Richard H. Ullman)

Mikhail S. Gorbachev's remarkable efforts to transform the Soviet economy—and, perforce, Soviet society—have captured the attention of the American public. That is scarcely news. But what is striking is the breadth of the developing consensus among knowledgeable Americans that it is very much in the interest of the goal of American policy to help him.

Over the last six months, a 37-member task force, called together by the New York-based Institute for East-West Security Studies (we are both members), has been meeting to assess the Soviet reforms and to suggest policy responses for the United States. The group will present its report at an international conference in St. Paul, Minn., next weekend.

Among the members are former officials of several recent administrations, including Ronald Reagan's. At the outset, many were skeptical that Mr. Gorbachev intended fundamental changes. But last June's meeting of the Communist Party's Central Committee convincingly demonstrated not only the far-reaching nature of his agenda but also that he enjoys sufficient support to set change in motion.

The task force's consensus view—that it is an American interest to encourage Mr. Gorbachev's reforms—was not a foregone conclusion. Against it was the argument that a well-fed Russian bear may be even more dangerous for the West than one on short rations.

If the Soviet Union provided a formidable threat when its economy was woefully inefficient, the threat might only be magnified when higher productivity meant fewer economic constraints on Soviet power.

Such a projection may someday be valid. But that would be many years from now, and if Mr. Gorbachev succeeded in his plans the Soviet Union would likely by then be a considerably changed society with a growing stake in a moderate international order. Thus any risks for the West in Mr. Gorbachev's success would more than be balanced by the likely benefits.

To succeed, Mr. Gorbachev needs not merely to channel resources away from the military sector toward civilian consumption but toward civilian investment as well. He also needs to provide much more scope for entrepreneurial creativity. That means giving the individual managers of factories and farms a larger voice in allocating resources and freedom from control by a heavy and deadening central bureaucracy.

As Mr. Gorbachev has emphasized in his public pronouncements, that means introducing something approaching market mechanisms in the place of rigid price and quantity controls. It also means the widespread adoption of information technologies that are incompatible with the secretive, closed society that has until now been synonymous with Soviet rule.

Teaching old bureaucracies new tricks is scarcely new. Mr. Gorbachev has made clear that he seeks not merely to induce the Communist Party apparatus and economic planners to behave in radically different ways but also to curb the powers of the military and the internal security services.

Mr. Gorbachev has also made it clear that in his view restructuring the economy requires international stability. That is not simply because higher spending on arms absorbs vitally needed resources. Unstated, but surely on his mind, is the danger that if the security apparatus can point to a growing threat from abroad, or if it can allege that he has allowed the Soviet Union to fall seriously behind the United States in military preparedness, it might use such arguments to unseat him.

During the last year, while Mr. Gorbachev has been consolidating his power, he has begun to move Soviet policy in a number of directions that are broadly compatible with long-standing Western interests.

In the military realm, he has accepted President Reagan's proposal for eliminating all intermediate-range nuclear missiles. In so doing, he will have to scrap several times the number of warheads Mr. Reagan will. Moreover, he has also agreed to intrusive on-site inspections, heretofore anathema to the Soviet Union.

Perhaps even more significant, Mr. Gorbachev has raised the prospect that Moscow might accept asymmetrical reductions of conventional forces in Europe, and he has suggested that "sufficiency," rather than superiority over or parity with the West, should be the appropriate measure for structuring Soviet military forces.

On his economic agenda, Mr. Gorbachev has come forward with proposals for making the Soviet internal economy responsive to market forces and for substantially increasing Soviet participation in the international economy. In the area of human rights, he has introduced a degree of openness and toleration of dissent that would have seemed unthinkable when he came to power two and one-half years ago. And there are signs that there will soon be a substantial easing of the barriers that now prevent Soviet citizens from emigrating.

The West should welcome these measures as significant. While their long-term success is obviously uncertain, they nevertheless hold out the promise of a further moderation of Soviet power and an opportunity not only to develop additional areas of East-West cooperation but to institutionalize them so as to make it more likely that they will survive changes in the leadership of both superpowers.

Mr. Gorbachev's programs are not unopposed. Resistance seems to be coming from just those circles that are most fearful of and hostile to the West. If he were to fail, his successor would be likely to come from those circles. The West should therefore seek to strengthen his hand. The task force

reached that conclusion in full awareness, however, that the game now being played out in Moscow is very much a Soviet contest, with local rules and local prizes. The West is likely to have only marginal influence over its outcome. But the stakes for the West are such that the margins are important.

The chances for effective influence are probably greatest in the security sphere. Mr. Gorbachev sorely needs to cut military spending. This priority might make it possible to reduce conventional force levels, especially in Europe, and in doing so eliminate some of the forces—in particular, forward-based armored units—that pose the greatest threat of surprise attack.

Similar motivations—most notably the desire to avoid a costly race to deploy defenses against missile attacks—might make possible the rapid conclusion of an agreement that combined deep reductions in strategic offensive nuclear forces with a reaffirmation of the existing SALT I treaty so as to assure that any research on strategic defensive systems is within permissible bounds.

Within the economic sphere, Western governments and companies should welcome Soviet efforts to develop the legal foundations for a system of equitable joint ventures. And while Western governments should not subsidize credits, neither should they oppose the extension of credits at commercial rates.

If Moscow continues to demonstrate heightened respect for human rights, Congress should bring United States policy into line with that of our allies by repealing the Jackson-Vanik and Stevenson amendments restricting trade and credits. Except in the precisely defined area of strategic technologies, East-West trade should be expanded.

Finally, if the Soviet Union demonstrates that operational decentralization of the economy is genuine, so that prices reflect costs and commercial information is freely available, the West should respond favorably to Soviet initiatives such as requests for observer status in international trading and monetary organizations that would tie Moscow more closely into the world economy.

None of these suggested measures is irreversible. None will weaken the West. All are worth taking whether or not Mr. Gorbachev's reforms turn out to be deep-seated and long-lasting. Where they strengthen the Soviet Union they strengthen those elements that most want to move Soviet society in directions that further long-run Western interests in a moderate international order.

The changes now under way as Mr. Gorbachev attempts to modernize and liberalize the Soviet Union are among the most encouraging developments of our era. The West should always realistically appraise them, but it should also hope for their success.

IN MEMORY OF THOMAS E. KEPPLE

Mr. DODD. Mr. President, I would like to pay tribute to a long-time constituent of mine, Thomas E. Kepple, who passed away on September 22 at the age of 74.

A resident of Stonington, CT, Mr. Kepple loyally served his community and State as an active member of the Southeastern Council on Alcoholism and Drug Dependence, Inc. He was devoted to the fight against drug and alcohol abuse.

Mr. Kepple proudly served his country as a member of the 93rd Armored Division during World War II and later as an integral player in the development and maintenance of our Nation's defense system as an employee of the Electric Boat Division of General Dynamics.

Mr. Kepple was an outstanding citizen. His commitment to his community, State and country are a fine example for all in Connecticut.

I offer my deepest condolences to the Kepple family. My thoughts and prayers are with them.

DEATH OF THOMAS D'ALESANDRO, JR.

Mr. DODD. Mr. President, it is with great sadness that I rise today to remember Thomas D'Alesandro, Jr., a great American, and the father of a good friend of mine, Congresswoman NANCY PELOSI. Tommy, as everyone knew him, passed away during the August recess, leaving behind a host of admirers who were touched by his life and its many achievements. Others before me have done an excellent job of enumerating his many accomplishments but, Mr. President, I would like to take a few moments today to highlight again some of the things that made Tommy D'Alesandro such an extraordinary and inspiring individual.

Tommy was a doer. He served the people of Baltimore with distinction as a State delegate, a U.S. Representative, and mayor. As a Member of Congress during the New Deal, he went to bat with President Roosevelt to get jobs for his constituents, and was successful. As a three-term mayor of Baltimore, he worked to transform that city into the great metropolis it is today. He pushed through an urban renewal program to revitalize the downtown area, and he improved neighborhoods by building an unparalleled number of schools, roads, and hospitals. He was responsible for the development of Friendship Airport, which we now know as BWI. And of course he brought the national pastime back to Baltimore, as the St. Louis Browns became the Baltimore Orioles in 1954.

Tommy D'Alesandro's life also serves as a great inspirational example. His was the type of success story that embodies the American dream. As 1 of 13 children of an immigrant laborer, he had to quit school at age 13 to earn money for his family. He worked in factories, he sold insurance, and he continually nurtured his love for politics. America is a land of opportunity, because of this all his hard work paid off. He rose from humble beginnings to be a political leader of national importance, to be on familiar terms with Presidents.

Despite his success and fame, however, he remained all his life a man of the people, never forgetting that it was his job to serve. He never forgot his roots among his friends and neighbors in Baltimore's Little Italy section, and he lived there his entire life. Such loyalty is both heartening and reassuring in a world where it sometimes seems all too rare.

Tommy instilled in his offsprings and in others a love for public service that will be perhaps his most lasting legacy. Many an aspiring politician began their career under his tutelage. The people of Baltimore were blessed when Tommy's son, the Honorable Thomas D'Alesandro III was elected mayor in 1967. And of course, it was just a few months ago that Tommy D'Alesandro—former mayor, former Member of Congress sat in the House beaming with pride as his daughter NANCY PELOSI took the oath of office as a U.S. Representative.

I know that Tommy D'Alesandro's life, Mr. President, will continue to be an inspiring example for all of us. A dedicated public servant, a loyal husband, father, and neighbor, and a man who encouraged others to aspire to public service, he will never be replaced, and he will be greatly missed.

REED BUDGE: ROCK OF THE IDAHO LEGISLATURE

Mr. SYMMS. Mr. President, Reed Budge, a great leader in the State of Idaho for more than two decades, died recently in his hometown of Soda Springs. He was a friend of mine and he will be missed by many others.

Thousands were influenced by his life of public service, his example of personal integrity, and his love for his family and friends.

Reed was also a dedicated American patriot. As he served in the U.S. Army during World War II as a medic in the Second Armored Division, his commitment to his country earned him the Purple Heart, the Silver Star, and five battle stars.

Reed's greatest contribution to the State of Idaho was his pervasive conservative influence in the State legislature for 20 years, as he battled big government and fought to preserve the rights of the individual.

His colleagues in the Idaho Senate will remember him as a representative of the people who stood true to his deep convictions of conservative principles and ideals. The respect he commanded as the chairman of the Transportation Committee and president pro tem for two terms made him the "rock of the Idaho Legislature."

Reed Budge also had a strong belief in the importance of family. While serving in the legislature, he often re-

turned home to Soda Springs on weekends to spend time hunting and fishing with those he loved most. Some of his most favored memories came from his experiences with his children in the Idaho outdoors, and, indeed, they and his wonderful wife were his most cherished friends.

Mr. President, I have two articles that were published in honor of Mr. Budge; I ask unanimous consent that they be inserted in the RECORD immediately following my remarks, and encourage my colleagues to read them and consider the example set by Reed Budge.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BUDGE NEVER BUDGED AGAINST CONVICTIONS

(By Quane Kenyon)

BOISE.—Former state Senate power Reed Budge, who died at his Soda Springs ranch at age 66 last week, was a fixture—and a power—in the Idaho Legislature for 20 years.

That he held to his very conservative convictions, no matter what, was pointed up in 1974.

Prodded by Gov. Cecil Andrus, the Idaho Legislature was pushing through a major reorganization of state government.

Over the years, nearly 270 separate state boards, commissions, agencies and departments had sprung up, and some lawmakers said the huge number made it almost impossible to govern them all properly.

McCall lumberman Warren Brown, then a state senator, spearheaded a series of meetings in the summer of 1973, preparing to reorganize state government into no more than 20 executive departments.

The plan went before the 1974 session. Legislative leaders took it to their caucuses and got general agreement that no one would try to tear it apart. The theory was that if anyone started making small changes, the entire proposal would fall apart.

Budge stood almost alone in arguing, and voting against, the reorganization plan.

He told Senate members that if they thought it would cut government, result in less state spending and fewer employees, they should think again.

The Legislature passed the plan anyway. True to Budge's predictions, state government continued to grow in the 1970s, and there were no major cutbacks in the number of employees then.

In a generally conservative state, Budge could be considered far more conservative than most Idahoans, and he didn't mind standing alone when he felt the other legislators were wrong or were approving spending that wasn't absolutely necessary.

Budge served many years as chairman of the Senate Transportation Committee, and his intransigence on tax matters made it futile even to consider such legislation in his committee.

Budge was elected the Senate's presiding officer in 1978 when Phil Batt of Wilder gave up the job to run for lieutenant governor and later governor. He held the president pro tem post for four years, then was defeated in 1982 by the man who still holds the job, Sen. James Risch of Boise.

Budge wasn't happy over being ousted as pro tem by Risch. But he didn't take it out on anyone and quitely went back to being chairman of Transportation and representing the southeastern corner of the state.

Partly because of his opposition to Andrus' programs, the governor in 1976 personally went into Budge's district to campaign for his Democrat opponent, J. David Roberts of Preston. Budge won, anyway, 6,227-4,287 and never was seriously challenged again.

He was a rugged outdoorsman, and often during his legislative service would leave the weekend parties, lobbying efforts and dinners to the others and return to his ranch. After a weekend at home, he came back and talked about enjoying riding the range in sub-zero temperatures more than taking part in city diversions.

EX-LEGISLATOR DIES AFTER HEART ATTACK

SODA SPRINGS.—Former state Sen. Reed Budge, a veteran of 20 years in the Idaho Legislature and two terms as Senate president pro tem, died Friday of an apparent heart attack. He was 66.

Relatives said Budge, who had been in good health, was stricken at his Soda Springs home about 1:30 p.m. and died a short time later at Caribou Memorial Hospital.

Budge, the grandson of one of Idaho's early pioneers and political leaders, was appointed to the Idaho Senate in 1967 while he served as a Caribou County commissioner. He retired from the Senate after the 1986 session.

Budge was elected Senate president pro tem late in 1978 and served in that office through the 1982 session. For many years, Budge was chairman of the Senate Transportation Committee.

Political colleagues were saddened by Budge's death, and remembered Budge as an extremely honest, and unflinchingly conservative, lawmaker.

"Reed had been involved in politics in Idaho for more years than I can count," Idaho Republican Party Chairman Blake Hall said Saturday. Hall described Budge's death as a "tremendous loss."

"I felt like he was one of the most consistent conservative senators that I had the opportunity to work with," said Sen. Mark Ricks, R-Rexburg, the Senate's Majority Leader, "He did not yield to special interest groups."

Budge served as pro tem during extremely difficult fiscal times, Ricks said, and saved Idaho taxpayers millions of dollars during that time.

"He was a good leader for that period of time," he said. "He was very thorough and consistent."

Sen. James Risch, R-Boise, who succeeded Budge as pro tem in 1982, said he was shocked by Budge's sudden passing.

"It's a great loss to the Republican Party—there's no question about that," Risch said.

Risch described Budge as a "very honest man and very true to his convictions," which was reflected in his career as pro tem.

"His leadership was geared toward moving the state toward his conservative philosophy," Risch said.

Contrary to his image in the media, Budge "was a very warm person, a very caring person," who interacted well with people, Risch said.

Sen. Dennis Hansen, the Soda Springs Republican who succeeded Budge last November, said he received a great deal of support from Budge.

"It was nice last year, a few times, to lean on him," Hansen said. "He did help me a lot."

Hansen said he called Budge for guidance several times last session. While he offered background and advice, Hansen said Budge never pressured his voting decisions. Likewise, Budge did not try to exert influence through Hansen, the freshman senator said.

"I had to initiate it, and when I did, he was very helpful," Hansen said.

Hansen also praised Budge as a "valiant fighter" for his convictions.

"I know he put in an awful lot of hours outside of the legislative session working for the people," he said.

Budge's unwavering devotion to conservative causes was the object of humor at his retirement roast in Preston earlier this year. Lt. Gov. C.L. "Butch" Otter, who served as a senate page while Budge was in office, said the first thing he heard about Budge was that "he can't read and won't budge."

"You always knew where he stood," he added.

Budge's son Randy also noted that his father's conservative leanings made him more than a few political enemies.

"When dad was considering running for re-election, he weighed his campaign fund against his retirement fund," Randy Budge said at the roast. "When he got seven contributors to his retirement fund, he figured it was time to quit. The seven were Gov. Andrus, Gov. Evans, the AFL-CIO, the IEA, Idaho Fish and Game, Sierra Club and the NAACP."

Despite philosophical differences with the conservative Budge, area Democrats said they enjoyed good personal relations with him.

Former governor John Evans, who was chief executive of the state from 1977 until last year, said Saturday of Budge: "Idaho has lost a true friend and leader."

The Malad native recalled that he and Budge went to the Legislature together in 1967 and were very close friends, "even though we were on opposite sides of the fence."

"I always had high respect for his honesty, integrity and his drive to accomplish things important to Idaho and its people.

"And while we very seldom voted alike on any issue, I continue to hold him in high respect," Evans said.

Sen. C.E. "Chick" Bilyeu, D-Pocatello, said Budge was governed by "a very strong set of principles that he believed in . . .

"He was a lot of fun to be around," Bilyeu said. "We got along well personally, although our political views were different."

Sen. Bert Marley, D-McCammon, said consistency was one of Budge's hallmarks. However, Budge would not hold grudges over political disagreements.

"He was always friendly to me," Marley said. "You could disagree with him and still like him."

Budge, a livestockman, was a much-decorated World War II veteran. As a young medic, he landed with the 2nd Armored Division on Omaha Beach.

Later, he was wounded in the Battle of the Bulge and earned five battle stars, the Purple Heart and the Silver Star.

After the war, he took over a huge but broke family livestock operation and put it back into the black.

Budge was one of the Senate's most conservative members, but was extremely popular in his eastern Idaho voting district, which most of the time covered the southeastern corner of the state.

In 1974, Gov. Cecil Andrus won a landslide victory. Two years later, he came to Soda Springs to personally campaign for Budge's opponent, hoping to unseat a conservative Republican who had opposed many of his programs. But Budge won by 20 percentage points, and never was seriously threatened when he retired in 1986.

Budge was a member of a pioneer Idaho family. William Budge, a Scotsman who emigrated to the United States in 1860 as a convert to the Church of Jesus Christ of Latter-Day Saints, was sent by the church in 1868 to colonize Utah's Cache Valley.

Two years later, he moved into Idaho Territory's Bear Lake country.

William Budge, who served in the territorial legislature, had three wives and 36 children, including some of Idaho's best-known political names.

Alfred Budge was chief justice of the Idaho Supreme Court. Alfred's sons included Hamer Budge, who served four terms as Idaho's 2nd District congressman, and Walter Budge, former Utah attorney general. Reed Budge's father, was one of 15 children of William Budge's third wife.

He is survived by this wife of Soda Springs, and three sons and two daughters. Funeral services will be Tuesday at noon at the Soda Springs LDS Stake Center with Bishop Jack Christensen officiating.

COMMENDING LT. COL. SAVA M. STEPANOVITCH, U.S. ARMY, UPON HIS RETIREMENT

Mr. D'AMATO. Mr. President, I rise today to call to the attention of my colleagues and the American people Lt. Col. Sava M. Stepanovitch's extraordinary contributions to the United States of America and to the cause of freedom. Colonel Stepanovitch's story is the story of a professional soldier—a warrier of great courage and ability—who has risked his life in the service of the ideals of liberty in widely varied assignments in the armies of three countries.

Colonel Stepanovitch retired from the U.S. Army on September 13, 1987. He has left his current assignment as Chief of the U.S. Army Europe/NATO Central Army Group Liaison Mission to the Commander-in-Chief French Forces in Germany and 1st French Army (France) to enjoy civilian life for the first time since just after the conclusion of World War II.

He takes with him decorations for valor in combat from three armies—the Royal Yugoslavian Army for his service against Nazi forces during World War II, the French Army for his service against the Viet Minh in Indochina and the insurgent forces in Algeria, and the U.S. Army for his service against Viet Cong and North Vietnamese forces in South Vietnam. He also takes with him awards for outstanding performance in highly sensitive staff positions from the United States—the Joint Service Commendation Medal—and France—the National Order of the Legion D'Honneur.

This notable achievement caps a long, brilliant, and varied career which began when Colonel Stepanovitch was born in Novisad, Yugoslavia, on January 2, 1927. At the age of 15, he enlisted in the Yugoslavian Royal Army. He served in the royal forces, known as the Chetniks, taking part in a number of battles, receiving decorations for bravery under fire, and was promoted to the rank of sergeant cadet. During this period, he was responsible for saving at least 12 U.S. Army Air Corps crewmen who had to bail out over Nazi-occupied Yugoslavia. Seriously wounded in action against Nazi forces in February 1945, he was evacuated to Italy, where he recovered in a U.S. military hospital.

After release from the hospital, he traveled to France, where he completed school at the Lycee Lakanal. He then entered the French military academy, St. Cyr, receiving a commission in the French Army upon his graduation in 1951. Following completion of the French Army's Advanced Cavalry Armor School at Samur, he was assigned to the French expeditionary force in Indochina.

Serving in Indochina from 1953 to 1955, he was awarded the War Cross of the Foreign Theaters of War with bronze star, having been mentioned in brigade orders for "his enthusiasm and disregard of danger" as a young armored car platoon leader. In Indochina, he was assigned to the French Foreign Legion 1st Cavalry Regiment, the 1st Amphibious Group, and the 2d Paratrooper Battalion.

Following his Indochina tour, Lieutenant Stepanovitch was assigned to Algeria, where he served in the 2d Motorized Saharan Company of the Foreign Legion and in the Group Commando Paratroop General Reserves. He received three decorations for valor in combat during this period of Algerian service.

For his services as an armored car platoon leader, he was awarded the Cross for Military Valor with silver gilt, having been cited in corps orders for his "outstanding and unusual determination and courage." He received two other awards of the Cross for Military Valor with silver star for subsequent actions, in which he was described as being "incessantly in the forefront of every fight, being always exemplary by his utter disregard of danger."

In 1961, Lieutenant Stepanovitch resigned from the French Army and came to the United States to start a new life. Upon his arrival, he contacted Gen. William B. Rosson, whom he had known in Indochina as a result of Rosson's service as a U.S. liaison officer with the Saigon headquarters of the French Commander in Chief for Indochina.

I ask that an excerpt from a letter from General Rosson who then headed the U.S. Army's special warfare activities in the Pentagon, be printed in the RECORD immediately following these remarks.

As that letter indicates, Colonel Stepanovitch served his adopted country with extraordinary distinction, he received the Silver Star, the Bronze Star with "V" device and three oak leaf clusters, and the Air Medal with "V" device and six oak leaf clusters for his service in Vietnam. I ask that the citation accompanying that award be reprinted as well.

The American people owe this distinguished soldier a debt of gratitude, and their sincere thanks for a job well done. His service on the battlefield, in the classroom, and as a soldier-diplomat should serve as a model and inspiration for aspiring officers. And, indeed, all Americans wish him the best in his civilian pursuits, in confidence that he will be as successful in his next endeavors as he has been as a solider.

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

EXCERPTS FROM AN AUGUST 20, 1987 LETTER FROM GENERAL ROSSON (RETIRED)

". . . It became evident that Stepanovitch wished to resume military service as an officer in the US Army. Unfortunately, regulations were such as all but to rule out this possibility. Moreover, it also became evident that his command of English was so limited as to require appreciable upgrading.

"With the help of several officers in my [Rosson's] organization who took an interest in Stepanovitch, wheels were set in motion to explore the feasibility of a special commission, to arrange instruction in English (eventually at Georgetown University) and to enquire as to whether the CIA might wish to interview him. Whereas the latter initiative produced several discussions, and whereas Stepanovitch signified to me at one stage that he was considering seriously a proposal made to him by the CIA, he decided ultimately against accepting it. . . .

"During this same period the Army's special warfare directorate within my [Rosson's] organization was able to employ Stepanovitch as a civilian consultant on counterinsurgency, thus capitalizing on his experience in Indochina and North Africa. (President Kennedy's emphasis on counterinsurgency at the time provided a receptive environment for utilization of individuals who possessed desired qualifications.) He worked with a contract group located at American University, devoting much of his effort to producing documents for army counterinsurgency education and training. He also worked with the U.S. Army Special Warfare Center and School at Fort Bragg, North Carolina.

"This was Stepanovitch's status when I [Rosson] left the Pentagon for reassignment in July 1963. Before my departure, however, I conferred with both the Secretary of the Army and the Chief of Staff of the Army concerning him, and urged that consideration be given to granting him a special direct commission based upon his experience and his potential. Early in 1965 he was commissioned as a captain. I do not know the provisions under which the commission was approved, but I recall meeting him at Fort Bragg soon thereafter where he was serving with the special warfare center.

We made a parachute jump together on that occasion, and I suspect that it was the first jump he had made since leaving the French Army. . . .

"All of Stepanovitch's service in Vietnam as an officer of the U.S. Army occurred during periods when I was assigned there as well. I recall his having been an advisor to South Vietnamese Airborne Division, 1966; the S-2 (intelligence officer) of a battalion of the 1st Brigade, 101st Airborne Division, 1967; and an assistant operations officer on the staff of the aforementioned brigade, 1968. In all of these assignments his knowledge of Vietnam and of the Vietnamese people enabled him to contribute importantly to plans and operations involving interface with South Vietnamese units and the civilian population. As commander of the corps-level force to which the 1st Brigade, 101st Airborne Division was assigned, it was my honor to decorate him with the Silver Star for gallantry in action, and I was aware of two other acts of valor for which he was awarded the Bronze Star. When he was serving with the U.S. Army Special Forces unit in Thailand in 1971, I observed his experience and professionalism at work during the course of a field visit made when I [Rosson] held the post of commander in chief, U.S. Army Pacific."

The following description from the August 25, 1968 citation for his Silver Star award illustrates the the level of heroism he displayed:

"For gallantry in action in the Republic of Vietnam on 7 October 1967. At 2000 hours on 7 October 1967, the Tactical Command Post of the 2d Battalion (airborne) 327th Infantry, located near Chu Lai, Republic of Vietnam, received a heavy ground attack with grenades and B40 rockets. The initial attack was on the perimeter outposts nearest the battalion command post and spread to other outposts around the perimeter. Captain Stepanovitch immediately moved to the outposts receiving the initial attack. . . . By this time the intensity of the attack had grown to a full assault on these positions. With complete disregard for his own safety, Captain Stepanovitch moved from position to position, directing fire and attempting to organize the situation. . . . He directed fire, established communications, and controlled the ammunition resupply until reinforcements could be deployed, and friendly mortars and artillery effectively employed to halt the attack. His conduct and leadership under fire were inspirational in halting the attack without further loss to friendly troops."

NATIONAL EMPLOY THE HANDICAP WEEK—OCTOBER 4-10, 1987

Mr. DOLE. Mr. President, each year in October we celebrate "National Employ the Handicapped Week" to focus national attention on creating job opportunities for the disabled. Employment is the key to full participation in American society. Without a job and the money it brings in, we become dependent on society instead of contributing to it.

When we enacted the unemployment rate the disabled population was approximately 70 percent. That was about 10 times the national average.

Since then, the Federal Government has attacked the problem on several fronts. We passed laws prohibiting discrimination against an individual merely because he or she was disabled. We continue to support programs to help disabled individuals receive vocational guidance, training, and assistance with placement. We passed tax deductions and credits for employees and employers to help encourage businesses to hire the disabled. And we also passed tax incentives to help the disabled become employed and remain employed. I was pleased to play a role in helping enact a special itemized tax deduction for the severely handicapped.

Through the President's Committee on Employment of the Handicapped, we continue a significant publicity drive to encourage employers, including the Federal Government, to hire persons with disabilities. We are reviewing our disability support programs, such as supplemental security income, to remove disincentives to work. And we fund research into rehabilitation engineering so that severely disabled individuals may benefit from recent advances in technology.

As a result of these initiatives, and because employers realize that it makes both economic and social sense, more disabled individuals are working today than ever before. Corporations and public agencies interested in cutting costs are reviewing their disability retirement and workman's compensation programs and developing mechanisms to help disabled employees return to work. Some corporations have even found it economical to contract with rehabilitation facilities for severely disabled individuals to work onsite with the support of rehabilitation specialists. I would especially like to commend two companies in Kansas, Quaker Oats and Packer Plastics, for hiring some 50 severely disabled individuals in a support employment initiative. The opportunity to work in a real work setting, and the chance to interact with other employees who may not be disabled, has helped these severely disabled individuals to gain the self-confidence and ability to succeed on their own in competitive employment. Quaker Oats was so convinced about the economic and social value of this experiment that they produced a tape entitled "It's Just Good Business." I think all of my colleagues in the Senate should see it.

But there is still alot to be done. A 1986 Harris poll indicated that 67 percent of the disabled population was unemployed. This is 12 years after passage of the Rehabilitation Act and the unemployment rate among disabled individuals is still 10 times the national average.

I am not sure why we have not made better headway against the unemployment rate. But whatever the problem is, I intend to be part of the solution. I look forward to working with my colleagues in the Senate, disability organizations, unions, and employers both public and private to find the solutions with the honest hope that we can make significant inroads against the unemployment rate in the next 12 years.

As a nation we cannot afford economically or socially, to allow these human resources to go unutilized and dependent on society.

We made a promise in 1974 that we would open the doors of opportunity to disabled individuals. We have in some ways, but I think it is time for us to renew that promise and together solve this problem.

RETIREMENT OF SENATOR PROXMIRE

Mr. WIRTH. Mr. President, I rise today to give tribute to my friend and colleague, the senior Senator from Wisconsin, WILLIAM PROXMIRE. The record BILL PROXMIRE has amassed in the U.S. Senate throughout his 30 years in this Chamber sets a number of standards those of us who are relatively new to this body can only hope to emulate.

In my mind, perhaps Senator PROXMIRE's greatest role in the Senate has been his prescience of, and efforts to battle, the Federal budget deficit. Along with many of you, I believe that one of the very greatest challenges those of us in the Congress face today is the thorny issue of how to deal with the budget deficit. While our concern about this particular problem is certainly genuine, the relatively recent arrival of so much concentration on this issue stands in contrast to BILL PROXMIRE's record as a champion of fiscal restraint.

Senator PROXMIRE's famous "Golden Fleece" awards have become a focal point for those of us who have tried to spotlight and eliminate waste anywhere it is found in the Federal Government. I was recently reminded of one of my favorite "Golden Fleece" awards, which was given in 1977 to the Department of Agriculture for spending $46,000 to find out how long it takes to cool breakfast. It certainly has made a difference in my life.

BILL PROXMIRE's legendary frugality, however, did not end with his role as a watchdog on Government spending. I think it is particularly fitting that, after we have just temporarily moved off the debate concerning limiting the skyrocketing cost of elections, we look to the example BILL has set in his various campaign efforts. In 1976, for instance, Senator PROXMIRE was elected by a 2-to-1 margin, having spent the grand sum of $177.75. The 1982 campaign proved to be a little easier on the pocketbook, costing a total of $145.10. Although this is in large measure an indication of the great affection the people of Wisconsin have

for their beloved Senator, it is certainly a campaign spending record without equal in this age of multimillion dollar campaigns.

As my colleagues have previously noted, Senator PROXMIRE has never been timid about standing up for his beliefs. His tenacious efforts to pass the Genocide Treaty—speaking on the Senate floor on its behalf every day the Senate was in session for 19 years—are the stuff of legend. The dedication BILL showed to deeply-felt principles eventually paid off through the passage of this measure on February 19, 1986. The saga of this treaty remains an example of the difference one Senator can make in this body.

Speaking of legendary performances, it is hard to imagine a more durable mark than Senator PROXMIRE's record of continuous rollcall votes, which he continues to surpass every day. Like Joe DiMaggio's streak of hitting safely in 56 consecutive games, BILL PROXMIRE's record of over 10,000 consecutive rollcall votes will undoubtedly remain safely esconced in Senate lore for the foreseeable future. As any baseball fan will tell you, most records were meant to be broken, but the ones that endure do so mostly as a result of the recordholder's dedication, his perseverance, and, most importantly, his ability to keep his eye on the ball. BILL has certainly demonstrated these qualities in abundance throughout his Senate career.

As a new member of the Senate Banking Committee, I am particularly cognizant of the contributions Senator PROXMIRE has made to the laws of the land with regard to the financial services industry. The Truth-In-Lending Act and the Competitive Banking Equality Act are only two of the many examples I could cite. I regret that I will have the opportunity to witness and learn from his leadership on the committee only for the remainder of this Congress.

I know that I will miss BILL PROXMIRE being in the chair of the Banking Committee. More to the point, however, I will miss his tenacity, his sense of commitment, and his devotion to the task at hand that have marked his service here.

I wish him the very best. I look forward to continuing to work with him and to learn from him during the remainder of the 100th Congress.

HONOR AND MEMORY OF JUDGE JAMES A. SPRUILL, JR.

Mr. THURMOND. Mr. President, the State of South Carolina suffered a great loss with the death of Judge James A. Spruill, Jr., who died on Saturday, August 29, 1987 at the age of 79.

Judge Spruill was one of the most respected men in my State. His integrity, intellect, and sound judgment led him to become one of the most capable jurists in South Carolina. Judge Spruill was elected to the bench in 1961 and served as a circuit judge until 1979, continuing as a special referee and acting judge until 1983.

As a Rhodes scholar and then as a professor of law at the University of South Carolina and the University of Georgia, Judge Spruill sought knowledge and truth in its purest form, and imparted this wisdom in his gentlemanly manner in all of his endeavors. Elected in the 1950's, Judge Spruill served in the South Carolina State House of Representatives for 10 years. He continued his political service when he was appointed to the governing board of the department of health and environmental control in 1983.

His life will serve as an example for future generations of statesmen, politicians, and judges. We are saddened by the death of Judge James A. Spruill, and I join with my colleagues in extending deepest sympathy to his lovely wife, Eleanor, and other members of his family during this time of bereavement.

Mr. President, I would like to ask unanimous consent that two editorials on Judge Spruill from the State and the Cheraw Chronicle and an obituary from the Cheraw Chronicle be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

SCHOLARLY JUDGE

James A. Spruill Jr., who died last weekend at the age of 79, served South Carolina with scholarly distinction for nearly four decades.

Few individuals who have donned the black robe in this state have possessed the qualities of Judge Spruill—studious intellect, wit, compassion and gentlemanliness. He kept courtroom proceedings firmly in hand without being overbearing. He earned respect by displaying it at all times towards others.

As a member of the state House of Representatives from Chesterfield County in the 1950s, Mr. Spruill stood apart from the rough-and-tumble demeanor of many of his colleagues. His courtly manner, grace and command of language attested to his student days as a Rhodes Scholar at Oxford University and as a teacher at the law schools of the University of South Carolina and the University of Georgia.

Mr. Spruill served 10 years in the House before his election to the bench in 1961. Most of the time, he kept his counsel. But when he chose to speak, other legislators stopped talking and listened. So did the normally jaded newsmen, whose reactions to State house rhetoric tended, more often than not, towards ennui and cynicism.

We well recall the time when the House Ways and Means Committee chairman was explaining why something had been written into the state budget. Unconvinced, Mr. Spruill rose and proceeded to pick apart the chairman's argument, courteously but methodically. As far as he, Jimmy Spruill, was concerned, the chairman was indulging in nothing more than "sugar-coated sophistry."

Such civilized talk is always a pleasure to hear, especially in a forum so frequently given over to oratory heavy with cliches, crassness and crudity.

Judge Spruill retired from the circuit bench in 1979, but continued to serve as a special referee and acting judge until 1983. That year, he was appointed to the governing board of the Department of Health and Environmental Control.

During a long and productive life, James A. Spruill gave generously of his time and talents to his state. His counsel will be sorely missed.

. . . AS GOOD A FRIEND AS I EVER EXPECT TO HAVE

(By Laura R. Harris)

After the news of Judge James Spruill's death spread throughout the state, local mourners seemed to agree that Spruill had done more than his share for mankind, and that his death will be grieved by many.

Fourth Judicial Circuit Court Judge James Spruill, Jr. died in Cheraw August 29, following an extended illness. He served the State of South Carolina on the bench for almost 18 years before he retired on December 31, 1978. Since his retirement he served as a special referee and acting judge until his appointment by former Governor Dick Riley in 1983 to the Board of Directors for the S.C. Department of Health and Environmental Control (DHEC).

"Regardless of their creed, color or race, each person received from him equal courtesy and respect," said Mrs. John W. Justice, who worked very closely with Judge Spruill as his secretary for numerous years.

According to Fourth Judicial Circuit Court Judge C. Anthony Harris, who practiced law with Spruill from 1955-1961, Spruill was one of the most intelligent men he has ever come in contact with. "When a person like Jim Spruill dies, it reminds me of something that was said about Clarence Darrow (a famous lawyer of the early 1900's) when he died . . . 'In the great flood of humanity that is spawned upon the earth, it is not often that a man is born.'"

T. Belk Ingram, local attorney and Chesterfield County Magistrate said that Spruill was a genuine person who had a great legal intellect. "He was certainly a most compassionate fellow for his fellowman."

Representative Jean Harris said that Spruill's many contributions to the community will never be forgotten. "He was always a gentleman, and one of our most beloved citizens."

According to local attorney William P. Griggs, Spruill influenced his life in professional and personal ways. "When I first began working as a page in the S.C. House of Representatives in January of 1959, Judge Spruill sponsored my appointment. He was like a father in his concern and support, and he was a sounding board and mentor for not just me, but for our entire law firm. He was as good a friend as I can expect to have," Griggs said.

Local attorney C. Anthony Harris, Jr. said that Spruill was widely known and respected for his even temperament, keen intellect and his genuine kindness and concern for others. "His legal career was exemplary, and one to which all young lawyers should aspire."

Louise Sallenger of Florence, Spruill's court reporter for his 18 years on the bench, had one simple thought when remembering him, "Or walk with Kings—nor lose the common touch."

JAMES P. SPRUILL, JR., RETIRED CIRCUIT COURT JUDGE, INSTRUCTOR

CHERAW.—James P. Spruill Jr., 79, died Saturday.

Born in Cheraw, he was a son of the late James A. and Mrs. Louisa McIntosh Spruill. He attended Chesterfield County schools and graduated from University of North Carolina in 1928. He was a Rhodes scholar and attended Oxford University of England, where he received a bachelor's degree in modern history and political science in 1933. He received a bachelor's of law degree from the University of South Carolina in 1934 and a master's of law degree from Columbia University in 1937.

He taught at USC and University of Georgia law schools and worked for Government Administrative Services of Washington, DC. He had a private law practice in Cheraw for a number of years and was a member of the House of Representatives from 1949 to 1954 and from 1957 to 1960. He was active in civic organizations such as the Kiwanis Club and was a member of St. David's Episcopal Church. He was elected judge of the S.C. Fourth Judicial Circuit in 1961 and served until retiring in 1979, when he served as special referee and acting judge until 1983. He was appointed in 1983 by former Gov. Dick Riley to the board of directors of DHEC.

Surviving are his widow, Mrs. Eleanor Duvall Spruill; sons, James A. Spruill III of Cheraw and W. Duvall Spruill of Columbia; daughters, Mrs. Eleanor Smith of Columbia, Mrs. Louisa S. Riddick of Burlington, Vt., and Ms. Marian Spruill of Hinesville, Ga.; sisters, Mrs. Rosa S. Davis of Pinehurst, N.C., and Mrs. Louisa S. Wannamaker of Atlanta; and grandchildren.

Services will be held at 11 a.m. Monday at St. David's Episcopal Church with burial in Old St. David's Cemetery.

Memorials may be made to Old St. David's Cemetery Association of Historic Cheraw.

Norton-Rushing Co. Inc. Funeral Directors is in charge.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order, the hour of 9 a.m. having arrived, the clerk is now directed to call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 26]

Adams	Ford	Proxmire
Bentsen	Glenn	Pryor
Breaux	Hecht	Rudman
Daschle	Karnes	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BREAUX. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

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

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

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

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—85

Adams	Ford	Melcher
Armstrong	Fowler	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Graham	Moynihan
Bingaman	Gramm	Nunn
Boren	Grassley	Pell
Boschwitz	Harkin	Pressler
Bradley	Hatch	Proxmire
Breaux	Hatfield	Pryor
Bumpers	Hecht	Reid
Burdick	Heflin	Riegle
Byrd	Heinz	Rockefeller
Chafee	Hollings	Roth
Chiles	Humphrey	Rudman
Cochran	Inouye	Sarbanes
Cohen	Johnston	Sasser
Conrad	Karnes	Shelby
Cranston	Kassebaum	Simpson
D'Amato	Kennedy	Specter
Danforth	Kerry	Stafford
Daschle	Lautenberg	Stennis
DeConcini	Leahy	Thurmond
Dixon	Levin	Trible
Dodd	Lugar	Warner
Dole	Matsunaga	Wilson
Domenici	McCain	Wirth
Durenberger	McClure	
Exon	McConnell	

NAYS—13

Bond	Murkowski	Symms
Evans	Nickles	Wallop
Garn	Quayle	Weicker
Helms	Sanford	
Kasten	Stevens	

NOT VOTING—2

Packwood	Simon

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 85, the nays are 13. A quorum is present.

The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, we had been talking last night about the Symms amendment which is eligible to be brought back before the Senate at any moment, and there will probably be a tabling motion thereon which would mean another vote immediately. But it was indicated that overnight on that amendment there might be a decision to withdraw that amendment.

Can the distinguished manager or managers enlighten us on this subject?

There are other amendments that we can get time agreements on this side. I will not state them now until both managers are on the floor. I would hope at some point that when the two leaders are on the floor together we can see where we are going on this bill and how fast we are going to get there. We want on the bill Friday. We were on it yesterday.

We have made good progress, but I hope to be able to bring up the catastrophic illness bill tomorrow. If we hope to complete action at all on this bill today, we need to cut down on the number of amendments or get some time agreements thereon or in some fashion move ahead more speedily.

I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

The ACTING PRESIDENT pro tempore. The question now recurs on S. 1394, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1394) to authorize appropriations for fiscal year 1988 for the Department of State, the United States Information agency, the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Symms Amendment No. 860, to express the sense of the Senate that the Senate ought not to have consented to the ratification of the Panama Canal Treaties, whereby the Panama Canal was given away and that such treaties are voidable unless and until Panama formally accepts the DeConcini Reservation and should be voided by the President if such acceptance is not forthcoming within six months of the adoption of this section.

(2) Melcher Amendment No. 851, to recommend to the President that he submit a plan for the sharing of costs involved in the use of United States Armed Forces in the Persian Gulf operation.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

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

The ACTING PRESIDENT pro tempore. The Chair will state the pending business before the Senate is the Melcher amendment to the bill S. 1394.

Mr. PELL. My understanding is that Senator MELCHER wants to lay that aside for a short period of time. So I ask unanimous consent that that amendment be laid aside.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

Mr. GRASSLEY. Mr. President, would I be in order to send an amendment to the desk and ask for its immediate consideration?

The ACTING PRESIDENT pro tempore. The pending business, the Chair will state, is now the Symms amendment to the bill. The Chair will state the Senator from Iowa can send an amendment to the desk.

AMENDMENT NO. 883

(Purpose: To establish a United States Commission on improving the effectiveness of the United Nations)

Mr. GRASSLEY. I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself, Mr. SIMON, and Mr. MOYNIHAN, proposes an amendment numbered 883.

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

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

The amendment is as follows:

On page 111, after line 21, add the following new title:

TITLE VII—UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

SEC. 701. FINDINGS.

The Congress finds that—

(1) on December 19, 1986, the Forty-first Session of the United Nations General Assembly approved major reforms in the budget decisionmaking process, the administration, and the management of the United Nations;

(2) President Reagan characterized this achievement as "an historic step to adopt sweeping reforms of its organization and methods of operation";

(3) the United States Permanent Representative to the United Nations, Ambassador Vernon Walters, has stated that the adoption of these reforms is "the beginning, not the end, of a process of reforming and improving the United Nations in the interests of all its members";

(4) the cooperation of many other member states of the United Nations as well as the United Nations Secretary General was indispensable to this historic accomplishment;

(5) the United Nations (of which the United States is a member by treaty) was established for the purposes, as enunciated in the Charter, of maintaining international peace and security, developing friendly relations among nations based on respect to equal rights and self-determinations, achieving international cooperation in solving economic, social, cultural, and humanitarian problems, and promoting respect for human rights;

(6) the United Nations has also, on occasion, strayed from its original purposes and has served as a forum for irresponsible rhetoric and politicization, such as the adoption by the General Assembly in 1975 of Resolution 3379 equating Zionism with racism;

(7) in spite of such grave lapses, the United States remains committed to the United Nations and the purposes of the Charter, not only as a member of the United Nations and one of its earliest leaders and supporters, but also as host to the United Nations headquarters;

(8) testament to the continued relevance of the United Nation's purposes and principles can be found in the President's addresses to the United Nations General Assembly, in which he declared that "the vision of the United Nations Charter—to spare succeeding generations this scourge of war—remains real" and that the United States, "which has always given the United Nations generous support, will continue to play a leading role in the effort to achieve its noble purposes"; and

(9) this is an appropriate time for the United States public and its representatives in Congress to participate in the ongoing United Nations reform process and to recommend means of making that institution more effective and responsible, consistent with the national interests of the United States.

SEC. 702. ESTABLISHMENT OF COMMISSION.

The United States Commission on Improving the Effectiveness of the United Nations (hereafter in this title referred to as the "Commission") is hereby established.

SEC. 703. PURPOSES OF THE COMMISSION.

(a) PURPOSES.—The purposes of the Commission shall be to—

(1) examine the United Nations system as a whole and identify and evaluate its strengths and weaknesses; and

(2) prepare and submit to the President and to the Congress recommendations on ways to improve the effectiveness of the United Nations system and the role of the United States in the United Nations system, including the feasibility of and means for implementing such recommendations.

(b) SPECIAL ATTENTION.—In carrying out its responsibilities under subsection (a), the Commission shall pay special attention to the following:

(1) The mechanisms and procedures within the United Nations system for peacekeeping and conflict-resolution and ways in which they may be expanded or improved, examining in particular the functions of the Secretary General, the role of the Security Council, the use of the International Court of Justice, potential third-party dispute-solving mechanisms (as in the establishment of a United Nations Mediation and Conciliation Service), the possible creation of standing United Nations peacekeeping forces or antiterrorism units, the role of United Nations institutions in factfinding, and potential verification and inspection services to assist in enforcing compliance with international arms control agreements.

(2) Formal and informal decisionmaking procedures in the United Nations system and recommendations to modify those procedures which have emerged from various interested parties, examining in particular the role of consensus decisionmaking, the feasibility and advisability of weighted voting (including the so-called "binding triad" formula requiring multiple concurrent majorities based on one-nation-one-vote along with population and contributions), the possible modification of the Security Council veto, and the relationship of the principles of universality and democracy to decisionmaking procedures.

(3) The cost-effectiveness and administrative efficiency of the United Nations system, examining in particular the recently adopted budgetary, management, and administrative reforms, the role of the major donors in budget decisionmaking, the prioritization of programs, adjustments in assessments, potential alternative nongovernmental sources of revenue, salaries, benefits, hiring of consultants, contracts for goods and services, and appointment of staff in the Secretariat.

(4) The economic, social, humanitarian role of the United Nations system, examining in particular the optimum coordination of economic development programs, short-term and long-term response to crises and natural disasters, population health issues, refugee relief, the protection of the environment, narcotics control, the implementation of international human rights law, and the potential creation of a United Nations High Commissioner for Human Rights.

(5) United States participation in the United Nations system, examining in particular the strengths and weaknesses of United States performance, United States policy toward the International Court of Justice and international law, provisions in United States law relating to the United Nations system, ways in which the United States can better use the United Nations system to advance its national interests, the state of public opinion with regard to the United States role in the United Nations system, United States voluntary and assessed contributions, and the hiring of United States citizens in the United Nations system.

(6) Strategies and actions for promoting the implementation of recommended reforms in the United Nations system and the United States role in the United Nations system.

(c) CONSULTATION REGARDING OTHER UNITED NATIONS REFORM EFFORTS.—In carrying out this section, the Commission shall make every effort to consult, where appropriate, with other public and private institutions and organizations engaged in efforts to reform the United Nations system, including efforts being made directly under the auspices of the United Nations.

SEC. 704. MEMBERSHIP OF THE COMMISSION.

(a) MEMBERS.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 18 members, appointed as follows:

(A) Two Members of the Senate, one appointed by the President pro tempore of the Senate and one appointed by the minority leader of the Senate.

(B) Two Members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the minority leader of the House.

(C) Eight individuals from the private sector, two appointed by the President pro tempore of the Senate, two appointed by the minority leader of the Senate, two appointed by the Speaker of the House, and two appointed by the minority leader of the House.

(D) Six individuals appointed by the President, not more than three of whom may be from the same political party.

(2) CRITERION FOR APPOINTMENTS.—Individuals appointed pursuant to subparagraphs (C) and (D) of paragraph (1) shall be representative, to the maximum extent possible, of the full range of American society.

(3) APPOINTMENTS TO BE MADE PROMPTLY.—All appointments pursuant to paragraph (1) shall be made not later than sixty days after the date of enactment of this Act.

(4) VACANCIES.—Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment was made.

(b) ADVISORS.—Former United States Permanent Representatives to the United Nations who are not appointed to the Commis-

sion shall be invited by the Commission to serve as advisors to the Commission.

(c) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION IN GENERAL.—Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) GOVERNMENT PERSONNEL.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission, and Advisors serving pursuant to subsection (b), shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(d) CHAIRMAN AND VICE CHAIRMAN.—The Chairman and Vice Chairman shall be elected by the Commission from among members of the Commission.

(e) QUORUM.—Ten members of the Commission shall constitute a quorum for purposes of transacting business, except that four members shall constitute a quorum for holding public hearings.

SEC. 705. POWERS OF THE COMMISSION.

(a) IN GENERAL.—For the purpose of carrying out this title, the Commission may hold such hearings (subject to the requirements of subsection (b)) and sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to fulfill the purposes specified in section 703. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) MEETINGS.—

(1) MINIMUM NUMBER OF PUBLIC HEARINGS.—The Commission shall hold a minimum of five public hearings.

(2) OPEN MEETINGS.—Section 552b of title 5 of the United States Code shall apply with respect to the Commission.

(3) CALLING MEETINGS.—The Commission shall meet at the call of the Chairman of a majority of its members.

(c) DELEGATION OF AUTHORITY.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of any such Federal agency shall furnish such information to the Commission, to the extent authorized by law.

SEC. 706. STAFF.

(a) STAFF MEMBERS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Chairman of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, may—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for Level V of the Executive Schedule under section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such other staff personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) DETAILING OF GOVERNMENT PERSONNEL.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist it in carrying out this title.

SEC. 707. REPORT.

The Commission shall transmit to the President and to the Congress a report containing a detailed statement of the findings, conclusions, and recommendations of the Commission, including minority views. This report shall be transmitted not later than eighteen months after the date on which all members of the Commission have been appointed.

SEC. 708. FUNDING FOR THE COMMISSION.

(a) COMMISSION TO BE PRIVATELY FUNDED.—The Commission may accept and use contributions from private United States sources to carry out this title. No Federal funds may be made available to the Commission for use in carrying out this title.

(b) LIMITATION ON SIZE OF CONTRIBUTIONS.—The Commission may not accept contributions from any single source which have a value of more than—

(1) $100,000, or

(2) 20 percent of the total of all contributions accepted by the Commission.

(c) COMMISSION APPROVAL OF CERTAIN CONTRIBUTIONS.—The Commission may accept contributions having a value of $1,000 or more from a single source only if more than two-thirds of the members of the Commission have approved the acceptance of those contributions.

(d) DISCLOSURE OF CONTRIBUTIONS.—

(1) PERIODIC REPORTS TO CONGRESS.—Every thirty days, the Commission shall submit to the chairman of the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, a list of the source and amount of each contribution accepted by the Commission during the preceding thirty days.

(2) FINAL REPORT.—The source and amount of each contribution accepted by the Commission shall be listed in the report submitted pursuant to section 707.

SEC. 709. GENERAL ACCOUNTING OFFICE AUDITS OF THE COMMISSION.

The provisions of subchapter II of chapter 7 of title 31 of the United States Code (relating to the general duties and powers of the General Accounting Office) shall apply with respect to the programs and activities of the Commission, including the receipt, disbursement, and use of funds contributed to the Commission, to the same extent as those provisions apply with respect to other agencies of the United States Government.

SEC. 710. TERMINATION OF THE COMMISSION.

The Commission shall cease to exist sixty days after submitting its report pursuant to section 707.

Mr. GRASSLEY. Mr. President, it is my understanding that this amendment has been cleared on both sides of the aisle.

Mr. HELMS. I expect it has, I say to the Senator, but I need to have my memory refreshed as to what the amendment is. I do not have a copy of it.

Mr. GRASSLEY. This is the amendment that sets up a commission to study the United Nations. It is not funded with public funds. It would provide for such a commission to report back recommendations for changing the procedure and makeup of the United Nations so it can be more effective in meeting the world conditions in the 1980's and into the future.

Mr. HELMS. Would the Senator accept a modification to move the United Nations to Moscow for the next 5 years? [Laughter.]

Mr. GRASSLEY. I appreciate the Senator's dislike for the United Nations. I am sure we all understand that. But, no, I could not accept that as a friendly or unfriendly amendment.

Mr. HELMS. As Will Rogers said, "I was afraid you were going to say that."

The amendment is fine. We agree to it on this side.

Mr. PELL. We are familiar with the amendment and believe it to be approved.

Mr. GRASSLEY. Mr. President, today, along with my distinguished colleagues Senator SIMON and Senator MOYNIHAN, I am offering an amendment to the State authorization bill to establish a U.S. Commission on Improving the Effectiveness of the United Nations.

Although I am one who agrees with the original goals of the United Nations Charter, I have certainly been critical of the effectiveness of the United Nations as a functional institution. One of the most disturbing features of the United Nations has been the inflammatory nature of much of the rhetoric in the General Assembly. Unfortunately, much of this rhetoric has tended to be eventually formalized in U.N. resolutions that have led to polarization and politicization rather than reconciliation and understanding.

Mr. President, in the past, I have supported measures that have called attention to the U.N.'s difficulties. For example, in the last Congress, I supported the amendment sponsored by our able colleague from Kansas, Senator KASSEBAUM, that required the United States to cut its contribution to the United Nations from a quarter of the U.N. budget to a fifth until the United Nations made necessary budget reforms. As a result of this congressional pressure, the so-called U.N. Group of 18 was created and its proposals were adopted. Unfortunately, the only area of attempted reform in-

cluded the budgetary process. Indepth program evaluation was never pursued, and even the budgetary reforms were very short on results.

Essentially, the Group of 18's answer to the U.N.'s budgetary crisis was to create a restructured Committee for Program and Coordination. The committee is supposed to operate by consensus and the General Assembly is supposed to treat the committee's budget decisions as binding, but there is no requirement to do so. Therefore, since a consensus isn't required, the United States has no more of a voice in U.N. budgetary matters that it did before the so-called reform.

Mr. President, notwithstanding the continuing debate on U.N. budgetary matters, it is my goal to push for U.N. reform beyond the budget battles into serious overall programatic reform of the United Nations. By offering this amendment to establish a commission to study the United Nations. I am attempting to make a positive contribution to this process. This amendment will establish a commission which will be charged with examining the U.N. system as a whole in order to identify and evaluate its strengths and weaknesses. The commission will be required to prepare and submit to the President, Congress, and the Secretary General of the United Nations recommendations on ways to improve the effectiveness of the U.N. system and the role of the United States in that system. The commission would not receive any Government funds, but would be entirely funded by private contributions.

Mr. President, there is a growing frustration in Congress and among the public with the flaws of the U.N. system. Nevertheless, I agree with President Reagan that the vision of the U.N. Charter—to spare succeeding generations this scourge of war—remains as real today as when the Charter was adopted. It's my hope that the offering of this amendment will encourage Congress, the executive branch, the American people and the U.N. organization to constructively address the very real problems facing the United Nations and help the United Nations to renew its commitment to be a forum where effective and responsible world debate and action can take place.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 883) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 884

(Purpose: To restrict certain U.S. contributions to international organizations until certain actions to eliminate abuses of the U.N. system are undertaken)

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

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mr. COHEN, Mr. BOREN, Mr. KASTEN, Mr. QUAYLE, Mr. MCCAIN, Mr. NICKLES, Mr. SYMMS, and Mr. HELMS, proposes an amendment numbered 884.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . (a) The Congress finds that the use of salary remission arrangements whereunder the nationals of member states of the United Nations serving as employees of the United Nations Secretariat or its specialized agencies are required to turn over their salaries to their national governments and retain only a portion of the salary paid to them by the United Nations violates the United Nations Charter and seriously compromises the independence of the United Nations' international civil service.

(b) The elimination of salary remission arrangements that compromise the independence of the international civil service should be a high priority of the United States in its efforts to reform the personnel practices of the United Nations system.

(c) Fifty percent of the funds made available for the fiscal year 1988 by any provision of law to meet the obligations of the United States for assessed contributions to the United Nations and its specialized agencies may not be obligated until the President certifies to the Congress that significant progress has been made within the United Nations Secretariat and the United Nations specialized agencies in eliminating—

(1) the excessive use of secondment by member states whereunder nationals of the member states serving as employees of the United Nations Secretariat are seconded to such employment on fixed-term contracts and not allowed to become regular career employees of the United Nations, with a view to implementing the recommendations of the Group of 18 with respect to limits on the use of secondment; and

(2) the blatant control of nationals of member states serving as employees of the United Nations Secretariat or the specialized agencies through regular supervision, consultation, and evaluation of such nationals of member states by their permanent missions to the United Nations or to the specialized agencies of the United Nations.

Mr. HEINZ. Mr. President, I thank the chairman and ranking member of the Foreign Relations Committee for accepting my amendment. This amendment is identical to one I offered 2 weeks ago to the Defense authorization bill. The Senate adopted the amendment on that bill by a unanimous vote of 95 to 0.

My amendment restricts United States assessed contributions to the United Nations until there has been progress in eliminating the excessive use of secondment, or temporary assignment, of Soviet bloc personnel to the U.N. Secretariat. This use of temporary duty by Soviet bloc nationals at the United Nations greatly facilitates the abuse of these U.N. posts for espionage directed against the United States. Ending the practice of excessive secondment will not stop Soviet abuse of the United Nations for espionage—but it will make it much more difficult.

The Senate spoke with great clarity and force 2 weeks ago when it adopted this amendment. I hope that the leadership at the United Nations, which is struggling with various management and financial problems, will take this as a signal to address this basic issue that undermines American support for the United Nations. This body supports the objectives of the United Nations. We hope that the Secretary General succeeds in improving the management of the United Nations. But we demand that action be taken to end a flagrant violation of the spirit of the U.N. Charter before we give our unstinting financial support.

I thank the managers for their cooperation. I thank my colleagues for their support on this important issue.

I discussed this with the managers and my understanding is that it is acceptable to them.

Mr. HELMS. I will accept it on the condition you make me a cosponsor.

Mr. HEINZ. Mr. President, I have to confess the Senator from North Carolina is already a cosponsor.

Mr. HELMS. I thought I was. We accept it.

Mr. PELL. This amendment has already been voted on and is acceptable.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 884) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I believe the Senator from Delaware is going to bring up an amendment. I would ask unanimous consent there be 10 minutes evenly divided, no second-degree amendments.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

Without objection, the Senator from Delaware is recognized to offer an amendment.

AMENDMENT NO. 885

(Purpose: To amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes)

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

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. DOLE, proposes an amendment numbered 885.

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

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

The amendment is as follows:

At the end of title V, add the following:

SEC. . The Foreign Missions Act (22 U.S.C. 4301 et seq.) is amended by adding at the end thereof the following new section:

"APPLICATION TO CERTAIN COMMUNIST COUNTRIES

"SEC. 215. (a) Notwithstanding any other provision of this title, the Secretary shall apply to each foreign mission in the United States of the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba the same terms, limitations, restrictions, and conditions which are applied under this title to the foreign mission in the United States of the Soviet Union unless the President determines and so reports in a classified document to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that national security and foreign policy circumstances require that this section be waived in specific circumstances with respect to such country or particular agency of such country.

"(b) The Secretary shall prepare and transmit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House or Representatives a report describing—

"(1) not later than thirty days after the date of the enactment of this section, the plans of the Secretary for implementing this section; and

"(2) not later than six months thereafter, the actions taken pursuant to these plans.".

Mr. ROTH. Mr. President, I rise to propose an amendment which is designed to limit the unfettered freedom with which foreign diplomats of Warsaw PACT nations move across our Nation and gain access to intelligence targets and information. This amendment would expand the Foreign Missions Act to ensure that whatever restrictions are placed on Soviet diplomats within the United States are placed on certain other block nations as well.

In the past, our counterintelligence efforts have focused primarily on restricting Soviet diplomats who reside in the United States. These efforts have proven fruitful and made it more difficult for the Soviets to run intelligence operations in the United States. Of course, the Soviets have not stopped their operations. They have simply turned on many occasions to their surrogates of the bloc, to carry out their espionage missions on U.S. territory.

In hearings before the Permanent Subcommittee on Investigations during the 99th Congress, then FBI Director and now CIA Director William Webster cited three examples of espionage operations carried out by Eastern Europeans in the United States at the behest of the Soviet Union. As his testimony demonstrated, if the Soviets do not initiate the operation, it is clear that they "piggyback" onto operations run by a bloc country if the operation involves valuable information from the United States. One of those examples cited by Judge Webster was the case of James Durwood Harper whose information on missile systems went straight to the Soviet Union, although he was recruited by a Polish intelligence officer. Assistant Secretary of Defense Richard Perle testified that some of the most serious losses we have suffered through espionage operations have been through activities by members of the Warsaw Pact. These cases, delineated during PSI hearings and periodically in our newspapers, should tell us loud and clear that the Soviet bloc works in tandem against us. We are, as Soviet defector Victor Bilenko reminds us, "the main enemy."

While we acknowledge that there are differences among the bloc nations in many areas, when it comes to their No. 1 intelligence target, the United States, they act as one. Therefore, it makes no sense for our Government to differentiate among members of the Warsaw Pact in applying restrictions. If we restrict Soviets in their travel, what sense does it make to let others who work at their direction have free access to our country? If they wish to be treated differently, let them establish a record of refusing assignments from their Kremlin bosses. We must act on the information we have, and the record of cases clearly shows them hard at work for the Soviets.

Of course, there may be circumstances in which it is in our Nation's best interest to remove these restrictions from a particular nation. My amendment contains a provision which enables the President to exempt a particular nation from these restrictions should national security or foreign policy considerations dictate. And the President can accomplish this, if necessary, by submitting a classified document to the Senate and House Intelligence Committees. Thus, my amendment allows a substantial amount of flexibility to the President.

I introduced legislation similar to this amendment during the 99th Congress which was adopted by the Senate. That bill, S. 1901, was cosponsored by 37 Senators including: Senators NUNN, COHEN, GLENN, EXON, WALLOP, SYMMS, BOREN, RUDMAN, CHILES, RIEGLE, SPECTER, KENNEDY, HECHT, DOLE, BUMPERS, BURDICK, FORD, DIXON, WARNER, WILSON, KASTEN, PROXMIRE, QUAYLE, MITCHELL, ARMSTRONG, BOSCHWITZ, HEINZ, MOYNIHAN, GORE, BINGAMAN, HATCH, LEVIN, and DOMENICI.

I ask my colleagues to join me in supporting this amendment.

Mr. President, I reserve the balance of my time.

The ACTING PRESIDENT pro tempore. The Senator reserves the balance of his time. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, I oppose this amendment, particularly as one who served behind the Iron Curtain where we always had the advantage of being able to travel freely in Hungary or in Czechoslovakia in those different countries.

I think if this amendment was passed it would invite sure retaliation and limit the ability of our diplomats to travel freely in the countries of Eastern Europe, because reciprocity would be invoked and we could find our people limited.

By the same token, over here, which is an open society you do not have to do too much traveling to get a great deal of information. All you have to do is listen to people and everybody goes through New York before they are through, anyway, at the United Nations.

So my own thought is that amendment would be self-defeating. It would be harmful to the ability of our diplomats. I know that its elements are opposed by the intelligence community and I believe it should be defeated. I am prepared to move to table it at the right moment.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island has 3 minutes 50 seconds.

The Senator from Delaware.

Mr. ROTH. I would just ask the question: Who is receiving the most valued information? I think, unfortunately, the record clearly shows that it is the Warsaw Pact.

Just let me read from the intelligence report of the Select Committee on Intelligence, U.S. Senate. On page 18 of this report issued last year it says:

The intelligence services of Poland, East Germany, Czechoslovakia, Bulgaria, Hungary, and Cuba not only serve their own national interests but also act as surrogates for Soviet intelligence. While a member of the Warsaw Pact, Romania has looser ties with the Soviet intelligence area. Recent cases demonstrate the aggressiveness of the

Warsaw Pact services. The recent agency report on Soviet acquisition and military significance of Western technology documents fully shows the relationship between Soviet intelligence and the Warsaw Pact service.

Mr. President, this amendment was adopted last year. I will ask for the yeas and nays at the appropriate moment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Rhode Island.

Mr. PELL. Mr. President, to give an example of the harm this amendment would do it would mean that diplomats in Warsaw cannot visit in Danzig if the Poles invoke the same procedure we do. I think if we ask anyone who serves behind the Iron Curtain what his reaction to this amendment would be he would say it would be against our national interest. For this reason, Mr. President——

Mr. HELMS. Mr. President, would the Senator withhold?

Mr. PELL. I will.

Mr. HELMS. Mr. President, with all deference to my good friend, the chairman of the Foreign Relations Committee, I support the amendment.

Mr. President, I always hear the word retaliation, whether it be with respect to trying to curb criminal assaults, robberies, dope trafficking, that sort of thing, by people with diplomatic immunity, or people like this. I think it is a good amendment.

Let me claim just a minute of time by unanimous consent, Mr. President, to make a unanimous-consent request.

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

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to call for regular order on the Symms amendment to be effective at the conclusion of the vote on the Roth amendment.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. PELL. Mr. President, at this time I move——

The ACTING PRESIDENT pro tempore. The Senator from North Carolina has been recognized for 1 minute.

Mr. PELL. On whose time?

Mr. HELMS. I do not need the time. I am entitled to time as manager of the bill.

Did the Chair rule on my unanimous-consent request?

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

Mr. HELMS. As I understand it, regular order will be presumed to have been called at the conclusion of the vote on the Roth amendment.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. PELL. Mr. President, at this time I move to table the Roth amendment.

Mr. ROTH. 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.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to table the amendment of the Senator from Delaware. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr. SANFORD] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—36

Adams	Evans	Matsunaga
Baucus	Fowler	Metzenbaum
Bentsen	Graham	Mikulski
Biden	Harkin	Pell
Boschwitz	Hatfield	Proxmire
Bradley	Inouye	Pryor
Breaux	Kassebaum	Rockefeller
Bumpers	Kennedy	Sarbanes
Conrad	Kerry	Sasser
Cranston	Lautenberg	Stennis
Daschle	Leahy	Weicker
Dodd	Lugar	Wirth

NAYS—60

Armstrong	Glenn	Murkowski
Bingaman	Gore	Nickles
Bond	Gramm	Nunn
Boren	Grassley	Pressler
Burdick	Hatch	Quayle
Byrd	Hecht	Reid
Chafee	Heflin	Riegle
Chiles	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Hollings	Shelby
D'Amato	Humphrey	Simpson
Danforth	Johnston	Specter
DeConcini	Karnes	Stafford
Dixon	Kasten	Stevens
Dole	Levin	Symms
Domenici	McClure	Thurmond
Durenberger	McConnell	Trible
Exon	Melcher	Wallop
Ford	Mitchell	Warner
Garn	Moynihan	Wilson

NOT VOTING—4

McCain	Sanford
Packwood	Simon

So the motion to lay on the table amendment No. 885 was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was not agreed to.

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

The motion to lay on the table was agreed to.

(The following occurred later:)

Mr. CHILES. Mr. President, earlier I inadvertently voted to table Roth amendment No. 885. I am a strong supporter of the amendment. I, therefore, ask unanimous consent to change my vote from "yea" to "nay". This will not change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The above tally has been changed to reflect the foregoing order.)

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was not agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. May we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate. Will the Senators take their seats?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. If we might have the attention of Senators——

The PRESIDING OFFICER. There is not order in the Senate. May we have order? May the majority leader have order?

Mr. BYRD. Mr. President, it might be helpful to all Senators if we could hear from the managers right now as to what the prospects are for proceeding expeditiously on the bill, and hopefully winding up action on it today, after which I would like to discuss with the distinguished Republican leader the prospects for other legislation. I want to talk also about the calendar, and our target date for adjournment sine die.

First of all, I would like, if the managers could help us with their estimates of where we are on this bill, where we are going, and how fast we are going to get there.

Mr. PELL. Mr. President, on the Democratic side there are about a dozen amendments, many which are acceptable.

Mr. LEAHY. Mr. President, can we have order, please?

The PRESIDING OFFICER. May we have order in the Senate? May the managers have the attention of the Senate? May the majority leader hear what is being said?

Mr. PELL. On the Democratic side there are about a dozen amendments. I think we can get through these—some are most acceptable—within a couple of hours. That would be my hope. I am not sure how the Republicans feel.

Mr. HELMS. Mr. President, we have 20 and counting.

Mr. BYRD. The Senator has what?

Mr. HELMS. We have 20 and counting, as we say. I think most of them we can take care of with very few rollcall votes. But I am not prepared to decide that yet. But I have been around this place, not as long as the distinguished majority leader, but when we start trying to get a time agreement, that takes an hour and a half just about every time. Why do we not just plow ahead? I think we will surprise the majority leader.

Mr. BYRD. Very well. That sounds good enough for me right now.

Let us proceed to the next step.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order, please. The majority leader is recognized.

Mr. FORD. Mr. President, will the majority leader yield for a question?

Mr. BYRD. Yes.

Mr. FORD. Mr. President, the distinguished Senator from Arizona [Mr. MCCAIN] was assisting me in chairing the Commerce Committee hearings. He expected me to return when I came to the Senate Chamber. I found we were to have a rollcall vote almost immediately following the other one. I called back, and he missed the vote.

I would like to ask unanimous consent of this body, under those circumstances—and I feel responsible—that since it will not change the outcome of the last vote, he be allowed to vote.

Mr. BYRD. No, I will strenuously object to that.

Did you say he missed the vote?

Mr. FORD. He ran all the way, and he was out of breath.

Mr. BYRD. I am sorry, but I will object very emphatically. The rules provide that such a unanimous-consent request cannot even be entertained by the Chair after the results of a vote have been announced.

Mr. FORD. I feel responsible for it. At least, it is part of the RECORD that it is my fault that he missed that vote. When the roll is called out yonder, he can lay it on me. [Laughter.]

Mr. BYRD. I know that the Senator is very sorry about it, and so am I.

Mr. President, I have had a meeting, together with other members of the Senate Democratic leadership today—Mr. CRANSTON and Mr. INOUYE, with the Speaker and Mr. FOLEY and Mr. COELHO and others in the leadership on the House side. We have discussed the legislative program for the remainder of the first session of the 100th Congress.

I had previously discussed that program with the distinguished Republican leader in this body. I felt that I should start here, and the Republican leader and I have had some good discussions on the matter.

I think it is appropriate at this time to state publicly what our target date is, and also the remaining work that needs to be done, if we are to achieve that target date, so that all Members will know what we have left on the platter, generally speaking, with the understanding, of course, that we cannot dot every "i" and cross every "t" at this moment, because some matters may be unforeseen that would need to be dealt with. In the normal course of things, there will be legislation that can come up by unanimous consent or on a very short time limit, which will be over and above the items that I am going to lay out here.

I believe that the Republican leader and I are pretty much in agreement. He is here on the floor and will speak for himself.

The target date is November 21. That is the Saturday before Thanksgiving. I emphasize that that is only the target date. Following the current week of action, that would leave us only 6 full weeks in which to complete our work.

Mr. President, if we may have order in the Senate and a little less talk, I will try to shorten my own talk.

That leaves 6 weeks, with the understanding that there will be no Monday sessions the remainder of this month, but next month the Senate will be in on Mondays.

These are the bills and other matters that we must act on before adjournment.

The appropriation bills: There are 13 regular appropriation bills. We have already acted on four of them this year in the Senate—within the last 2 weeks, as a matter of fact.

On the calendar right now, there are four additional appropriation bills: Labor-HHS, Energy-Water, HUD, and State-Justice-Commerce. They are on our calendar awaiting action. They have been passed by the House, have been reported out by the Appropriations Committee, and are ready for action here, except for the fact that we do need to do the State Department authorization bill before we move to the State-Justice-Commerce appropriation bill.

Following action on the appropriation bills, we have to have another continuing resolution, if by these we have not completed action on all 13 and sent them to the President's desk or the President has not signed them. If we have any appropriations measures we have not completed action on or if the President vetoes some of these bills, then we will have to fold them into the continuing resolution.

So, appropriation bills and continuing resolution: Whatever assistance we can get in scheduling appropriation bills, all the better.

This week, we have scheduled the catastrophic illness legislation, to follow the State Department authorization bill, or no later than 2 o'clock tomorrow; that 2 o'clock deadline may be slipped a little if necessary. But the catastrophic health care bill is on deck, and we need to complete action on it.

There is a war powers amendment, which Senators WEICKER and HATFIELD introduced, and which I am committed to call up, after consultation with the minority leader, and I will carry out that commitment.

THE SAUDI ARMS SALE

I do not know whether such will be submitted; but if it is, we will have to face up to that matter.

FARM CREDIT

I think the Republican leader, and I have agreed that we ought to act on farm credit.

THE AIRPORT TRUST FUND AND OTHER AIRLINE LEGISLATION

I think it is imperative that we do this legislation before we go out. I believe the House has already acted.

THE PROMPT PAYMENT ACT

We have a time agreement on that, so that will be no problem timewise.

THE INDEPENDENT COUNSEL REAUTHORIZATION

There are some other bills that obviously will not take much time.

THE BILL TO IMPLEMENT RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

It is important legislation, and it should not take much time.

THERE ARE SOME VETERANS BILLS

The omnibus veterans benefits and services bill. That has already been reported to the Senate.

THERE ARE VARIOUS CONFERENCE REPORTS

The trade bill conference report. So far as I am concerned, the Senate will not act on any agreement with Canada this year. We are going to have to do the trade bill first. I would hope that conferees on both sides will do their utmost to bring in the conference report by the 31st day of this month. That is an extremely important piece of legislation.

THE NOMINATION OF WILLIAM VERITY

We will move to that at any time, so all Senators are on notice that that can come like a lightning bolt out of the blue, almost at any time.

The nomination of the as-yet-unnamed Secretary of Transportation.

THE HOUSING CONFERENCE REPORT

I talked to the Speaker this morning; that matter has been in conference for months, and we ought to try to get that out.

THE DEFENSE BILL CONFERENCE REPORT

That is very important. We should have that before we have an appropriation bill dealing with defense.

The nomination of Judge Robert Bork or any other nominee whose name may be sent up by the White House in the event that nomination is pulled back or rejected. I would say that if there is any thought, that there will be a recess appointment of a Supreme Court Justice, such an ap-

proach will not be feasible, and the administration ought to know it. In the first place, I think it would be unwise for the President to pass up the opportunity to make a permanent appointment and go for an appointment that would last only until the next session. Moreover, I would not adjourn the Senate. If it comes to that, we will go into pro forma meetings, and we will be here and ready to do business if need be.

I would hope that we could move quickly, if the administration is insistent upon a vote. As I understand, there is talk that there would be some "political" capital in having a rollcall vote on the Bork nomination. That is all right with me. I have taken my stand, and I am sure others are willing to do the same.

Our Republican friends will not escape walking the plank, either. If that is the position that the White House is going to take, then I think it is obvious that that is a very political approach. It looks to me like they are insisting on going to a vote for political reasons only.

I have maintained all along this is not a partisan matter. I have not lobbied any Senator for his vote. I have not carried around in my pocket any list. That is not my job to begin with, but I have not counted votes. I have not asked anyone on my side what the nose count is, and no one on my side has voluntarily given me a nose count.

So I would say that if the White House chooses on making Democrats "walk the plank," and apparently that is what they have in mind, they should remember that there are some Republicans who have already announced their opposition to this nomination, and that took a good bit of courage on their part. But if that is the game plan, then it is obvious that this is a political decision.

I have heard that by having a showdown at the OK Corral on the Bork nomination, the Republican Party will reap dividends in next year's elections. Well, they are going to have to go down to the shootout at the OK Corral, too. That makes Mr. Bork the victim in what, if I hear correctly, is a White House decision in order to "reap political benefits" in the next election. Something like that was said at the Judiciary Committee on yesterday that "If we win on Bork, fine; if we do not win on him now, we will have an issue that we can win on in 1988 and 1990."

I hope that the White House will consider Mr. Bork and his feelings and the fact that the Court has a vacancy, and that as long as that vacancy exists, there is not going to be any Federal precedent that amounts to anything because tie votes on the Court mean that the lower court holdings stand; therefore, it is in the interest of the Court and of the country that we get on with this nomination or some other.

That can be a matter which can hold us here into December. That is why I am going into this subject quite at length.

I have no problem, if the President wants to have a vote on this floor. If that is the case, the sooner the committee can report that nomination to the calendar the sooner we will have a vote on the floor if the President insists on it. It seems to me that it is becoming pretty clear, to Members on both sides of the aisle, that this nomination is not going anywhere except down, vote or no vote.

I leave that to the judgment of others, but that is one item that can keep us here well beyond November 21.

I want to see the vacancy filled. If there is another nomination sent up rather soon the Senate can give its attention to it. I do not expect us to rubber stamp any second nomination, but it is our duty to fulfill our role under the Constitution and give adequate time to consideration of any nomination. We have time remaining in this session and before November 21 to act on another nomination if it is submitted quickly.

I hope the White House will at least seek the advice of Republicans and Democrats if they decide to send up another nomination soon.

The advice of this Democrat did not count for much on Mr. Bork, but perhaps the advice of the Republican leader and others, and hopefully some of us Democrats, might be sought on the next nomination and might be listened to. It is not my position nor would I be so presumptuous as to believe that the President has to send someone up that I approve. After all, the White House came to me seeking my advice on the Bork nomination, but the very next day, it was obvious that their minds were probably already made up when they came here because they announced the nomination of Mr. Bork.

Anyhow, so much for that.

This is the program and if Senators will cooperate and work hard, we can get this done. We cannot do it, however, unless we have cooperation in getting the legislation up, and even more hopefully, getting some time agreements along the way.

I yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I thank the majority leader.

As I have indicated earlier I think our lists track fairly closely.

Mr. BYRD. Could I mention one other?

Mr. DOLE. Yes.

Mr. BYRD. That is reconciliation.

Mr. DOLE. I was going to mention that. I did not hear reconciliation mentioned, nor did I hear Contra aid funding mentioned.

Mr. BYRD. Yes, Contra aid and Saudi arms sales if they come up from down town. We have to deal with those matters one way or the other.

Mr. DOLE. Those two would be dealt with under the expedited procedure. There are a few others that are on the Republican list that are not on the majority's list. I can go over those later with the distinguished majority leader.

I think food safety research, Export-Import Bank, drug testing, nuclear waste amendments, NRC authorization, these may be matters that can be taken care of rather shortly, as well as reauthorization of the Clean Air Act, the lobbying bill, older Americans conference report, AIDS education, veterans, and a bill to raise the administrator of VA to the Cabinet level.

As far as the Bork nomination is concerned, it is my understanding that the President has had or will have or is having a discussion with Judge Bork maybe right now or maybe he has already had that meeting. I met with Judge Bork yesterday afternoon. I had a phone conversation with Judge Bork this morning.

There are still about 10 or 12 undecided Senators at least according to most observers. I think that is the unknown. If all Senators would announce their position, then we could probably make a valid judgment on the fate of this nomination. But there are still enough Senators if they will vote to confirm Judge Bork to make the outcome uncertain. I think that is sort of that unknown area that the President and Judge Bork are looking at. Plus I think there is a feeling by a number of those who strongly support Judge Bork that there ought to be a vote. I conveyed that to Judge Bork. I have not tried to influence Judge Bork one way or the other. I think that is a judgment he will have to make.

He indicated he was not a politician and he did not understand the politics of a lot of these things. But he is obviously looking at all of his options, just as we look at all of our options every day.

I will just say to some of the undecided Senators, if you would make a position known, hopefully in the affirmative, that would be very helpful.

But there has been no indication from the President and none from Judge Bork that he is going to adopt any other course at this time, than to take the nomination to the floor.

If something did happen and the nomination were withdrawn, then I would guess there would have to be fairly rapid action in order to confirm someone before November 21, but in

any event, that certainly is a matter that needs to be addressed.

I would say to the majority leader, if we are fairly firm on that target date, then I think it makes it a lot easier to get agreements and get other things done. Because I think it puts the leadership in a stronger position to go to our colleagues and say: "OK, if we can do A, B, C, D, E, and F, that is the date. If not, it will be December 21 or some other date following the Thanksgiving recess."

So I will be visiting the majority leader later on privately to go over the list again. I will be very pleased to cooperate with the majority leader to see if we can start getting agreements. Hopefully, we will get a time agreement on the HUD appropriation bill, which can be used in this little gap of time. The Verity nomination is another matter of importance. I hope we might be able to move to that today. I know there is some opposition, which happens to be on this side. But that is another nomination the President wants very badly.

So I thank the distinguished majority leader.

Mr. BYRD. I thank the distinguished Republican leader. The leader and I have agreed, and the Speaker, that it will be November 21. That is our target. We are going to make every effort to achieve it. It will take a lot of cooperation. The distinguished Republican leader has made a very, I think, strong statement. With cooperation we can do it, and he is going to do everything he can, and I believe him.

(Several Senators addressed the Chair.)

Mr. HELMS. Regular order, Mr. President.

The PRESIDING OFFICER. Does the majority leader yield to the Senator from Massachusetts?

Mr. BYRD. What is the regular order?

Mr. HELMS. It is a unanimous consent agreement that we stop the talking and go about our business.

Mr. BYRD. I ask unanimous consent that I may proceed for 5 minutes.

Mr. HELMS. I do not have any objection to the majority leader, but if we are going to pass this ball around I am going to insist on regular order.

Mr. BYRD. I will help the Senator get regular order.

Mr. HELMS. I thank the Senator.

Mr. BYRD. I yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

The distinguished majority leader indicated that he gave no advice to Judge Bork as to whether to withdraw. I wanted to address a question to the distinguished minority leader, because I heard press reports that he did urge Judge Bork to withdraw. That has something to do with what we may expect here. I wonder if the distinguished minority leader would care to comment on that.

Mr. BYRD. I yield for that purpose, Mr. President.

Mr. DOLE. Well, that is not an accurate report. In fact, it was almost the reverse of that.

Mr. McCLURE. I thank the Senator.

Mr. KENNEDY. Will the Senator yield?

Mr. BYRD. Yes; I yield to the Senator from Massachusetts without losing my right to the floor.

Mr. KENNEDY. On the previous list, we had the AIDS legislation. That is approximately a $2 billion authorization in the Budget Committee. The budget has been allocated. It is being considered now by the Appropriations Committee. It was reported out of our committee virtually unanimously by Republicans and Democrats alike. That has been on the agenda and, in terms of health legislation, it is of enormous importance. I have indicated so to the majority leader. I think it is absolutely essential that we have that legislation on our agenda.

The other item, Mr. Leader, is the Grove City legislation that has been on the calendar for about 5 months. It is not without some differences within this body.

But those are two major pieces of legislation. I would certainly hope that in any consideration of a deadline we would have the opportunity to address those. I cannot think of anything that we are going to be doing in December back with our constituencies that is more important than considering the No. 1 health hazard in our country. I respectfully urge, when the majority leader meets with the minority leader, that those two pieces of legislation be discussed.

Mr. BYRD. They will certainly be discussed and considered. As I indicated earlier, the list that the Republican leader and I have been discussing publicly here today obviously does not constitute the beginning and the end of all that we hope to do. I hope there will be other measures, like one or two of the veterans' measures, that would not be too controversial. Hopefully, we may get time agreements on them and weave them in and out. They are important pieces of legislation, but I am thinking they should not take too much time of the Senate as will some of these other matters.

Mr. CRANSTON. Will the majority leader yield?

Mr. BYRD. I yield to the distinguished Democratic whip.

Mr. CRANSTON. Mr. President, at the request of the majority leader, the whip operation has been working on amendments to the State Department bill, as we did on the Defense authorization bill. I believe we are down to 12 amendments. Senators are ready to bring them up and they are willing to accept time agreements on virtually all of them, if not all of them.

I hope the Republican whip is doing the same and we can have the same kind of cooperation we had on the DOD authorization bill.

Mr. BYRD. Mr. President, I compliment the whips on both sides for the work they did on the DOD authorization bill. I hope that they will be as successful on the pending bill.

Mr. SIMPSON. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. SIMPSON. Mr. President, indeed, I try to collaborate daily with my colleague on the other side of the aisle, Senator CRANSTON, in my role as minority whip in working toward trying to attain a time agreement on these various amendments. But, as always, our colleagues on both sides of the aisle do not come forward with their amendments until, at least often, their staffs become creative overnight and then cook up some more amendments.

So I will work and continue to work toward that, and I pledge that cooperation. I am going to give every effort to attaining your goal of that adjournment date. I hope it is realistic. We have no desire to obstruct.

Mr. BYRD. I thank the distinguished Republican whip.

On this evening, I should alert all Senators, there will be no rollcall votes after circa 6:30 p.m. I will have to make something like the same statement with respect to next Tuesday. Each side understands that we are having little events, the Democrats tonight, the Republicans next Tuesday.

Mr. President, I yield the floor.

VOTE ON AMENDMENT NO. 860

The PRESIDING OFFICER. The Senator from North Carolina has suggested that regular order take place. The call for regular order having been requested, the Symms amendment recurs. No debate or amendments to the amendment are in order. The yeas and nays have been ordered.

The Senator from Rhode Island is recognized.

The Senator from North Carolina.

Mr. HELMS. Parliamentary inquiry. We have not yet acted on the Roth amendment. It will be voice voted, I am sure. I think the Senator will ask to vitiate the yeas and nays.

I ask unanimous consent that it be in order to act on the Roth amendment and then go to the Symms amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I hope the Chair will protect Senators who have been recognized. The chairman was recognized.

The PRESIDING OFFICER. May I say to the majority leader, I had the impression that the Senator from

Rhode Island had yielded to the Senator from North Carolina, in my observation.

Mr. BYRD. Well, he may have done that. I did not hear him say so.

The PRESIDING OFFICER. I say to the majority leader, in my observation, the Senator from Rhode Island indicated to me by a nod that I observed that he did yield to the Senator from North Carolina.

Mr. PELL. That is correct.

Mr. BYRD. I just want to be sure that we do not have conflicts in the future. Because unless he yields for a parliamentary inquiry or unless he yields for a unanimous consent request, it cannot be made.

Mr. HELMS. I am not going to take advantage of the Senator.

Mr. BYRD. No. I am not suggesting the Senator is taking advantage of him. Nobody is going to take advantage of him.

The PRESIDING OFFICER. It had been my observation that the Senator from Rhode Island had yielded to the Senator from North Carolina.

Is there objection?

Mr. KENNEDY. Objection.

Mr. ADAMS. Objection.

The PRESIDING OFFICER. Objection is noted.

Mr. PELL. Mr. President, as long as the objection is noted, I move that we table the pending amendment.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island [Mr. PELL] to table the amendment of the Senator from Idaho [Mr. SYMMS]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER (Mr. SANFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—59

Adams	Danforth	Heinz
Baucus	Daschle	Hollings
Bentsen	DeConcini	Inouye
Biden	Dixon	Kassebaum
Bingaman	Dodd	Kennedy
Bradley	Durenberger	Kerry
Bumpers	Evans	Lautenberg
Byrd	Fowler	Leahy
Chafee	Glenn	Levin
Chiles	Gore	Lugar
Conrad	Graham	Matsunaga
Cranston	Harkin	Metzenbaum
D'Amato	Hatfield	Mikulski
Mitchell	Reid	Stafford
Moynihan	Riegle	Stennis
Nunn	Rockefeller	Stevens
Pell	Sanford	Warner
Proxmire	Sarbanes	Weicker
Pryor	Sasser	Wirth
Quayle	Specter	

NAYS—39

Armstrong	Gramm	Melcher
Bond	Grassley	Murkowski
Boren	Hatch	Nickles
Boschwitz	Hecht	Pressler
Breaux	Heflin	Roth
Burdick	Helms	Rudman
Cochran	Humphrey	Shelby
Cohen	Johnston	Simpson
Dole	Karnes	Symms
Domenici	Kasten	Thurmond
Exon	McCain	Trible
Ford	McClure	Wallop
Garn	McConnell	Wilson

NOT VOTING—2

Packwood	Simon

So the motion to lay on the table amendment No. 860 was agreed to.

Mr. PELL. I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SYMMS. Mr. President, I ask unanimous consent to print in the RECORD an article of February 16, 1985, from Human Events, by distinguished journalist M. Stanton Evans, and an article by retired Gen. Victor Krulak from the Strategic Review, summer of 1987, an editorial, "Panama, 10 Years Later."

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

[From Human Events, Feb. 16, 1985]

SOVIETS, CUBANS USING PANAMA CANAL

(By M. Stanton Evans)

Though the danger is coming from an unexpected quarter, the Cassandras who said the Panama Canal treaties we ratified in 1978 would be injurious to our security are turning out to be correct.

Most of the debate about this topic in the latter 1970s focused on the possibility that the canal might be closed off to us by an unfriendly government or Marxist sabotage. In view of the two-ocean responsibilities of our Navy, such a shutdown would be a serious blow to our defenses. To date that hasn't happened, though it still might do so in the future.

What has already happened is the flipside of this concern: Increasing use of the canal by the Soviet Union, Cuba and other nations of the Eastern bloc, coincident with Communist efforts to penetrate this hemisphere. The canal has become a major conduit for our enemies, with Communist vessels transiting its waters on a daily basis. And, under the canal treaties, there seems to be little we can do about it.

Comparing statistics on use of the canal in the years preceding and immediately following ratification of the treaties in 1978 shows the rapid increase in Communist traffic in vivid form. Of special note are the transit figures for the Soviet Union and Cuba, which are the heaviest Communist users of the canal, as well as the principal sponsors of subversion in Central America and the Caribbean:

Thus, while Soviet-Cuban use of the canal in the years just prior to adoption of the treaties was hardly negligible, it was on the average far below the level of use by these two Communist powers once the treaties were in effect. In the period 1974-78, Soviet-Cuban transits combined averaged less than 300 annually; in the period 1979-83, Soviet-Cuban use of the canal more than doubled, averaging better than 640 transits per year.

The period 1979-83, it may be recalled, was also the period in which the Communists stepped up their efforts at subversion in this hemisphere, first in Nicaragua, then through Nicaragua into El Salvador. A joint report from the departments of Defense and State tells us that, in this span, hundreds of tanks, artillery pieces, and military trucks were shipped into Nicaragua, along with anti-aircraft weapons, SAM missiles, and military helicopters. In 1983, according to this document, the Soviet bloc delivered more than $100 million in military hardware to the Sandinistas.

How much of this stuff has actually transited the canal is not apparent from the existing reports, though this column is endeavoring to find out. According to the Panama Canal Commission, shipments going through the canal are not subjected to serious inspection unless there is reason to believe, from cargo manifests or otherwise, that some safety hazard is involved. If the Soviets and Cubans want to ship weapons through the canal, and keep us from knowing about it, they could simply doctor the manifests.

Under the agreements we so blithely ratified, moreover, it apparently makes no difference if the Communists funnel weapons through the isthmus. According to the so-called "neutrality treaty" that was part of the package, we specifically agreed that "all ships shall have the right to transit the canal in time of war and in time of peace." We thus relinquished our previously exercised right to bar access to the canal by those who sought to use it for aggressive purposes.

As noted at the time of the treaty debate by Adm. Thomas Moorer, President Woodrow Wilson prohibited use of the canal by enemy ships in World War I, and also barred enemy aliens from entering the Canal Zone. President Roosevelt did the same in World War II. In those days, Moorer observed, "no nation in the world ever questioned our right to protect, defend and police the canal and Canal Zone and adjacent waters. . . ."

As the figures cited amply testify, that right is certainly being challenged today. Or, to be more exact, it is no longer asserted by us. We voluntarily surrendered it in 1978. Thanks to the canal treaties, a multi-billion-dollar investment by the United States has become an open channel for Communist supply ships conducting a hostile ferry service into the Caribbean.

[From the Strategic Review, summer 1987]

PANAMA, 10 YEARS LATER

(Victor H. Krulak)

In 1977, during negotiations with the Republic of Panama, intended to redefine our authority over the Panama Canal, an editorial in this publication warned: "To confide this crucial waterway to the nominal control of a small country which is ill-qualified to administer or defend it is an act of Great Power irresponsibility." Further, the editorial opined, were we to abandon our responsibilities in Panama, "Marxist-Leninist sub-

version would be intensified. . . . Friction would mount and the U.S. position would become intolerable."

The philosophy expressed by the editorial was rejected in the imprudent and potentially tragic events of the next year, when Carter Administration representatives negotiated the now historic treaty in which we agreed to turn over to the Panamanians, by the year 2000, control of both the Canal and the Canal Zone.

Opposition to the pact, as negotiated, was intense. Often heard were the words of Theodore Roosevelt: "We should only dig the canal if we are to use it against our foes in time of war." Senate ratification was finally secured only by the addition of a reservation to the treaty that asserted our right, if anyone interfered with Canal operations, to use military force to restore its integrity. After U.S. Senate approval, Panamanian President Omar Torrijos then added a reservation of his own unilaterally, declaring that Panama did not acknowledge the U.S. right to use force to ensure Canal operations, thus creating a situation where the parties to the pact were not in agreement as to its content, and bringing its validity into question.

Had the Senate been afforded an opportunity to consider the Panamanian reservation before voting, it is likely that the pact would not have been ratified. But it was, committing us not only to turn over control of the Canal but to relinquish the eleven military bases we have built in the zone and to pay the Panamanians about $3 billion as an inducement to accept our gift.

The idealists who negotiated the surrender of this great strategic asset, through which half of our overseas trade and two-thirds of our imported strategic minerals pass, did so on the fragile assumption that Panama could handle the responsibility. A little country, smaller than Maine, with slightly over two million people, Panama was not stable in 1977, and is even less stable now. Under the control of a mercurial dictator, General Manuel Antonio Noriega, the country is impoverished, driven by violence and oppression, and offers little prospect of having the strength or stability that would warrant our entrusting the precious Canal to their care.

Noriega, both hated and feared, maintained his grip on the little country through the power of the 20,000-man National Guard, the police and patronage of the Civil Service. The responsible opposition, from the business sector, the media, the church and students, are harassed and suppressed. Many have been imprisoned, including Colonel Roberto Diaz Herrera, former Chief of Staff of the Armed Forces, who has openly accused Noriega of vote fraud and political murder.

A communist since student days, Noriega is open in his admiration of the Soviet Union, boasting recently that if Gorbachev makes a rumored trip to Peru, he will come to Panama City as well. He has dispatched senior members of his government on official visits to Cuba and Moscow. He has affiliated his Democratic Revolutionary Party with the Socialist International and, most recently, has turned over the former U.S. Naval Air Station at Coco Solo to the Soviets, who now call it a "vehicle distribution center." The Soviet Union, it is quite plain, has a friend in Noriega, a fact which must give thinking Americans serious pause.

Their greatest concern must be the prospect of our permitting a repetition in Panama of the tragedy we allowed to happen in Nicaragua where, before our eyes, Marxist-Leninist extremists seized control of the government and, literally, turned it over to the Soviet Union. The scene is set for that exact circumstance to develop now, as was forecast in our 1977 editorial. Were we to permit it to happen, we would indeed be guilty of "an act of Great Power irresponsibility."

We still have time to adopt a position before the world that comports with our stature as a great nation, and which recognizes the flaws in the treaty under which we are operating.

Specifically, we should announce our determination to respect the independence of other nations, but an equal determination, by whatever means necessary, to ensure the free use of the Panama Canal. In this endeavor we should openly support the many responsible Panamanians who are dedicated to establishing a free and democratic government, while withholding all support of whatever nature from the Noriega regime. And we should make our position doubly emphatic by a substantial increase in the U.S. forces in the Canal Zone.

The obligations of the United States as a guardian of democracy and leader of the Free World demand no less.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Delaware [Mr. ROTH].

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that the yeas and nays on the Roth amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

The yeas and nays have not been ordered.

Mr. HELMS. In that case the pending business would be to approve the Roth amendment. I suggest we vote.

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

The amendment (No. 885) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. CHILES. Mr. President, will the Senator yield to me for 1 minute?

Mr. HATFIELD. I will be very happy to yield.

Mr. CHILES. Mr. President, we just had a voice vote on the Roth amendment. I ask unanimous consent to be recorded voting "aye."

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

AMENDMENT NO. 886

(Purpose: To provide for the protection of refugees in Southeast Asia through improvements in camp security and living conditions, as well as through the promotion of appropriate durable solutions and an ongoing resettlement program)

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

The PRESIDING OFFICER. The Melcher amendment must be set aside.

Mr. HATFIELD. I ask unanimous consent that the Melcher amendment be set aside temporarily in order to proceed.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself, Mr. PELL, Mr. BOSCHWITZ, Mr. EVANS, Mr. STAFFORD, Mr. KASTEN, Mr. HELMS, Ms. MIKULSKI, Mr. INOUYE, Mr. GLENN, and Mr. DODD, proposes an amendment numbered 886.

Mr. HATFIELD. Mr. President, I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 111, after line 21, add the following new title:

TITLE VII—INDOCHINESE REFUGEE RESETTLEMENT AND PROTECTION ACT OF 1987

SHORT TITLE

SEC. 701. This Title may be cited as the "Indochinese Refugee Resettlement and Protection Act of 1987".

CONGRESSIONAL FINDINGS

SEC. 702. The Congress finds that—

(1) the continued occupation of Cambodia by Vietnam and the instability of the governments of Vietnam, Cambodia, and Laos have led to a steady flight of refugees from those countries, and the likelihood for the safe repatriation of the hundreds of thousands of refugees in the region's camps is negligible for the foreseeable future;

(2) because of our past military and political involvement in the region, the United States has a continued, special responsibility to the persons who have fled and continue to flee the countries of Cambodia, Laos, and Vietnam;

(3) in view of this special responsibility, the United States has placed a special priority on the resettlement and protection needs of the Indochinese refugees;

(4) Hong Kong, Indonesia, Malaysia, Singapore, the Philippines, and Thailand, have been the front line countries bearing tremendous burdens caused by the flight of these refugees, distinguishing themselves as the leaders of an unprecendented humanitarian response to the plight of Indochinese refugees;

(5) largely in response to a lessened comitment among resettlement countries to the refugees of the region, these countries of first asylum have recently taken steps to close refugee camps. Such camp closings would seriously undermine the continuation of a humane refugee policy and are inimical to the resolution of refugee problems in the region;

(6) the United States bears a share of the responsibility for the deterioration in the refugee first asylum situation in Southeast Asia because of unnecessarily slow and complex resettlement procedures; prolonged and often questionable adjudications in humanitarian parole, immigration and refugee cases; failure to implement effective policies for the region's "long-stayer" populations; failure to adequately monitor refugee protection and screening systems along the Thai-Cambodian and Thai-Laotian borders; a policy of allocating admissions numbers to "carryover" refugees approved in previous years rather than qualified new cases; and the instability of the Orderly Departure Program (ODP) from Vietnam which has served as the only safe, legal means of departure for refugees from that country, including Amerasians and long-held "re-education camp" prisoners;

(7) the United National High Commission for Refugees (UNHRC) shares responsibility for the hardening of attitudes in first asylum countries. The UNHCR should be pressed to upgrade its staff presence and level of advocacy to revive the international commitment with regard to the problems facing Indochinese refugees in the region; to pursue voluntary repatriation possibilities, but only in cases where monitoring is available and the safety of the refugees assured; and

(8) given the serious protection problems in Southeast Asian first asylum countries, and the need to preserve first asylum in the region, the United States must renew its commitment to an ongoing, generous refugee resettlement and protection program for Indochinese refugees, including urgently needed educational programs for refugees along the Thai-Cambodian and Thai-Laotian borders, until the underlying causes of refugee flight are addressed and resolved.

CONGRESSIONAL FINDINGS ON INDOCHINESE REFUGEE PROCESSING

SEC. 703. The Congress finds that—

(1) there have been numerous diplomatic problems arising from inconsistent refugee processing by the Immigration and Naturalization Service, most recently with respect to processing of Cambodian refugees at Khao I Dang, and also to the processing of Lowland Lao;

(2) there have been questionable documentation requirements of Indochinese refugees by the INS, leading to unjust adjudications to the detriment of deserving refugee cases:

(3) there have been historic problems with INS staffing commitments in the region, frequently precipitating delays and necessitating the assignment of temporary duty officers who lack expertise in Indochinese refugee processing;

(4) while the overall approval rates of Indochinese refugees has been acceptable, it has been achieved at the expense of multitudes of rejected cases which are contributing to a growing "long stayer" population in the region;

(5) the INS is an immigration service and is not well-suited to the sensitive area of refugee processing, particularly as it involves the fulfillment of commitments made by the Secretary of State in the conduct of United States foreign policy; and

(6) Given the longstanding problems associated with INS processing, dating back to the distributing INS performance in 1982-83 which led to the issuance of National Security Decision Directive Number 93 and to new INS processing guidelines, the United States must consider the possibility of denying the INS any further role in the processing of refugees.

REPORTING REQUIREMENT

SEC. 704. The President shall submit a report within 120 days of enactment of this Act assessing the merit of transferring the authority to admit all refugees under the Immigration and Nationality Act from the Attorney General to the Secretary of State.

ALLOCATIONS OF REFUGEE ADMISSIONS

SEC. 705. (a) Given the existing connection between ongoing resettlement and the preservation of first asylum, and to provide a stable and secure environment for refugees while dialogue is pursued on other long-range solutions, including voluntary repatriation and local settlement, it is the sense of the Congress that—

(1) within the worldwide refugee admissions ceiling determined by the President, the President should allocate—

(A) at least 28,000 admissions from East Asia, first-asylum camps, and

(B) at least 8,500 admissions for the Orderly Departure Program, for each of the fiscal years 1988, 1989, and 1990; and

(2) within the allocation made by the President for the Orderly Departure Program from Vietnam pursuant to paragraph (1)(B), a number of admissions allocated in a fiscal year under priorities II and III of the Program (as defined in the Department of State Bureau for Refugee Programs worldwide processing priorities) and the number of admissions allocated for Americans and their immediate family members under priority I, should be at least 1,500.

LONG-STAYER RESETTLEMENT

(b)(1) It is the sense of the Congress that Indochinese refugees who have lived in camps for three years or longer are of special humanitarian concern to the United States and should be considered as eligible for refugee processing. Under the leadership of the United States, renewed international efforts should be made to resettle these long-stayers, as proposed in the Report of the Secretary of State's Indochinese Refugee Panel in April, 1986.

ALLOCATION OF EDUCATIONAL ASSISTANCE FOR THAILAND

SEC. 706. Section 105 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1988 and 1989 may be available for educational programs, projects, or activities along the Thai-Laotian border and the Thai-Cambodian border which are carried out by Thai or other non-governmental organizations in conjunction with relief organizations and civilian camp leadership."

ALLOCATION OF ECONOMIC SUPPORT FUND ASSISTANCE FOR THAILAND

SEC. 707. Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) is amended by adding at the end thereof the following new section:

"SEC. 536. ALLOCATION FOR THAILAND.—(a) The Congress finds that many Thai residents of villages located near the border with Laos and Cambodia have been adversely affected by artillery shelling and refugee migrations.

"(b) Of the amounts authorized to be appropriated to carry out this chapter for the fiscal years 1988 and 1989, $5,000,000 for each such fiscal year may be available to provide financial assistance for Thai villages affected by Indochinese refugee camps."

ALLOCATION OF INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR THAILAND

SEC. 708. Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) is amended by adding at the end thereof the following new section:

"SEC. 546. ALLOCATION FOR THAILAND.—Of the amounts to be appropriated to carry out this chapter for the fiscal years 1988 and 1989, $2,000,000 for each of such fiscal years may be available to train and deploy the Royal Thai Army to protect Indochinese refugees and those in refugee-like situations in Thailand.".

POLICY TOWARD PROTECTION OF REFUGEE CAMPS

SEC. 709. It is the sense of the Congress that the international community should increase its efforts to assure that Indochinese refugee camps are protected and that international observers and relief personnel should be present on a twenty-four hours a day basis at camp "Site 2" and any other camp where it is deemed necessary.

Mr. HATFIELD. Mr. President, today I am offering this amendment to the State Department authorization bill which is very similar in form and purpose to S. 814, which is the Indochinese Resettlement and Protection Act of 1987. I might observe that that particular bill has been cosponsored by 24 Members of the Senate including the chairman of the Foreign Relations Committee, Senator PELL, as well as Senators DODD, KERRY, SIMON, SANFORD, ADAMS, MOYNIHAN, BOSCHWITZ, MURKOWSKI, and EVANS, all members of the committee. And since a majority of this committee, Democratic and Republican members together, cosponsored S. 814, I feel it would be appropriate to offer this amendment to this bill.

I have made a number of changes in this amendment today to accommodate the chairman of the Foreign Relations Committee who would prefer not to have legislation amending the Refugee Act of 1980, which is the domain of the Judiciary Committee, appended to his committee's jurisdiction. Nevertheless, I do believe we need a vote on this particular measure.

Mr. President, I would like to just digress for a moment to ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

Mr. HATFIELD. I thank the Chair.

I believe it is important to put the Senate on record on the simple question: Should the United States continue with a minimum Indochinese refugee resettlement program, which in turn guarantees refugee protection, through the end of the decade? This is an important question, especially now as negotiations are under way for a possible settlement to the Cambodia question. I believe that if the United

States does not go on record now, assuring the first-asylum countries of our commitment for the next 3 years, then it is just possible that at the moment Cambodia is close to resolution, hundreds of thousands of refugees will be forced back to their homelands before safety guarantees are in place, and I do not believe anyone wants that.

Mr. President, for the past 7 years there has not been a single debate on the Senate floor concerning the U.S. Government's policy toward refugees in Southeast Asia. There has been an informal agreement in effect here that once the Senate passed the Refugee Act of 1980, our refugee work was completed, the refugee program was safely on automatic pilot, and every Senator not on the authorizing subcommittee could close the files on Indochina and go on to other business.

Let me read you a sampling of recent news clips on the deteriorating refugee situation in Southeast Asia: September 6, San Diego Union newspaper headline, "Asian Refugees Face a New Tragedy"; September 14, Minneapolis-St. Paul Star Tribune headline, "Refugees in Peril; Basic Rights Erode"; and a related article the same day entitled "Camp life [in Thailand]: Unrelieved Danger, Despair"; then, September 20, New York Times magazine, feature article "A Broken Country . . . Cambodia Is Drowning in a Sea of Despair"; September 21, front page of the New York Times, "Trapped at Thai Camps, Cambodians Despair"; and finally, the new Atlantic magazine article "The Last Bus," which tells of the misery and hopelessness of another group, the Hmong refugees who live to the north of the Cambodian refugees, and who are in no better shape.

Mr. President, those news clips paint an ugly portrait of life in the refugee camps of Southeast Asia. Thailand, Hong Kong, Malaysia, and the asylum countries in the region have asked us for a commitment because they have seen our decreasing refugee ceilings and the conflicting and ambiguous signals from Washington, and have given us an ultimatum: "Speak now, or forever hold your peace. If you want these refugees protected until they can return safely to their countries of birth, then give us a commitment, yes or no."

Mr. President, this amendment is the moment of reckoning for the U.S. Senate on Indochina refugee policy. The Senate has depended upon the Immigration and Refugee Policy Subcommittee for the last 7 years to draft annual refugee programs, and to balance all of the complex, competing interests involved. In large part due to the able leadership of Senator SIMPSON, and this year, Senator KENNEDY, the U.S. refugee program has been perhaps the greatest humanitarian initiative of the U.S. Government this century—if not in quality alone, then certainly so in duration.

But it is unfair for the Senate to place this heavy burden of politically volatile policymaking on a subcommittee of three Senators, and to abdicate our individual responsibilities to participate in the process of charting refugee policy in Southeast Asia, a process that really represents a constant battle to choose among undesirable options.

Today the Judiciary Committee is fulfilling its primary responsibility to consider the Bork nomination and has little time to address the refugee emergency in Indochina.

It is a small miracle that the committee was able to get a refugee consultations letter together which confirms Department of State admissions recommendations. Unfortunately, the Refugee Act procedures do not adapt themselves to the exceptional circumstances in Southeast Asia that demand more than a "year to year" lease. The first-asylum countries are asking for a specific commitment of a longer duration, and I believe we can and should make such a modest commitment. It appears the Judiciary Committee will not have the opportunity this year to consider substantive legislative action to commit the United States to an Indochinese refugee resettlement and protection program through the end of the decade, and therefore I and my 23 fellow cosponsors turned to this authorization bill, and will turn again to the State and Justice Departments appropriations bill.

In light of the critical situation in Southeast Asia as reported by the press, by the Citizens Committee on Refugees, by the Lawyers Committee on Human Rights, and by so many other individuals and groups who have returned from the camps, I believe this amendment, title VIII, is absolutely necessary to stop the bleeding in the first-asylum situation in Southeast Asia.

I am certain that the situation in Southeast Asia is a matter of life and death, and that if the Senate remains silent and does not go on record in support of a continued humane and generous refugee program, there will be consequences of our inaction that will be deeply regretted.

Mr. President, the events of this past year indicate beyond doubt that the protection of refugees in Southeast Asia is linked to a reasonable resettlement effort by donor countries. For the past several years there have been conflicting signals sent by administration and congressional officials about the resolve of the United States to continue to assist with first-asylum camp populations. So for those who question the necessity of title VIII of this bill, I suggest you listen to what the first-asylum country chiefs said at the June ASEAN meetings. Why did Foreign Minister Siddhi of Thailand issue a public statement in March in support of S. 814, the Indochinese Refugee Resettlement and Protection Act of 1987? Thailand and Hong Kong and other asylum countries have an understandable apprehension about U.S. resolve in a continued resettlement partnership. These countries look to the roller-coaster rejection rates of the INS; they look to the admissions ceiling numbers that have decreased steadily since 1980 and have approached the point of being almost too low to matter; they look at the United States unwillingness to give more than 6-month commitments on refugee resettlement processing; they listen to the voices of some U.S. Government officials citing "compassion fatigue" or urging a movement toward the elimination of a refugee program in favor of an immigration program (as if there were such a consensus in Congress and as if the United States could not accommodate both programs); and, they look at the Department of State's strained logic in opposing S. 814, as proof of the lingering mean spirit identified with a former U.S. Coordinator for Refugees who sought to "manage down" to death the refugee program.

These countries look to the aforementioned signs of reluctance and indifference from Washington and conclude that U.S. resolve is dying if not dead. Mr. President, these signs and signals send messages that I do not believe represent the sense of the Senate or the American people. I believe the United States remains committed to a responsible resettlement program in Southeast Asia for the next 3 years. Only such a commitment will ensure protection for the overwhelming majority of refugees in the region who will not be resettled and who can not go home at this time.

All of us favor repatriation. But there can be no doubt whatsoever that repatriation at this time is foreclosed as an alternative. The other preferred solution, local resettlement, can be further explored, but ASEAN countries face economic problems of their own. And furthermore, local resettlement was not the agreement we struck with them when the refugees first started pouring out of post-Vietnam War Southeast Asia.

I am confident that the progress in the reestablishing of U.S. dialog with Vietnam through General Vessey's efforts bodes well for a future repatriation agreement that is humane and capable of monitoring.

This amendment puts the Senate on the record on a question which for too long has languished in neglect: the question of the U.S. commitment to the refugees of Southeast Asia and to our ASEAN friends who are providing

asylum for them. For those who suggest that this amendment is unnecessary, I say they are terribly naive—it has been the avoidance of this question which, in part, has led to the steady erosion of trust between the United States and our great friend Thailand and others. We need to go on record whether there is an American commitment through the end of the decade to the refugees of Southeast Asia. I target the next 3 years—this is fundamental—because experts are in agreement that this is the earliest date for a possible resolution of Cambodia.

Mr. President, we had better start addressing the source of aggravation for many of these refugees which is the unresolved MIA-POW question, and the humanitarian issues relating to MIA-POW which have to be settled first, before Cambodia can be resolved. I commend the administration for having now elevated that issue to the focus that they have in sending General Vessey to Vietnam for preliminary discussions. And I think that we can all take pleasure in that there has seemed to be a welcome response on the part of Vietnam.

The bill also addresses the lingering INS difficulties in processing refugees, a difficulty that dates back to 1982 and Regional Head Joseph Sureck, and a difficulty that apparently was purposely ignored by the U.S. Coordinator for Refugee Affairs. While the President himself had to intervene in May 1983 to settle the immediate problem, there still persists INS inconsistency and roller-coaster rejection rates.

Mr. President, at this time I ask unanimous consent to insert into the RECORD the processing guidelines signed by the President of the United States addressing these very severe difficulties that occured under the INS.

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

(See exhibit 1.)

EXHIBIT No. 1

THE WHITE HOUSE,
May 13, 1983.

Memorandum for the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation, Administrator, Agency for International Development, the Director, Central Intelligence Agency, Assistant to the President for Policy Development, U.S. Coordinator for Refugee Affairs.

Subject: Refugee Policy and Refugee Processing in Indochina.

The President has approved the attached National Security Decision Directive on Refugee Policy and Processing Refugees from Indochina.

WILLIAM P. CLARK.

REFUGEE POLICY AND PROCESSING REFUGEES FROM INDOCHINA

I have reviewed the reports and recommendations on processing refugees in Indochina from the Departments of Justice and State and the Coordinator for Refugee Affairs, as forwarded by the latter's memorandum of April 21.

The Immigration and Naturalization Service (INS) and the Department of State have taken significant steps over the past several months to improve the processing of these refugees. At the same time, it is clear that further steps are necessary to ensure proper and effective processing consistent with United States law and policy objectives, including steps to improve central guidance.

Accordingly, drawing on all necessary information including the views of the Secretary of State and the Coordinator for Refugee Affairs and after consulting with both, the Attorney General should determine whether there are categories of persons who, under the Refugee Act of 1980, share common characteristics that identify them as targets of persecution in a particular country. This review should focus initially on the following categories for Indochinese refugees: those who fled Cambodia because of occurrences during the Pol Pot regime, former members of the military, those with close relatives in the United States, and persons who refuse to work with the new regime in Cambodia. Other categories should also be reviewed, such as unaccompanied minors and those deserting from or evading military service with the forces of the Socialist Republic of Vietnam.

Applicants for refugee status who fall into any such categories of fact as may be determined by the Attorney General and who allege persecution will not have to present independent evidence regarding persecution. The establishment of such categories will not prejudice applications by those that may not fall within any category that is determined and applied through the above process.

Guidance on the initial and possibly other categories should be provided to INS officers as early as possible and no later than June 10, 1983. Relevant information from the concerned agencies should be provided to the Department of Justice by May 20.

To further advance United States objectives in this area, the following actions should be instituted by the Department of Justice and INS, in consultation with the Department of State and the Coordinator's office:

- Discretionary review of special cases and additional guidance to the field on identifying such special cases;
- Review to check for indications of legally significant inconsistency in determinations (for example, by sampling rejections and/or acceptances); and
- Review of possible additional training and regular rotation of INS offices.

The concerned agencies should review and provide guidance to ensure full compliance with the objectives of this directive by all personnel involved in refugee processing from the Departments of State and Justice, INS, and the Joint Voluntary Agencies.

Given the important foreign policy, political, security and financial implications associated with refugee issues, I have decided to establish a Senior Interagency Group for Refugee Policy (SIG/RP) to assist and advise me and the heads of concerned agencies. The SIG/RP will be comprised of the Coordinator for Refugee Affairs (Chairman), and representatives of the Secretaries of State and Health and Human Services, the Attorney General, the Administrator of the Agency for International Development, the Director of Central Intelligence, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, and the Assistant to the President for Policy Development. Representatives from the Departments of Labor and Transportation and other agencies with responsibilities for specific matters to be considered by the SIG/RP will attend on invitation by the Chairman.

The SIG/RP will:

- Review and assist in the development of United States Government refugee policies, programs and activities;
- Ensure that important refugee policy or program issues requiring interagency attention receive full, prompt and systematic consideration, including the recommendations concerning the annual determination on refugee admission ceilings;
- Initiate an immediate review of the country condition reports to ensure that they are clear, accurate and useful in developing guidance for refugee processing;
- Initiate a review of refugee processing in other areas of the world, similar to the completed review concerning refugees from Indochina, and of asylee processing in the United States;
- Establish subordinate interagency groups as necessary for the execution of its mandate; and
- Seek to resolve any differences among concerned agencies in the area and provide reports and recommendations to the heads of concerned agencies and, as appropriate, to me on issues warranting high level attention or decision.

The SIG/RP will oversee implementation of the decisions in this directive.

RONALD REAGAN.

Mr. HATFIELD. Mr. President, this amendment makes a number of congressional findings about the INS processing performance, and requires the President to submit a report within 120 days on the feasibility of the State Department taking over this responsibility.

Let me emphasize that S. 814 does in fact seek to transfer those responsibilities, from INS to the State Department. This amendment does not. This is a sense-of-the-Senate resolution that does not address that point specifically except to require the President to submit a report.

I think the INS is an immigration service and is fundamentally ill-suited for refugee processing and all of its attendant foreign policy delicacies. But again I am not going to address that issue in the manner I have in S. 814.

The amendment also provides for earmarks for protection of the refugees at the border camps of Thailand, and provides money for education there. The amendment acknowledges that Thailand has borne the brunt of the refugee problem, and provides a continuation of the already successful Affected Thai Villager Program.

Mr. President, refugee policy has been the last in line for the Judiciary Subcommittee's attention. I commend Senators SIMPSON and KENNEDY for

the work they have done the past few years in getting comprehensive immigration reform legislation in place. Unfortunately, this year the Bork hearings have precluded any new attention to the refugee crisis in Thailand and the region. So while I understand the concern of some that this amendment is meddling or is trespassing, I assert the emergency in the region and the necessity for action as the two reasons for why I and the majority of U.S. Senators want to see some action—today.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I appreciate the initiative of my colleague, the senior Senator from Oregon [Mr. HATFIELD] in presenting this amendment on protection and assistance for Indochinese refugees in Southeast Asia. I was an original sponsor of this proposal and am glad to associate myself with the concepts and purposes that it sets forth.

All of us recognize that protection and assistance for refugees is a worldwide problem. The United States has long been in the lead of nations helping to respond to the needs of refugees. Just this week the United Nations High Commissioner for Refugees, Mr. Jean-Pierre Hocke, the very qualified and energetic Swiss who previously served with great distinction as Director of Operations of the International Committee of the Red Cross, is meeting with his Executive Committee in Geneva, Switzerland. The United States, represented by our U.S. Coordinator for Refugee Affairs, Ambassador at Large Jonathan Moore, is participating actively in the meetings of the Executive Committee, demonstrating anew the American commitment to do our share for the world's refugees.

At any given time there are some groups of refugees that stand in particular need, and particular groups for whom U.S. responsibility is especially keen. To say this does not understate the needs of other refugees, and, indeed, all refugees. The recognition that the United States has special responsibilities in certain areas does not diminish our concern for other refugees elsewhere. Aid to refugees should not be viewed as a zero-sum game, in which helping one group comes at the expense of aid to others. United States programs have long recognized some refugees as of special concern, without in the least detracting from our commitment to help refugees elsewhere.

So I welcome the Senator's initiative in proposing this amendment, as a timely reminder of our special concern and responsibility for Indochinese refugees. All of us know that the American people have done a great deal for the Indochinese refugees, nearly a million of whom have joined us as new Americans since the fall of Vietnam, Laos, and Cambodia in 1975. And we have gained from them. The great majority of the Indochinese living among us are self-supporting as productive citizens and residents of our country. There is no greater concentration of Indochinese than in my own State of Rhode Island. In proportion to our population, we have the highest number of Indochinese refugees of any State in the Nation.

From my own contacts with refugees, I am personally aware of their concern about their relatives who remain stranded in Southeast Asia. Our refugee programs should continue to be used with flexibility and good will to bring about family reunions, in addition to cases that can be assisted through immigration procedures and the individual approvals of humanitarian parole. There are Cambodians, for example, in the gravest need of protection stranded along the Thai/Cambodian border, whose relatives in our country are tormented by the daily awareness of the plight of their loved ones. We must act to help these people without further delay.

This amendment restates America's special responsibility for the resettlement and protection needs of the Indochinese refugees. It recognizes the tremendous burdens that have been carried by the front line countries in Southeast Asia that have provided first asylum for the refugees. I join in expressing our appreciation to Hong Kong, Indonesia, Malaysia, Singapore, the Philippines, and Thailand.

Just last week I had the honor of meeting with the Foreign Minister of Thailand for discussion of the continuing refugee situation as it effects that country. Foreign Minister Sitthi said that his country would continue to be helpful, and he specifically undertook to facilitate the processing of some 2,000 cases of Cambodians with relatives in the United States.

It is up to our own Government to take advantage of this opportunity through our State Department and the Immigration Service to see that these family reunification cases are processed quickly, for immigration visas, humanitarian parole, and for refugee admissions as authorized by the Refugee Act of 1980, and as carried out resourcefully in the past by our overseas refugee processing offices. If Thailand is prepared to let us process these cases, on the border and at the Khao-i-Dang refugee camps, we should act quickly to take advantage of this humanitarian window of opportunity.

No aspect of this amendment is more important than its call for improved protection of the Indochinese refugees. The increase resettlement programs that it envisages can at best help only a small proportion of those remaining, particularly if one includes the over 250,000 Cambodians on the border. So protection will remain central. This amendment encourages us to continue to work closely with the first asylum countries, with the U.N. High Commissioner for Refugees and with the International Committee of the Red Cross, to secure such protection as long as it is needed. I commend the Senator from Oregon for presenting it.

Mr. President, I believe this is an excellent amendment, and at the appropriate time I will suggest that we vote on it.

Mr. HELMS. Mr. President, I share the opinion of the distinguished chairman with respect to this amendment, and I support it.

Mr. HATFIELD. I thank both Senators.

Mr. SIMPSON. Mr. President, this is a tough one, and I think there will be an attempt to just accept it on the basis of heart and soul. But I hope Senators will pay close attention to what this does.

I am strongly resisting it. I think it is a mistake. I hope that after Senators hear my brief remarks, they will agree that it is a mistake.

It is one of those things I have watched since I have ben involved with immigration and refugee matters. It comes from impatience and frustration, and it comes from other genuine emotions.

There is no one—and I surely mean this—for whom I have a higher regard in this place than my friend MARK HATFIELD, from Oregon. If I said he was simply a friend, and all the connotations that indicates, that would be it. But he is a very special friend. We have shared much together.

One of the toughest problems in dealing with immigration and refugee matters is that the people of the United States and many of our colleagues do not even understand the difference between a refugee and an asylee, a special entrant, an extended voluntary deportee, temporary resident alien, a parolee permanent resident alien, or any one of other various categories. That makes it tough to debate.

I have seen that in all my time in dealing with it: There are tremendous differences between the people who are true refugees and those who just do not like their country, or do not like the draft in their country, or do not like seeing their neighbors get shot, do not like their property confiscated, do not like anything about their country, and want to get out. But that does not qualify them as a refugee.

Either you are going to change the definition of "refugee" or stick with it and be honest about who are refugees and who are not refugees. It is a very well-meaning piece of legislation, but very ill-advised, and let me tell you why.

We have done our share—in awesome fashion. Anyone who can get up in the United States of America and say we have not done our share is really missing the whole issue of the last 15 years in Southeast Asia.

The first thing you do with a true refugee—there are three things you do. These are historical things.

First, you try repatriation—sending them back to their own country; not in the sense where they will go through the hideous act of refoulment, which is if they were to go back into their country they would be slain, thrown out, chopped up. That is refoulment. That is a cruel and hideous thing. But first option is repatriation.

The second option is first asylum, and they come to this country that they have "escaped to." They are refugees now. That means they are fleeing persecution based on race, religion, national origin, or membership in a political or social organization. That is a refugee. Please hear very carefully that refugees are not people who hate their country, the draft, or confiscation of property. Either change the definition of "refugee" under the Refugee Act or under the United Nations, or let us cease doing this kind of disservice to the act. That is the second one—first asylum. You give a person asylum in the country they flee to, and they are refugees.

The minute they get to the country where they want to go and they are fearful and they may speak or even literally grunt that they are asylees, or just make some indication with their hands, they are then in the country as asylees and are dealt with as asylees.

The third option, and the last—and the less-used option, particularly in earlier days—is third country resettlement. This is the one you hope to do last. In Southeast Asia, we have just tipped the mountain on its end. Now, the first option is third-country resettlement. The second option is asylum, and the third option is repatriation—all because of a most ghastly war. Most every person who put in their hand with us or joined our forces has been taken, and the ones who are left, who are in reeducation camps, we will deal with and process on a person-to-person, case-by-case basis. But that is not fast enough for some. There is too much frustration about that, but that is the way it should be done.

We have done our share in extraordinary ways. What really disturbs me as I look at this—and this is a fine piece of work from a humanitarian standpoint, it is beyond parallel, but from a policy standpoint, it is impossible.

The key is in this paragraph of the congressional findings. It says:

> Because of our past military and political involvement in the region, the United States has a continued special responsibility to the persons——

Please hear that—

> to the "persons" who have fled and continue to flee the countries of Cambodia, Laos, and Vietnam.

We do not have that obligation. We have that obligation to refugees, not the "persons."

There are 16 million refugees properly described in the world who will probably seek access here, and we will have to deal with that. But there are several billion persons who do not like what is going on and flee their country or leave to work or are economic migrants.

The Gov. Bob Ray Commission pointed that out. We sent a commission to Southeast Asia, under the chairmanship of Bob Ray, former Governor of Iowa. It was a remarkable group: Mrs. Irena Kirkland; Edward Schmults, Gale McGee, a fine friend and former professor of mine and former Senator from Wyoming, a superb foreign policy person; and Jonathan Moore, present refugee coordinator. They went and they looked and they observed, and they were from all ideological bents. They all came back with a new view of Southeast Asia and said that more and more of the people there are seeking greater freedom and greater economic opportunity. They are economic migrants, not refugees. That may not mean anything to anybody. I know it is tough, but that is the way it is. Their April report said:

> The persons fleeing today are no longer predominantly persons who were associated with the United States nor does it appear that the majority have been singled out for harsher treatment than that generally suffered by the rest of the population. Far more appear to be taking this perilous journey in search of economic and political freedom or to be reunited with family members.

There is nothing wrong with that, but you cannot call them refugees; and when you do, you distort the Refugee Act. I think it is a good act. It was put on the books when I was in the minority here. Senator KENNEDY was one who helped put that together. I helped to support it.

This must be said: We have protected first asylum by leading the world in resettlement of Southeast Asian refugees. Sixty percent of all of them resettled in the world today came here. Yet, here it is stated that we have not done enough. We have done 800,000 human beings worth, more than everybody else in the world entire combined.

And our loveliest allies, Canada and Australia, are telling us that the flow is over, and yet we continue to whip up new numbers and a new bureaucracy for a certain specific area of the world where we have Southeast Asian refugees.

Now, this added finding provision I think is quite disturbing. It says our policies have led to a steady flight of refugees from these countries.

Let me tell you this, and I hope this will also be heard: Also, whenever we crank up our resettlement program, and we do periodically because of the pressure, not from those countries but from voluntary agencies and people working in that area of the world, and that is a very real thing you do not want to miss. There is a crankup operation. There are many wonderful people with the most sincere of motives in that part of the world who do not want to see this kind of a flow end. It is a bureaucracy the scope of which might numb you and many of them live and work in that area of the world.

Bangkok is quite a headquarters. It is a remarkable place. And these are compassionate, extraordinary, and remarkable people, but they are still part of a bureaucracy that might be surprising to you.

They do not want to see those numbers go down in that part of the world. They want to keep those numbers up even if those people do not qualify, and the troublesome part about that is very simple, that the resettlement program then creates a real draw. We go ahead with third country resettlement to the United States of America, and that is a draw which increases that flight, so if there is a flight of refugees and you bet it is a steady flight, and every time we have become more generous in that area—and I tell you there is nothing that will outmatch the communications system among human beings in that part of the world. Ma Bell could tear down the wires, for I tell you they all know very well what is up. They then say they are relaxing in the United States and here we go. And that draw contributes to that flight, and this bill will lead to an ever greater draw and an extraordinary draw it will be.

Then it surely disturbs me, and I know that this really needs to be said in complete context, and I will not even put anything else on it, but it says in the findings "that the United States" bears a share of the responsibility for the deterioration in the refugee first asylum situation in Southeast Asia because of unnecessarily slow and complex resettlement procedures.

I know that is frustrating because the people do not fit the definition. But that statement is not fair or right. No other country in the whole world has come close to the resettlement record of the United States, taking 50 to 60 percent of the entire current flow, 800,000 total since 1975, and as our allies drop away we are going to be the only ones doing it.

Another one is stated here in this remarkable piece of legislation that says the U.N. High Commissioner for Refugees shares responsibility for the "hardening of attitudes" in first asylum countries, that is just not so.

The UNHCR has even recently made new initiatives to pursue repatriation, and that is always the first option. Do not forget that is what that is. So that is not so.

Then it goes on to say the United States must "renew its commitment to an ongoing generous refugee resettlement." How extraordinary that is. We have allocated 38,000 refugee numbers this year alone. I signed the letter the other day, along with Senators TED KENNEDY, STROM THURMOND and JOE BIDEN, and we unanimously sent up the recommendation. I objected to the amount of the numbers but everything else was beautifully said. I commend that letter to those who wish to pursue this issue, and I know you probably do not because it is that kind of an issue, but we have allocated 38,000 refugee numbers and we have also this program in Vietnam called the orderly departure program or ODP.

We have orderly departure numbers for Southeast Asia in the next fiscal year and they are within that figure. No one is being left out unless you are doing things with the system that were never intended to be done and that out of frustration and irritation and a bureaucracy wanting to just tilt things in one area of the world alone, and that is absurd.

What about other countries that have the same problems as Southeast Asia, people that want to come here, they do not like their country; do you tilt for them, too?

I do not know. It does not seem sensible to me.

Then, of course, I think that it needs to be addressed where it is and there have been numerous diplomatic problems arising from inconsistent refugee processing by the INS, the Immigration and Naturalization Service, most recently with respect to processing of Cambodian refugees in Khao I Dang.

I think many who have ever been involved in refugee matters have been to this area of the world and many go back on many occasions. They may go every 2 months or every 3 months and they keep it cooked up. They cook the books in Bangkok and they go again and again, and they press and they push and they ask for new numbers and they ask for all this and more. Finally, really if they are honest with you they say we really do not care what kind of bureaucratic numbers you produce, or about all this hoke you are giving us; just give us those people and we will resettle them in the United States of America. We will place them.

"We have a tragic situation right now with H'mong. I visited the H'mong camps. Some said they are better there than they are in southern California because they have great difficulty in adapting and they have a great deal of difficulty and their dependency rate is extraordinary compared to every other kind of refugee. But you have to watch it when you say that because you can then be nailed as mean spirited and evil. I have been through that.

And all I am saying is that when you talk to the H'mong leaders in that area of the world, they say, "You know, we don't know that it is always best for our people to go to the United States of America. They have a lot of difficulty there." The Minnesotans have settled them superbly, and the Californians have done a beautiful job too, but the issue is is that to the best interest of the H'mong? And now you see a rather remarkable thing happening. There is almost an inducement to the H'mong to get into this new refugee flow. Yes, there are many who wish to come and, yes, there are those who do not want to come, and that is the way it is, too.

So what has happened in this area of the world is that they have reviewed these people once, they have reviewed them twice, they have reviewed them three times. They did it on a case-by-case basis and they did not meet the test. And now they want them anyway.

It is like dealing with the emotional issue of agent orange, dioxin—you can hear that argument too. It goes: What were we going to do?" It is a troublesome problem and we have to use sound medical and scientific evidence and we are just not there yet, whether we like it or not, and we are sure not here yet when we have an INS person and a process of personal inventory and review and personal visits with people in any language where they sit a person down, a live human being, and say "Here's a map of Laos or Vietnam. Where were you at that time of your life that you say that qualified you for refugee status?"

I have sat in on those and people will look and say "I don't know." "Maybe you don't read a map, so I will not ask you that. What village do you come from?" "I don't know that either." "Where did you live, who did you know?" "I don't know that either."

No ties at all. No obligation at all to this country.

You show me a person that tossed in their mitt with us and said "I am going to fight with you in Southeast Asia" and I will say bring them to the United States of America and resettle them. No questions asked. Period. I do not have a single problem with that at all. But do not tell me about people who never threw in their hand with us, never were involved with us for any reason and do not like their country and just say "I want out of there and I want to be known as a refugee and I want to have somebody help me," and there are plenty of people there to help like dozens of voluntary agencies as we call them the VOLAG's.

So they have reviewed them and reviewed them and revised under the full guidance of the United States of America and the INS and the State Department, and it did not clear the remainder of them out.

So, the advocates now will just not be satisfied until they are all in the United States and hope they will quit asking us these absurd questions about case by case handling and that kind of thing. And then there is another extraordinary statement. I do not know what it means and I know the Senator from Oregon will tell me because I do want to get the full answers to my questions here.

It says "While the overall approval rates of Indochinese refugees has been acceptable, it has been achieved at the expense of multitudes of rejected cases."

Yes, I am sure that is true. I do not know how else that could be. I do not know what that is supposed to mean unless it means everybody who applies should be cleared and if that is what it means that is surprising, very surprising. There are going to be rejected cases.

Let me tell you a most disturbing thing, Mr. President. As I say, I have been in this when I was chairman of this subcommittee. I would be visited by people with most extraordinary humanitarian impulses in this area. There is one fellow, and I leave his name out of the debate, who must have some kind of a special seat in various aircraft where he goes back and forth to Bangkok and he gets there and then he just raises hell with all the State Department people and the embassies and the INS and the VOLAG's and he says, "You must bring more people back here to the United States."

Well, we are bringing all we can. We resettled more than anyone else in the world. We are trying to look for true refugees. And he gets frustrated and he goes to these camps.

Finally, he came into my office 2 or 3 years ago. I said, "You are an amazing guy and you are very compassionate and very extraordinary. What is it you want done?" Then he gave a remarkable expression of what he wanted done, and that is almost clearly that everybody who is in a camp in Thailand should be brought here. Just do not ask any more questions. If they got there to those camps then they must be a refugee.

I said, "Well, that is impossible."

Then he said, "Well, could we just have a few, maybe 3,000?"

"Well," I said, "who are the 3,000?"

"Well, I have a list."

Well, we looked at that list and we cleared a lot of those 3,000. They were people who have been in the service,

in the military—a colonel, I remember; another remarkable lady, I personally recall. They are more than numbers. I met with them and many were later cleared, and they are here.

Then, finally, he said, "But then there is this other person here whose brother is in Massachusetts," or his sister is somewhere. And I said, "What is the special humanitarian concern of this person?"

Well, I found out, he was the brother of this man's gardener and he needed some help up there on the grounds. And there is nothing wrong with that, either, but that person is not a refugee, He is not. That is a person seeking to come to the United States of America to work and be economically productive. And there is nothing wrong with that, either.

But there is something wrong with all that when we distort the refugee policies of the United States to accommodate that kind of altruism. I do not like that, and I do not think you do, either.

So then we go to another comment in here, which is another disturbing one.

Given the longstanding problems associated with the INS processing, dating back to the disturbing INS performance in 1982-83 which led to the issuance of National Security Decision Directive No. 93——

Now, that is the date when the chairman of the Appropriations Committee, my friend MARK HATFIELD, got into this process. And when the chairman of the Appropriations Committee gets into the process, it is a very notable event. And he did it for all the reasons that make him so special—his humanitarian concern and his love of fellow human beings.

But he mentioned Joe Sureck. Joe Sureck in INS parlance is like Joe Hill in labor lore. A hero.

I dreamt I saw Joe Hill last night alive as you and me——

I can still sing that one, even as a Republican.

So Joe Sureck becomes the great hideous ogre, the evil one, the personification of mean spiritedness. And that incident, let me tell you, and they still talk about over there, because there was a letter to the President that got the attention of the President and a later directive of Judge Clark that really, really had the effect of undermining Joe Sureck. It did not come from the chairman of the Appropriations Committee. It just came the way it comes, because Joe Sureck was saying, "Read the book. A refugee is a refugee is a refugee." And they bounced Joe Sureck out on his head in a most remarkable way.

And I have seen the State Department fight with the INS. They really do in this area. If you were to leave refugee processing only to the State Department—and this is no reflection on the present occupant of the chair or anyone past or future—you will not even make any really hard decisions on refugees, because the issue will become very simple: "Don't mess with that country. If they say they are under some pressure, we will take them and we will invent a category for them or put them under parole authority or change the name to EVD," or whatever else one may want to call it.

So the State Department is never going to make those, tough decisions about exclusion of human beings from our shores. That is the way it is.

And that is what happened with Joe Sureck. And I watched it. Joe Sureck watched it. He really did not enjoy it at all. It was harsh. And it may have come from the best of reasons, but with the very poorest of factual data. The humanitarian reasons were real, but the facts were wanting.

Now as to the allocations of refugee admissions. This is interesting here. This is in this proposal. It says:

Within the worldwide refugee admissions ceiling determined by the President, the President should allocate.

And here is where we get into some pretty effective statutory language——

At least 28,000 admissions from East Asia, first-asylum camps.

That is unnecessary; totally unnecessary because of what we just did several days ago. We have already given East Asia the lion's share of refugee spots, 38,000 in fiscal year 1988—38,000.

And then it goes on to say that we must have "at least 8,500 admissions for the Orderly Departure Program for each of the fiscal years 1988, 1989, and 1990." And yet the 38,000 includes the 8,500 for ODP, the Orderly Departure Program.

Then we go on to allocation. There is a discussion there. And then it states "the number of admissions allocated for Amerasians and their immediate family members under priority I should be at least 1,500."

I am sure that it must be just as disappointing to my friend MARK HATFIELD as it is to me that the Orderly Departure Program has not worked better. The Vietnamese have really gummed that one up. The Senator from Oregon went there. My chief staff person went there and returned just within the last weeks.

But under ODP, we are taking them as fast as we can, considering the lack of diplomatic relations with Vietnam. I hope we break down that extraordinary artificial barrier. I have and will work with the Senator from Oregon, and we will yet do that. I think we ought to establish full diplomatic relations with Vietnam. That is my view. You cannot talk or argue or negotiate if you are giving each other the ice treatment.

So we do take them as fast as we can. But we not only get the Amerasian children, we now get now two or three family members. In fact, they are even selling children. They can see that when you get this person selected under ODP and you might get two or three relatives to go with him, some of them who are going to get new papers, a new lease on life. I am not challenging that, either. But you get a lot of nonqualifiers in there. You get two or three members of the family when you use the orderly departure program and it was set up for one—the Amerasian orphan child.

Then there is the final statement that needs addressing. It says: "It is the sense of the Congress that the Indochinese refugees who have lived in camps for 3 years or longer"—that is then all you have to do; remember, you would then not have to be a refugee, you just have to have lived in a camp—"are of special humanitarian concern to the United States and should be considered"—now, that is a key phrase, "special humanitarian concern;" those are words of art—"should be considered as eligible for refugee processing."

Those are called longstayers. They are a problem, a problem to Thailand; they are a problem to many. But longstayers do not, in most cases, qualify for our program. That is why they are longstayers. They have not been cleared. They have been reviewed again and again and again and have not passed the test and they are not cleared. So they remain "longstayers." So processing them will only and assuredly bring other nonqualifiers into the border camps.

They will say—and do not think they do not know what goes on in that part of the world—"you mean if they are really taking those persons who are the longstayers, then I am going to go there to that camp too." Again, I am not talking about refugees. I am talking about people who just want to get out.

And so then the nonqualifiers draw other nonqualifiers to the border and interior camps.

Finally, this legislation talks about $5 million for each of the fiscal years 1988 and 1989 to be available for educational programs, projects, or activities along the Thai-Laotian border and the Thai-Cambodian border which are to be carried out by the Thais. We do that. We already do that.

It is an indigestible amount of money from everything that I have found in my personal travels there. The most extraordinary thing is that we are already providing the money for the agencies who already do it ever better than anyone else. We are currently providing funding to United Nations Border Relief, UNBR; to UNHCR, the U.N. High Commissioner for education and other humanitarian

assistance. We are doing that right now.

Then it goes on to talk about another $5 million to provide financial assistance for Thai villages affected by Indochinese refugee camps. The State Department is already doing that. But let me tell you something that really irritates the Thais. You send the money into Thailand and use it for construction of buildings and warehouses and Thailand farmers in the area of 30 or 60 kilometers or 100 kilometers are infuriated.

They say, "What are you doing? I mean, I live in lesser conditions—I cannot even pull any teak stumps out. There is nothing left on my property and you have erected the Taj Mahal over there for a group of people who are not refugees." And then we wonder why the Thais resist?

The Thais will eventually harden their hearts and just say no. But they are not going to allow buildings to go up and construction sites and great warehouses full of grain and rice for people who have been reviewed again and again, maybe three times, and are unable to pass the test as refugees.

They indeed pass the test as human beings who are in wretched circumstances, but do not pass the test of refugee. But we help them in other ways.

That is where we are for that. There are some good things here: allocations to Thailand to carry out some activities, redeployment of the Royal Army to help train them in humanitarian care of refugees. But we do not need this legislation to do that.

I just do not think, Mr. President, that it is right to do violence to the Refugee Act by legislating specific numbers for a specific area of the world. That is exactly what we tried to get away from when we passed the Refugee Act of 1980. Even a sense of the Senate resolution, which this is, with a few added bits, is most ill advised in this situation.

We have a very full and effective consultation each year in order to provide the proper allocation. The State Department is involved, the INS is involved. The Judiciary Committees of the House of Representatives and the Senate are involved.

Please understand, and I would never intend to speak for my dear friend PETER RODINO, the chairman of the Judiciary Committee or my old sidekick RON MAZZOLI, chairman of the Subcommittee on Immigration and Refugee Policy in the House. But I can tell you that they are going to have a lot of difficulty with this. If we are going to do something like this, let us revisit the Refugee Act or the definition under the Refugee Act because that is, in effect, what should occur first.

So, we have already consultation process with the Judiciary Committee of the House and the Senate, and ranking members and the chairmen. That is the very essence of the Refugee Act.

I could tell you from my own personal experience, and as I say I have had my old bald dome hammered in this area, I can tell you this: I have learned that there is an amazing network of old "Saigon Cowboys," some people who really almost are irritated at their own country and they remain in that part of the world, raising hell with their own country. They do it subtly, but it is very devastating and dazzling to watch them work. I have met some of those folks.

They also referred to them in the old days as "old China hands." There are a lot of old China hands over there in the East Asia Bureau of the State Department. They have some sour taste about something in the past, or some allegiance unknown. And they are involved deeply in this.

Then you want to remember this extraordinary bureaucracy I talked about and that is the voluntary agencies. People of my church, the Episcopal church; people of the Catholic charities; and there are Lutherans—they are truly amazing and they are over there and they are doing remarkable work. But there are some in the administration of those agencies that do not want to see this flow halt.

To halt the flow from Southeast Asia is to halt their jobs, which is a rather remarkable incentive to keep right on going and keep those numbers up; and, actually, setting a quota, which is what this would do, outside of the Refugee Act.

I do not know how many people in the United States know that they are called VOLAG's, voluntary agencies, but we do pay them money. We pay them $565 per human being in a thing called the R&P grant. They are then to take that person and resettle them in the United States.

We found some serious abuses of that years ago, where they would take the person to a community without a proper "cushion" for assimilation, no real anchor relatives, no ability to speak; and do, maybe, a $150 job of that resettlement and put the rest of it in the bank. One agency had $6 million invested. We visited with that group and said, "What is the purpose of this money?" "Well, it is money from the State Department for resettlement."

"Well, why aren't you using it?" "Well, we will."

"Well, it might be good to use it now for each individual. You might even expend the whole $565. That is what you have it for."

I have been through this. The tomatoes have been lobbed. But somewhere along the line, somebody has to breathe a little sense into it and, again, you know, if we are going to let our hearts overwhelm our heads on each occasion, then we are in difficult straits with existing law, especially the definition of refugee.

So, that has been my experience. It has been a rather lonely and dazzling quest, as I have messed around with this issue. I would suppose that this amendment will pass because I will not get a chance to speak to my colleagues for 30 minutes like I just did. Somebody will come up and say: Why would you want to resist that? I would not possibly be able to explain it.

But I can tell you that it is a mistake and it is a distortion of the Refugee Act. It does something which I think is very troubling. It takes us back to where we were before the Refugee Act and that is to look at certain segments of the world and give them special preferences. That is what you are doing in this situation, special preferences because of pressure from "old Saigon cowboys" and "China hands and other people who just do not want to relinquish their grip.

It is an issue we deal with every 12 months. You here may not know that. The last 2 years we have had two consultations a year. There have been staff trips and research reports and the Ray Commission and there has been no debate on the Senate floor on this issue and not one single hearing in any sense because—why? Because the refugee consultation procedures have served us well.

It is simply not true that only three Senators on the subcommittee conduct the business of the refugee program. Senator THURMOND has always been deeply involved; Senator SIMON; Senator KENNEDY and Senator GRASSLEY were all involved. The entire Judiciary Committee participates.

As one would notice, as I say, the committee chairman, the ranking member and subcommittee chairman and ranking member all signed the last document. I hope this will not be misread because I do not go along looking for things to do in this remarkable place. I have plenty to do. So turf wars are not the most attractive thing, but my question is: I wonder why the Appropriations Committee or the Foreign Relations Committee have a grasp of the issue—and I know they do. I do not denigrate that at all. But the Judiciary Committee has the statutory jurisdiction and has been exercising that jurisdiction for all the time I have been here, and under the Refugee Act.

Many have agreed with the observations I have just shared with you. I hope you will read the comments of the State Department. I insert that in the RECORD. They are not out to protect things; they are out to do a job in an area of the world which is very troublesome, but which, if anybody tells you we have not done our share, that will not sell at all.

We have done our share for 800,000 human beings and we will be there to do more, especially for those who threw their lot in with us in Southeast Asia. But remember when that war ended, what is the obligation to someone who is saying, "This is a child 9 years old who was part of that." That cannot quite be.

Either we change the Refugee Act or we do a disservice to it by legislation such as this. I will be pleased to meet with any Member of the body who wishes to discuss it, to visit with the State Department, to do something sensible and correct. I certainly pledge that type of assistance.

I just urge my colleagues that if we are really going to do these things, really make quotas in one area of the world, where do you draw the line when somebody else in another part of the world says, "I saw what you did in Southeast Asia. You set some numbers. We want that here."

We tried to recognize the flow in Africa, which is in such terrible shape. We tried to recognize the new glasnost with the Soviet Union, with new numbers there. We have to be flexible to keep those numbers loose so that we can take, I hope, 5,000 Soviet Jews and other people from the Soviet Union.

That is why we must work within the Refugee Act and that is why we have the consultation process of the House and Senate Judiciary Committees.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the amendment offered by the Senator from Oregon. I was an original cosponsor of the bill he introduced on this matter earlier this year, and I am a cosponsor of this amendment.

I saw first hand the plight of the refugees in Southeast Asia.

In November 1979, I, along with other Congresswomen, went to the killing fields in Southeast Asia and was involved in witnessing the camps throughout Thailand. We worked on a bipartisan and humanitarian effort. We pledged our support then to those refugees and said we would act and never forget.

Yes, we did act then, but we must continue our commitment and show we never will forget.

The refugees in Southeast Asia are in a truly desperate situation and they deserve the attention and support of the U.S. Senate.

The key to protecting these refugees is a strong, sustained resettlement commitment from the United States. This amendment displays that strong commitment.

If first asylum countries like Thailand think that the United States is no longer willing to resettle these refugees, Thailand will no longer be willing to provide them a temporary safe haven.

Thailand is wondering if we are victims of compassion fatigue, wondering if we have run out of energy and are no longer willing to put resources into the activity of keeping an international commitment we made. I wonder if we are not also engaged in congressional chic, that once an issue leaves the headlines it leaves our attention. These refugees are still in need and still need the help of the United States.

Also, I have a fundamental disagreement with those people in the State Department and the Immigration and Naturalization Service who have been involved in this issue. I am not so sure that they understand the difference between an immigrant and a refugee.

We must keep in mind that there is an inherent and very important difference between immigrants and refugees. Refugees face an urgent, compelling need for safety and protection. Immigrants do not flee from their country to save their lives and the lives of their children. The refugees from Cambodia and Vietnam have escaped from some of the most brutal and horrifying regimes this world has ever known. The killing fields were real. I saw them with my own eyes.

Southeast Asian refugees who continue to seek freedom for themselves and safety for their families deserve our fullest commitment. In 1985, President Reagan said:

> The drive of our people to assist refugees in need overseas and to resettle those who need it is an integral part of the American ethic.

This amendment will ensure that the United States lives up to its responsibility to Southeast Asian refugees and continues its humanitarian ideals of protecting and resettling them.

I urge my colleagues to support the amendment.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator from Wyoming for his very eloquent and comprehensive review of the refugee matter. He illustrates again a grasp of all parts of this refugee problem. The only problem is he comes to the wrong conclusions. I suppose that is his view of my conclusions.

I want to thank also the Senator from Maryland for her frank statement, the Senator from Rhode Island, chairman of the Foreign Relations Committee, and the Senator from North Carolina the ranking member of the Foreign Relations Committee, for their statements of support.

Mr. President, let us go back to the case made by the Senator from Wyoming.

I want to first of all say that there is no one in this Senate who would prefer more than I to see the possibility of repatriation which he very accurately stated to be one of the propositions that we must consider in resolving refugee problems.

I would like to see all of the refugees be able to return to their homelands in safety, with some confidence that they could pursue their lives in their own native land, whether it be Cambodia, Laos, or Vietnam.

But to say that all of those who have crossed the border into Thailand and other countries, are nothing but economic refugees is without foundation. It might be called inaccurate.

If the Senator will go back into the records, he would find that many of those who have been rejected have been rejected on the basis that they cannot meet the stringent documentation requirements. So they are "not qualified" or outright rejected.

That in no way affects their status of whether they are political or economic. It merely says, "You do not qualify under our regulations."

To blanket all those under the term economic refugees is simply not fair or accurate.

The Senator also quotes the Rey Commission. Let me quote the Rey Commission. They have two specific proposals in the Rey Commission report to expand the refugee processing.

First, they proposed the U.S. participating immediately in an effort to resolve the "long stayers" population and, second, to reconsider the rejected Cambodians.

It is also interesting to note that the President of the United States, President Reagan, invited the Congress to broaden the definition for categories of refugees to handle peculiar characteristics of Cambodian, Lao and Viet refugees, in NSDD 93.

But, Mr. President, regardless of the Rey Commission's recommendations to expand the qualifications for refugees, despite the President of the United States urging the Congress to review those qualifications, this amendment does not amend the Refugee Act.

I ask the Senator from Wyoming to show me where a sense-of-the-Senate resolution amends an act.

We are not asking for any change in definitions. We are not asking for any change in the regulations. In this sense-of-the-Senate amendment we are merely saying, "let us make a 3-year commitment."

The Senator says, "Well, we have already done that in the Judiciary Subcommittee, and approved a very generous figure."

Let me read from the letter. He quotes the 29,500 proposed for the regional ceiling on "first asylum refugees." But then in the middle of that paragraph he cuts it in half. Let me read the whole paragraph.

1. While our commitment to work in partnership with Southeast Asian governments continues, we are nonetheless at a critical juncture in our programs in the region; we therefore request that only half of the 29,500 numbers proposed for the regional ceiling on "first asylum refugees" in Southeast Asia—that is, 14,750—shall be allocated before further mid-year consultations with the Committee. We make this stipulation for the following reasons:

Then they give the reasons for asking for that, proposing that first-asylum numbers be shifted to ODP.

Mr. President, first of all, this is the first year, I believe, and I will not put this into concrete, that the committee had telephonic consultations. They did not even have a meeting to air out these major changes. Maybe that is certainly an accceptable way of doing business, but it seems to me if we are going to make drastic changes in a policy, certainly there ought to be some kind of a meeting of the committee. I think again this illustrates this has really not been high priority of the committee.

Mr. President, I am not going to talk long on this for the simple reason that all we are saying in effect is that the Royal Thai Government and other friends of our country need some kind of planning period, not a 6-month allocation.

Now, in addition to that, you would think that we were going to open the floodgates; by listening to the Senator from Wyoming this morning, somehow we are going to declare everybody who crosses the border as a refugee. We are going to qualify them all to come to the United States. We are going to flood the country with refugees is the implication.

Now, we ought to recognize we are only suggesting a modest number, not 38,500 that we have this year including the ODP, but we are suggesting 36,500 total for the next 3 years. That is not the estimated 400,000 that may be in those camps today or even the 125,000 of the 400,000 that might be eligible for interviewing and processing. We are only asking for 36,500, on a planning basis, for 3 years.

Now, the Senator refers to the amendment's use of the term "persons." Somehow that gives the red flag—we are going to flood the country with every and all persons. Let me tell you why we used the word "persons." We are engaged, I remind the Senator, in a refugee program. We are engaged in a program in which we are hoping that those people who are fleeing their countries will return. That is why we included "persons," because we are involved in issues more than processing people to come to this or other countries. We are involved in the protection of those refugees, most of whom will never resettle. And I would also like to make the record clear that we in the Appropriations Committee had to earmark the money for the protection of those refugee camps that were being raided—people being raped and killed, such as the land Vietnamese. The Appropriations Committee did that.

I am not going to start here and excuse the attack on the voluntary organizations, that somehow they are a bunch of bureaucrats protecting their jobs. Let me tell you, Mr. President, we would not have been this successful over the period of our refugee program in Southeast Asia if it had not been for the support and the undergirding of those auxiliary groups of volunteer organizations.

Mr. President, anybody who is familiar with volunteer organizations—and I happen to have served on the board of a couple of them myself and I can speak from firsthand information—understands that the volunteer organizations are always seeking money just to stay alive to do the task for which they have been called.

Now, all of these groups, are not religious, but let me tell you—and I can say this also from personal experience—many of these who are part of a volunteer organization with religious foundations are there as a mission, feeling called to affirm their spiritual faith by performing services to their suffering fellow human beings. And let me say one thing further. Practically all of these are worldwide organizations. To say that somehow the suffering of these refugees in these camps has to be maintained as a way for Volags to hold their jobs or to maintain their bureaucracy I think is not an accurate assessment, because if they were through with refugee work in Southeast Asia, there would be plenty of need in other parts of the world. The Senator is absolutely right when he says there are many parts of the world hurting today with refugees for whom we cannot respond at all; it is not just Southeast Asia. That is very true.

The American Council for Nationalities Service, American Fund for Czechoslovak Refugees, Church World Service, Hebrew Immigrant Aid Society, International Catholic Migration Commission, International Rescue Committee, Lutheran Immigration and Refugee Service, Migration and Refugee Services—U.S. Catholic Conference, Polish-American Immigration and Relief Committee, Presiding Bishop's Fund for World Relief/Episcopal Church, Refugees International, Save the Children Federation, Tolstoy Foundation, and World Relief of the National Association of Evangelicals, this is the list of those who see the necessity of this amendment. Some of them are there in Southeast Asia, others not.

But they have a comprehension of the problems facing refugees at large, the worldwide problem, and they feel the necessity of this simple sense-of-the-Senate resolution. They have indicated their support. I think we ought to be saluting these people for their marvelous humanitarian contributions rather than to give the impression that somehow they are bureaucrats only interested in the maintenance of their employment or their job, trafficking in refugees.

Mr. President, yes, this is a special area of the world, and I am sure the Senator from Wyoming would not deny we have a special relationship with the countries of Southeast Asia. I need not raise the bloody shirt again of a very, very tragic war in which we were involved that triggered the kind of problem we are facing today as it relates to refugees in Southeast Asia. Yes, it is a special consideration. Yes, it is because it is a special part of the world with a very special relationship with the United States and a certain commitment of the United States from long ago, that we have granted special treatment and preference to those refugees for over a decade. Eight hundred thousand, yes, the Senator is correct, but, Mr. President, the job is not done. That is all this resolution recognizes, simply that as much as we have done, the job is not finished. Can we walk away from it? Can we in a sense say we will wash our hands of these suffering people? I also want to say, Mr. President, this is not a cause for the do-gooders. I hate to even see such language put in print, let alone indicate some official status of this particular letter from the then Deputy Coordinator of Refugee Programs, dated January 2, 1985. I think it reflects a lot of people's thinking. I am not saying he is alone on this. He is writing from the Embassy of the United States of America in Bangkok, Thailand, and keep in mind, he was representing the United States and implementing its refugee policy. In the second paragraph of this letter to his successor, he says:

You will come in with a great advantage: you are not I. This will give you something of a honeymoon with JVA, voluntary agencies, UNHCR, and the assorted other do-gooders who believe the US role in Thailand is to take every last person who claims to be a refugee. As you are aware, our processing is way down, we are continuing to cut staff, and all of our talk has been directed to getting across the idea that the refugee program, as it has benefitted the hangers-on for years, is drawing to a close, and the new era will see greater application of refugee criteria and an increased emphasis on immigration. Many believe that I have been the architect of this change, and while I would like to take credit, it is not all my doing. I wish you luck in carrying through the proc-

ess of dismantling the operation while not making the enemies I did.

Well, that is one attitude, and I do not deny people their own perceptions, even members of our Foreign Service. But I would argue with them on those perceptions. I am sure that many of our body have been in refugee camps. I do not think anybody in this body would say they are a pleasant place. I cannot imagine that anybody who has been in any refugee camps would feel there is anything but a call to all of us to try to eliminate the problem.

In 1968, on the floor of the Senate, I made a speech about refugees in the Middle East. I stated then and I would restate now, that there will never be peace in the Middle East until the Palestinian refugee problem is addressed. That brings down the ire of some people, too. But that is still a human problem.

Now, Mr. President, I feel very strongly; we are not asking the Senate to do anything but assert itself through a sense-of-Senate resolution to send a signal—and that is about all you can call this, a signal because it is a sense-of-the-Senate resolution—to our friends in the world that we are going to carry through with this commitment for a 3-year period, and let me emphasize again why the 3 years. This is the period of time that prayerfully—and hopefully we can all agree on this point—through a new initiative, through new efforts we can resolve the MIA/POW problem and the other humanitarian issues unresolved with Vietnam, which would be the triggering mechanism to resolve the problem of Cambodia which has been the major source for many of the Indochinese refugees today.

I am going to yield to the Senator from Minnesota, who wants to be heard on the issue relating to the H'mong situation which has been specified in this same letter that the Senator has quoted and has signed along with other colleagues.

I know of no other ethnic group in the whole world where we have specified some kind of a special treatment, as the Judiciary letter stipulates, that intimates a threat to our country than how the letter singles out the H'mongs. I interpret this as not really something protecting ourselves so much as it is a demeaning affront to an ethnic group.

Let me just say briefly the H'mongs were some of the most loyal fighters that the United States had in the war in Vietnam. If any one group went out on a limb, so to speak, and stood with the United States cause, how ill defined it may have been in Vietnam, it was the H'mongs. The H'mongs are now refugees because they had taken that political stance so clearly, risking their lives and giving their lives. They came to this country as part of the resettled refugees, and one of the first things we discovered was the H'mongs did not have a written language. I am proud to say that Portland State University and others joined together in a coalition to develop a written language out of the phonetics of the H'mongs language. And I can also say that as one State with one of the highest refugee populations per capita of any State certainly, there were some problems initially with not only the H'mongs but with many other groups as well. I see no reason for singling the H'mongs out at this time as it has been done in this letter because I think again the Senator from Minnesota will testify to the fact that Minnesota, with one of the largest H'mong populations, has seen a tremendous improvement within the H'mong group, as well as I can testify from the H'mong experience in Oregon.

Mr. President, I will not go into the Sureck case. I have alluded to it, and the Senator from Wyoming has outlined a procedure that, somehow, a letter from the appropriations chairman that I confess to having written to the Presdient of the United States and to the Secretary of State, outlining the case as I saw the problems of the refugees in Southeast Asia, somehow defeated Mr. Sureck and brought a change in assignment.

I would say regarding the President of the United States I have recommended many things to him, and he has taken very few of my recommendations. And I used to even write some of those recommendations on the Appropriations Committee stationery and sign my name as chairman of the Appropriations Committee.

It is merely because I and 13 other Senators wrote a letter, which did not necessarily mean the President of the United States and the Secretary of State are going to immediately respond in the affirmative or support my proposition in the letter, that they looked into the situation. They took action on that situation based upon the facts of the case that they obtained and that they also reviewed. And that was the basis of their decision, not because I wrote a letter as chairman of the Appropriations Committee. If anyone wants to test that further, I will give them the win and loss record of my recommendations to the White House. It almost got to the point where I did not bother to send recommendations down there any more. But again, the implication of somehow that the President's action was taken on the basis of my stationery, I would refute that.

Mr. President, I hope we can move to a vote shortly on this. I do know the Senator from Minnesota as well as the Senators on the floor here may wish to speak to this amendment.

I again thank the chairman of the Senate Foreign Relations Committee.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illnois.

Mr. DIXON. Mr. President, the distinguished manager has been gracious enough to say that I can proceed for a few minutes to make a statement. I thank the President for recognition.

THE NOMINATION OF ROBERT BORK

Mr. DIXON. Mr. President, when I last stood on the Senate floor to discuss a Supreme Court nomination—the nomination of Justice Rehnquist to be Chief Justice—I laid out three tests that I would use to guide my consideration of such an appointment: First, great intellectual capacity; second, the kind of background and training that appropriately prepares the nominee for the post to which he or she is recommended; and third, personal integrity and a good reputation. I also stated that opposing the political or judicial philosophy of a President's nominee is not generally a basis for a vote against that nominee.

I had voted for Judge Bork's appointment to the D.C. Circuit Court of Appeals, and I remembered that the American Bar Association had rated him "exceptionally well qualified" for that position. Judge Bork was unanimously confirmed for the Circuit Court of Appeals. Therefore, when the President sent the nomination of Judge Bork to the Senate, my initial inclination was to favor the appointment.

However, the Supreme Court is unlike any other court in the land. Its rulings on constitutional issues cannot be appealed, and can only be overturned by another ruling of the court, or through the extremely difficult and time-consuming process of constitutional amendment. My responsibility as a Senator therefore demanded that I review Judge Bork's qualifications and suitability for the Supreme Court with great care.

I have thought about this nomination a lot since it was first sent to the Senate on July 1 of this year. I have read a number of Judge Bork's writings and judicial decisions. I have listened to the hearings in the Judiciary Committee when possible, and I have reviewed the transcript of those hearings. I hoped that review would definitively answer all the questions that have been raised about this nomination. Unfortunately, it did not.

Despite Judge Bork's undeniable brilliance, I have to say that I do not believe he has put a number of the major issues involving this nomination to rest.

I want to take a moment to briefly discuss the areas where I have real concerns, but before I do, I want to comment on one general matter concerning whether the Senate would

advise and consent to the nomination of any philosophical conservative.

I do not object to the nomination of a judicial conservative to the Supreme Court bench. I think the President is entitled to nominees that share his philosophy. I have voted for the nominations of judicial conservatives to the bench in the past, and I expect to support the nomination of judicial conservatives to judicial posts in the future. I have supported the nomination of Justice Rehnquist to be Chief Justice, and the nominations of Sandra O'Connor and Antonin Scalia to be Justices. If the Senate rejects the nomination of Judge Bork, I fully expect President Reagan to send the Senate a conservative nominee, and I fully expect that the Senate will confirm a conservative nominee.

The questions the Bork nomination raises for me, though, do not go to the question of conservative or liberal philosophy. Rather, they go to the fundamental question of how he views our Constitution, how he sees the powers of government and individual liberties, and the role he sees for the Court in protecting individual rights guaranteed by our Constitution.

Our Constitution replaced the Articles of Confederation. The Articles of Confederation were abandoned because they were not strong enough to manage the country. Our Nation's founders knew they needed to strengthen the fundamental law on which our country is based. At the same time, however, they wanted a limited government, one that preserved individual liberties. The Government of the United States, therefore, is a government of limited powers. Even that was not enough to satisfy the Founders that individual liberties would be sufficiently protected. They felt compelled to add the Bill of Rights—the first 10 amendments to the Constitution—in order to ensure ratification.

The Bill of Rights is every American's guarantee that their liberties will be preserved. It specifically guarantees such fundamental rights as freedom of speech and religion, and the right to trial by jury. It is much more, however, than a list of specific rights, and even more importantly, it is not an exclusive list.

The ninth amendment states:

> The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

What that means is that the Constitution explicitly recognizes that those rights explicitly listed in the Bill of Rights or elsewhere in the Constitution do not represent all the rights of Americans that are constitutionally protected. Simply because a right is not spelled out, like the right to marry, for example, does not mean that it does not exist.

The Constitution, at least in my view, thus takes an expansive view of the individual liberties it guarantees. Judge Bork's writings, opinions, and testimony before the Judiciary Committee leaves real questions, however, as to whether he sees the Constitution in that light. A strong case can be made that his view of the Constitution leads to a much more cramped and narrow view of individual rights and liberties in such important areas as civil rights and the right to privacy.

Let me say at the outset that I do not believe that Judge Bork is a prejudiced man. In the area of civil rights, however, I think there is a real question as to whether his views on a number of vitally important issues are in the mainstream of American opinion.

He has criticized, for example, Supreme Court opinions holding racially restrictive real estate covenants—preventing the sale of real estate to blacks or other minorities—as unconstitutional, and overturning State poll taxes. He argues that many civil rights issues should be brought to the Congress for resolution, rather than being left to the courts. However, he has also criticized congressional action in the civil rights area as exceeding its powers.

These criticisms of Judge Bork's record come, not from some narrowly based interest group. Rather, they come from a broad spectrum of America and must be taken seriously. They come from such people as William Coleman, a Republican member of President Ford's cabinet, and a distinguished lawyer who started his career as an appellate court and then a Supreme Court clerk.

What troubles me most is that the civil rights questions Judge Bork takes issue with are basically settled law, well accepted throughout the legal community. It creates a real question in my mind about how he would approach future civil rights cases.

Judge Bork has also criticized the well-accepted line of cases affirming every American's right to be let alone—to be free from intrusive governmental invasion of their personal liberty and privacy. He has objected to Supreme Court opinions affirming the fundamental right to marry, to travel, and to privacy. Again, however, that is a view that seems to be well outside of the judicial mainstream.

I could go on at some length on this subject, because I am deeply troubled by the picture of Judge Bork's views on individual liberties that has emerged since the nomination was sent up. I am also greatly concerned, for example, about his approach to first amendment and sexual discrimination issues, where he again takes a very narrow view of individual rights.

Instead, however, I would like to make one other point before I conclude. I have had a long career in politics, Mr. President, and I have had the privilege of serving in all three branches of government. I started my career as a police magistrate in Belleville, IL, just about as far as one can get from the Supreme Court.

I learned something important in that job, though, something that has stayed with me through my entire life, and that is that justice is about people. Decisions have a real impact on real people's lives and liberties. Justice was a very personal business in the magistrate's court. You come to know the parties that came before you in a way that is impossible at the Supreme Court level.

Even though that same personal touch cannot be there at the Supreme Court level, however, that same truth still applies. In fact, Supreme Court decisions are perhaps even more about people because many more people are affected by a Supreme Court decision than by any decision of the Belleville Police Magistrate Court. What that means is that a Supreme Court Justice, no less than a police magistrate, must be sensitive to the fact that the cases before the Court are more than legal questions, that real people's interests and freedoms are at stake.

I acknowledge that Judge Bork is a superbly qualified lawyer. Yet as I read his writings and judicial opinions, as I listened to him before the Judiciary Committee, as I read the transcript, I could not eliminate my doubts about his sensitivity to the fundamental people issues that are at stake in the cases he argues so well.

A Supreme Court Justice must have that sensitivity because the Court is not a simple mechanical, analytical institution. It is a political institution, in the best sense of that word, designed to protect American liberties by checking the excesses of the legislative or executive branches. It is a dynamic institution, and like the other parts of government, must respond to changing circumstances by viewing the Constitution as the living, breathing, document that it is. Our Government was created to protect the life and liberty of every American, and the Supreme Court functions as a key part of that protection.

I want to conclude by stating that the more I reviewed Judge Bork's record, the more questions I had. I want the President to be able to get his choice confirmed, but my own responsibilities under the Constitution demand that I carefully examine every prospective nominees views on fundamental constitutional issues.

In many areas, I like to give the President the benefit of the doubt. I have voted for many Cabinet appointments that I personally would not have made. I voted for Justice Rehn-

quist, though I disagreed with some of his philosophy.

The issues raised by this nomination, though, are not really about whether the nominee is a conservative. If it were that simple, I would be supporting the nomination. Rather, the issues relate to Judge Bork's fundamental approach to the Constitution, and to what is the Constitution's first priority—to preserve the liberty of all who live in the United States. This is an area where the President cannot have the benefit of the doubt. Questions in this area must be satisfactorily resolved before the Senate can advise and consent to the nomination. Unfortunately, in the case of Judge Bork, these questions still remain. I must therefore oppose his nomination.

NOMINATION OF JUDGE BORK TO THE SUPREME COURT

Mr. EXON. Mr. President, the controversy over the Bork nomination is tearing America apart, dividing friends and families, and spewing acrimony between special interest groups. Enough is enough of this hysteria in this Senator's view.

This is by far the most divisive issue I have seen since coming to the Senate. Reason has given way to harshness.

The question at this juncture is no longer whether one agrees or disagrees with the nomination. The issue now is what can be done promptly to stop the blood-letting and start weaving together a sense of national fabric and understanding of others' points of view that is basic to America's greatness. This Supreme Court seat does not belong to President Reagan or Robert Bork. It belongs to all the people.

Last Friday, I tried to encourage the President to withdraw the nomination, since I was convinced the President and the Court could only be harmed, and thus the country, by further needless conflict. This might not have been fair to Judge Bork or the process, but that was the way it was. Mankind sitting in judgment of its fellow man is difficult and at times imperfect, as history and our religions have taught us. To say that Judge Bork was somewhat controversial is a clear understatement, complicating the situation, although I had thought that I might eventually vote for him. I am troubled by many of his seemingly shifting views, highlighted by the National Catholic Register editorial in opposition to his confirmation because of his unclear stand on the abortion issue.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. EXON. Mr. President, in my view, Judge Bork was not nearly as bad as his detractors state nor as irreplaceable as his supporters contend. But that is not the question now. The 9-to-5 negative vote in committee sealed what had been all but a lost cause. The rush to judgment day accelerated as pressures and demands from special interest groups mounted to record proportions.

As a genuinely undecided Senator, I have been forced to the conclusion that, regardless of other considerations, Judge Bork has not exhibited due judicial temperament by his adamant position to fight to the end a certain defeat. This is hardly in keeping with the "prudent man" principle. He appears incapable of grasping that there is a time to aspire and a time to concede.

I respectively urge Judge Bork and the President to come down from their defiant mountain top and end the confrontation. They cannot win, but they do not have to lose, and there need be no "dead bodies." All the king's horses and all the king's men can't put Judge Bork's nomination back together again.

When this is accomplished, the President could then promptly send up a new nominee for confirmation. The Senate could then hopefully put all of this behind us and get on with the many important and controversial issues confronting the Congress and the executive branch. These matters are far more important to the Nation and the free world than one of nine members of the Supreme Court, as important as that body and its membership is. I would have no trouble voting for a conservative judge for the Supreme Court, but this appointment is divisive, and it is tearing the country apart.

To the end of moving forward and to eliminate any uncertainty as to this Senator's position, as dictated by events, which might prolong the meaningless controversy, I announce that when and if the nomination comes to a vote, I shall oppose the nomination of Judge Bork.

EXHIBIT 1

BORK AND PERSONHOOD

The evening before I was to begin my first job at a neighborhood supermarket, my father gave me some advice: "Son, remember, the boss isn't always right. But he's always the boss." There were many occasions to resent those words, like on icy winter nights when the truck arrived late and we bagboys were stuck until the wee hours unloading it. Why it couldn't wait for morning was beyond us, but the manager said it couldn't. His job was to make these decisions. The boss was the boss.

Then, as now, I recognized that there are times when one must buck authority—or better put, the misapplication of authority. Nuremberg demonstated that you can hang for "just following orders." And, yet, while a father who counsels his daughter to get an abortion violates his God-given responsibility as a parent, his misdeed cannot negate the very concept of parental authority. There is a critical difference between resisting illegitimate acts by those in authority and denying authority as it validly subsists within an individual or institution.

In the holy-war atmosphere surrounding the confirmation hearings for Supreme Court nominee Robert Bork, some pro-Bork factions, among them pro-lifers eager to end America's abortion holocaust, are failing to observe this distinction. In their enthusiasm to score a political victory, pro-lifers have tied their cause to an agenda whose result could be to strip the court of its authority to interpret the Constitution and define civil rights—including the unborn's right to life.

One conservative coalition admits that its gripe with the judiciary is more "procedural" than "substantive," a claim which, if only a pretense, isn't likely to persuade anay diehard pro-abortionists in the Senate. "Free the Courts" avowed mission is to save the court from itself, or as they insist, "from over 30 years of institutional enslavement to activist jurisprudence." Not only is this goal different from the pro-life movement's primary legal objective; the two may actually conflict.

A categorical rejection of "Judicial activism" would disallow all federal interest in abortion pending enactment of a human life amendment. That could "free the court" of its obligation to straighten out the mess it made in *Roe vs. Wade*—not by inanely "returning the issue to the states," but by ruling in favor of the unborn. For as William F. Buckley Jr. writes, "To withdraw the license of *Roe vs. Wade* is not to illegalize abortion." It does not adjudicate in favor of the unborn's right to life.

Rather than seeking to emasculate the court, pro-lifers should invoke a little "activist jurisprudence" on behalf of their silent constituents. This is what the Constitution, not to mention the urgency of the situation, requires.

The question: Would Bork's confirmation signal the demise of legal abortion? Despite all the hysteria and euphoria, there's room for doubt. Whereas Bork's disdain for the court's performance in *Roe vs. Wade* is evident, his commitment to a positive, federally guaranteed right to life isn't.

Bork has decried the Roe decision as a "usurpation of state legislative authority." Nowhere does that statement suggest that what Roe more critically denied is a constitutional right embedded in the Fifth and 14th Amendments. In fact, Bork once expressed skepticism of the idea that rights inhere in humans. Although he vehemently rejects a right to abortion, he could prove just as biased against a constitutional interpretation mandating civil rights protection in the form of personhood for the unborn.

Roe vs. Wade is characterized by three determinations:

First, that abortion is subject to federal review and jurisdiction;

Second, the denial of personhood to the human fetus:

Third, the creation of a right to abortion.

In deferring to the states' prerogative, Bork opposes the first and third determinations, but refuses to cite fetal personhood as a point of dissent. Most pro-lifers, on the other hand, would concur with the first determination, agreeing with Roe's majority that abortion is not amenable to local resolution. Moreover, they would affirm fetal personhood as the reason, thereby also overriding any right to abortion.

There is simply no way to ignore fetal personhood and truly reverse Roe vs. Wade. The court will either support personhood for the unborn or, by turning a blind eye to the issue, reaffirm its denial through default. Incidentally, Bork testified against the Helms Human Life Bill, charging it unconstitutionally infringed upon the court's role to enunicate personhood. Pardon me, but that puts the ball back in the judiciary's court.

The question facing pro-lifers as well as the Senate Judiciary Committee is this: Given an opportunity to declare the fetus a person deserving a civil right to life, would Bork advance this argument? Or would he dismiss it as "judicial imperialism"? Might Bork succumb to a neanderthal hostility toward civil rights doctrine as "utopian?"

He in fact argued against the Civil Rights Act of 1964, predicting "a loss in a vital area of personal liberty." Bork says he regrets that rhetoric. But it would be a tragic irony if pro-lifers were to find their ultimate goal of securing personhood for the unborn sabotaged by the very tenets of judicial conservatism in which they have placed their hope.

Justice Bork could turn out to be far more dedicated to limiting the rights of unions, minorities and those accused of crimes than he is to promoting an unborn baby's rights to enter this world alive.

Meanwhile, despite its horrendous errors, the court is still the institution with a responsibility to defend civil rights. There is but one compelling reason for it to renounce abortion on demand, and that's a firm conviction that the unborn are persons with a right to life. Any other rationale may culminate in a faint attempt to shun its duty, while more than 4,000 unborn children continue to be executed each day.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

The Senate continued with the consideration of S. 1394.

AMENDMENT NO. 886

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Are we on limited time, Mr. President? I do not think so.

The PRESIDING OFFICER. Time is not limited.

Who seeks permission to speak?

Mr. BOSCHWITZ. Mr. President, how much time remains?

The PRESIDING OFFICER. There is no time limit.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. 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. BOSCHWITZ. Mr. President, I see that my distinguished colleague from Wyoming is back and I want to respond to some of the remarks he made. I did not hear his entire talk, but I heard some of it and I will respond to those remarks.

While I find myself most often in agreement with my good friend from Wyoming, in this case I do not find myself in agreement at all.

My friend from Wyoming said that in the event you transfer this to the State Department hard decisions on refugees will not be made.

Mr. President, that is not the experience of my life. The hard decisions that were made by the State Department, the hard decision that I see being made by the State Department, the hard decisions that were made in the early part of my life with respect to refugees by the State Department, certainly would suggest that the statement by my friend from Wyoming really is not based on fact.

During the thirties and forties the attitude of the State Department, with the notable exception of the father of the distinguished chairman of the Foreign Relations Committee, with the exception of very few people other than Senator PELL's father, was that they made decisions that were not hard but were harsh, that were unfeeling, and, as you see the State Department making the hard decisions that indeed have to be made in the field of foreign relations, the idea that, if you transfer to the State Department these decisions, that hard decisions are not going to be made certainly has no precedent in history and certainly I do not think is rooted in fact.

The fact that they do know what is going on in those border camps, the fact that they have a larger and broader viewpoint of who is a refugee and who is indeed under stress in the world than perhaps does the INS is to its credit and is the reason that they should be included in this process.

So, first, in response to my good friend from Wyoming, and indeed he is my good friend, I say that the transfer of some of this authority and some of the decisionmaking to the State Department is indeed called for and he should not fear that the State Department is going to take an attitude that is not hardminded as he wants those decisions to be.

Then my friend from Wyoming said that we get two or three members of the family now in addition to the refugee. I am not quite sure why he finds that to be such a disadvantage. Indeed we should bring over the members of the family.

I agree with him that some of the organizations should be forced to expend the funds and not bank them, and those kind of things, but the family is indeed welcome in this country. I was a member of one of those families at an earlier period of my life and the idea that close members of the family should somehow be excluded is I think not becoming to this entire argument.

You only have to live in a camp to be a refugee for a few years says the Senator from Wyoming. Well, I do not understand that these folks are there in those camps by choice, and I would say to him they are not Taj Mahal's there as he used the expression. Those camps are indeed dangerous. Those camps are often out of control. Those camps are not desirable places to live and to bring up your family as some people must, but those camps are indeed often the scum of where one would not want to be there and people are not there most often by choice but because indeed if they return to their original country or if they return to the place from where they come they would be severely deprived, their lives indeed would be in danger.

Then the processing will only draw more people to the camps, the processing of long stayers, people who somehow are not refugees, according to my friend from Wyoming, but have been there for years in these camps and in the event that they are processed, they will only draw more people to the camp. Regrettably that appears that it may be true, that the condition of many of these people in that part of the world is so bad that in the event that refugees are allowed to be processed often this attracts more people to these camps, more people who have a hope for freedom, more people who have a hope that their lives may be fulfilled and they should not live in fear an deprivation.

So I respectfully disagree with my friend and colleague from Wyoming. I feel that the coming of these refugees not only enobles our country and enobles our people, but it strengthens our country whether it is economically or morally or any other way and indeed it rejuvenates our coutnry, as I see the young people go through high school and college with my children, outstanding students, students that have excelled because they, as other refugees before them who have built this country, really rejuvenate and strengthen and bring new energy to this country, and it really is in the interest of our country that that continue.

I say to my friend from Wyoming that these people are not from Taj Mahal, that these people are in those camps because they mostly cannot go back to the country from where they come.

So I rise today, Mr. President, in support of Senator HATFIELD's Indochinese Refugee Resettlement Act of 1987 as an amendment to this State Department authorization bill. I am proud to say that I am an original cosponsor of this important and very necessary legislation.

We in Minnesota, Mr. President, despite the fact that perhaps some would think it is a little out of the way, have a large population of Indochinese refugees, particularly of the H'mong and I believe in comments

before I came to the floor my friend from Wyoming spoke about the H'mong and that they indeed have a difficult time in adjusting to their new country, and they do.

And they do have a difficult time adjusting to the United States. But when they adjust, as we have found in Minnesota, where we have 20-odd thousand H'mongs, they adjust and become really an essential part of the community, part of the building of the community, much in the way as Senator HATFIELD has mentioned in his response to Senator SIMPSON a little bit earlier.

These people may not adjust well to the United States or as rapidly as my family did or as people who come from Europe, but they adjusted very rapidly when our troops and when our fighting men and women in Southeast Asia needed their help. And for that, they are now a deprived people there. And to allow them to remain there and to allow them to continue to be persecuted really is not within the scope of the feeling of this country as I have always believed it to be.

The problem of Southeast Asian refugees may sound far away to some, but I believe their struggle for freedom is very much a struggle that is the history of our country. For many Southeast Asians, the flight from persecution follows a path something like this: They find a way to escape their own country and make their way to Thailand, virtually always on foot. If they are "lucky," they are allowed to enter a camp where they wait, on the average, 5 years for the chance to have a resettlement interview. For 5 years, Mr. President, they wait to have a chance to have a resettlement interview.

If they are luckier still, they may make their way to this country or to some other Western country. And that path is strewn with risks and many pitfalls. Escape from their own country is dangerous, and often results in arrest and persecution.

Once a refugee camp is reached, there is no guarantee that they will be allowed to enter that camp, let alone be resettled. The camps themselves suffer from inadequate supervision and black-marketeering of humanitarian aid. Unscrupulous camp authorities demand bribes. Ban Vinai Camp in Thailand, for example, is now under both Thai and United States investigations for corruption. Many people here in the United States have to raise money for relatives in camps to enable them to leave or to stop the patrols from pushing their loved ones back into the country from which they escaped.

Senator HATFIELD'S amendment will address these serious problems by asserting the right of third country resettlement for Indochinese refugees. It demands better protection for displaced Indochinese refugees along the Thai border. It will increase stability in the region through the recognition of a resettlement problem, not a repatriation or integration problem. The amendment does this by expressing the sense of Congress concerning floors for annual admission numbers for Indochinese, the Orderly Departure Program, and Humanitarian Parole from Southeast Asia during fiscal year 1988 to fiscal year 1990. It also suggests admission numbers to address the plight of those refugees who have been in camps for 3 years or more—the so-called long-stayers that my friend from Wyoming spoke about, who have no chance for a new life. The amendment authorizes funds for educational programs for displaced persons living on the Thai border who will not be resettled, Thai village assistance, and training for Thai border protection rangers. It also expresses the sense of the Senate in favor of a 24-hour presence of international relief personnel in the site 2 Cambodian border camp which has suffered terribly from present protection problems.

We have a special relationship and a historic responsibility toward Southeast Asian refugees. Many of them are perhaps refugees even because of our actions.

Last June, in a speech to the Association of South East Asian Nation countries, Secretary of State George Shultz reaffirmed that the United States will continue to provide refuge for substantial numbers of displaced persons.

In response to the ASEAN countries' growing impatience with the continuing stream of refugees, Secretary Schultz reassured them that U.S. commitment to resolving the Indochinese refugee problem is as strong today as it ever has been. This amendment is a step toward fulfilling these promises.

As the only refugee in the U.S. Senate, Mr. President, I feel I have a special obligation to represent those who choose to make the United States their new home. I believe this amendment will pick up where we've left off in refugee-related legislation and that it will make our present system more flexible and open. It deserves our serious attention and prompt consideration and, indeed, it deserves passage.

I yield the floor.

● Mr. SIMON. Mr. President, I am a cosponsor of S. 814 authored by my colleague Senator HATFIELD of Oregon and I wish to add my support to its addition to the State Department authorization bill.

The Southeast Asian Refugee Resettlement Program has been a good one having settled over 1½ million refugees worldwide. We have already accepted 800,000 refugees in the United States and that has been the right thing to do. Through this program, we have enabled these refugees to start a new life. Clearly, refugee resettlement is a worldwide problem with which all nations should be concerned. But just as clearly our country has a special responsibility to that region because the continuing dislocation in the area is in large part due to the lingering disruptions of the Vietnam war.

As we get farther and farther away from the years of involvement in the war, there are fewer and fewer of what can be accurately called refugees. But we cannot end our participation in this program right now. This amendment will lead us to the end of U.S. participation but in an orderly fashion that provides justice and fairness to those currently in refugee camps.

This amendment provides a clear U.S. commitment to continue the program over the next 3 years. It addresses the problem of the long-stayer population by increasing admissions numbers for certain categories. It requires greater use of humanitarian parole and seeks better protection for camps through better training for security forces and an increased international presence.

This is not, as some have described it, acting with our hearts and ignoring our heads. We are guided by both. We owe it to the people in the camps and to ourselves to look for a way to bring this program to an orderly end. This legislation is a big step in that direction. This amendment will force us to make clear decisions on what we need to do and it clarifies to Thailand and the first asylum countries what they can reasonably expect from us over the next 3 years.

I urge the adoption of this amendment.●

(Ms. MIKULSKI assumed the chair.)

Mr. DURENBERGER. Madam President, I rise today in strong support of the Hatfield amendment. As I do, I want to compliment my constituents for their good judgment in picking a refugee to represent them in the U.S. Senate. Each time this body addresses itself to the problem of refugees, I hope that RUDY BOSCHWITZ will take just a few minutes to come and remind us of the value that refugees have meant to this country and will mean in the future.

It is just a deep honor and a privilege for me to serve with him. I think—and I am sure the Senator from Wyoming and everyone else would agree with this—that his example to all of us in this Chamber in times like this is a particularly rewarding one for each of us who call ourselves Americans. His only drawback, as we all know, is, because of the place of his birth and because of the current state of the Constitution of this country, he is unable to rise to what some

would consider higher office in this country.

Madam President, this amendment is a modification of S. 814, the Indochinese Refugee Resettlement and Protection Act of 1987. I cosponsored S. 814 last March and am pleased to see it introduced in amendment form today.

This action is necessary because the refugee problem in Southeast Asia persists, more than a decade after the United States left Vietnam. Since that time, our Nation has placed a high priority on resettling refugees from Indochina. Instability, repression, and tyranny have not abated since U.S. forces left Saigon in 1975—conditions have worsened. The North Vietnamese are well on their way to fulfilling historical ambitions of hegemony in the region. The murderous Pol Pot regime in Cambodia has been replaced by a brutal Vietnamese occupation. And the stream of refugees continues.

It is the countries that are unfortunate enough to have to coexist with the Vietnamese imperialists that have borne the brunt of the refugee burden. The countries of first asylum—where refugees stop immediately after flight from their homes—have experienced a huge drain on their resources and, in some cases, military attack due to their willingness to allow refugees asylum. Since 1975, the countries most affected are Thailand, Hong Kong, Malaysia, Indonesia, Singapore, and the Philippines.

But it is in Thailand where the refugee crisis is most acute. Thailand has, in recent years, come to doubt the commitment of third countries to resettlement programs. The United States, in particular, shares part of the responsibility due to cumbersome bureaucratic procedures, questionable adjudication in some cases, and a failure to address the issue of the long-stayers—those who have been in the camps for years rather than months.

The doubts about resettlement have led the Thais to worry that they will be left with thousands of refugees that have no third country options nor little prospect to return to their homes. The Thais, regrettably, have begun to act unilaterally. They have moved to close the Khao I Dang refugee camp and have theatened to close more camps. There are disturbing reports of forced repatriation—of refugees being forced back across the border they risked so much to cross in the first place.

I have expressed my concerns about the Thai action on several occasions. But we need to do more. The Senate needs to let the Government of Thailand know that our commitment to a resolution of the refugee crisis in Southeast Asia. As long as Thailand knows that the United States remains dedicated to admitting refugees from Southeast Asia, they will not conclude they need to take unilateral actions that compound the human misery of the camps.

Some will no doubt argue that this amendment is unnecessary, that we should not tamper with the Refugee Act of 1980, that the plight of Southeast Asians is an economic not a refugee problem. But these arguments are wrong. This amendment is necessary because there are persistent rumors that the Reagan administration plans to phase out the Southeast Asian refugee program. Last fall many of my constituents, a large number of them refugees from Indochina, came to Washington to express their concerns on this issue. I can assure my colleagues that their personal experiences made it clear to me that there still is a refugee problem in Southeast Asia. It is surprising to this Senator that given what we know of the Communist Vietnamese, there can be doubt that human beings in countries under their control are in fear for their lives because of race, religion, or political beliefs.

This amendment will go a long way toward letting the world know the United States will not lessen its commitment to resettling Indochinese refugees. It has been changed from binding legislative language to expressing the sense of the Senate at this point. The message will be sent and we have the option of using binding language later if the need arises.

This amendment expresses the sense of the Senate that the United States should accept at least 36,500 refugees from Indochina for each of the next 3 years. It also targets specific groups within the overall ceiling: 1,500 Amerasians and 9,000 long-term camp residents per year. It urges the Attorney General to exercise his authority to parole a minimum number of Indochinese for humanitarian reasons.

The amendment also authorizes funds designed to aid refugees directly and indirectly. The amendment fences $5 million for education programs and projects to be carried out by nongovernmental organizations near the Thai borders with Cambodia and Laos. The same amount is reserved in our economic support for Thailand to aid villages affected by the camps. Finally, $1 million is reserved for special training for the Thai military to protect the camps from cross-border raids. It should be pointed out that in each case, these funds come from amounts authorized; this amendment does not authorize more spending.

The amendment is not perfect and it will not solve the problems of the refugee crisis in Indochina. But it is a tremendous step in the right direction. I urge my colleagues to support this amendment and commend my colleague from Oregon for his work on this issue.

Mr. PELL. Madam President, the pending business is the amendment of the Senator from Oregon; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. I hope we would get to a vote soon.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I certainly share in that view, but I do need to respond to the thoughtful comments of my friends from Oregon and Minnesota. I certainly owe an apology to Senator HATFIELD. I was called off the floor to visit with Judge Bork as he was nearing the end of his debate in his powerful remarks. Certainly it is not my usual bent to leave while one of my colleagues is involved in debate with me and I certainly apologize for that very necessary absence.

Well, in just about 4 or 5 minutes more, maybe, I could just say, you have seen what you go through when you get in this game. I must have pressed some buttons, some old buttons there. That is what you do when you deal with refugees or immigration. There is a spirited defense sent up in every way. I told you what happens.

You get into a discussion on this tough issue, and you may get hammered flat with emotion, with guilt, and yes with some very real emotion. I know the Senator from Minnesota is a refugee. He is one of the most delightful men I know.

I know that the people that come out of Thailand, the bulk of them, are refugees. I really do know that. I do also know that some are not refugees.

I do know that the voluntary agencies do a remarkable job, and I do know some that are duds. That is the way it is. But every time you get into this kind of an issue, it is portrayed as mean spirited and, you know, I do not really like that because that is not me. But you heard the list that was read. I heard that. I know who those people are. They are remarkable people. They serve their fellowman.

I am not one single shred less in my degree of humanitarianism because I happen to resist the gimmicking of the Refugee Act. That is for sure. I am offended, somewhat, when that is brought up. I would just say that.

So, to have any less degree in following of those concepts—and, as I say, it is not a new experience. It is a very fresh experience over the past 6 years.

But, nevertheless—and I want to be sure that you hear me carefully—when the Senator from Minnesota was talking about my remarks about bringing two or three family members out of Vietnam I was talking about something where his staff may have been ill-advised. I was talking about the orderly departure program. I was not

talking about Thailand in any sense and I want to say that because I know how this busy place works, and I suggest he was ill-advised by his staff because I do know RUDY BOSCHWITZ. That is the way it sometimes is.

I did not say that we should not take family members of refugees in Thailand. I did say—and if you will all remember, you were all here when we did it—that we did something with Amerasian children. Do you remember that? We said we were going to bring out Amerasian orphan children, and I helped work hard to get that bill passed.

But let me tell you that the Vietnamese are using it to bring out stepfathers, please hear that, stepbrothers, stepsisters, stepuncles, and even people who sell themselves to come out under the orderly departure program from Vietnam. It has nothing whatsoever to do with Thailand. Except that the Thais may get them and then wonder if they are being honestly treated; and they are not, because the Vietnamese have gimmicked the ODP Program.

Some Amerasian children have actually been sold to families in Vietnam who wish to come to the United States. I wish that were not true. I wish I did not have to tell you that in the debate but I do not know how else, honestly, to express things. If emotion is used in the debate, I get to come back and use a bit and tell you the actuality of how people gimmick the system. That ODP Program in Vietnam has been gimmicked. That is an unfortunate truth; but in certain instances, that is the way it is without question.

The voluntary agencies—I did speak about the voluntary agencies. I know many of the people involved with them. I could name many of them: Wells Klein, a most superb man. There are so many of them. Without him I would have been able to do little in this area. There are some tremendously good ones and some who are really not quite so good. Awfully enough, there are some who did stockpile up some money, and yet they have often done the best job when they finally unleashed the funds.

We could not have reached this extraordinary record we have in the Indochinese Refugee Program without the dedicated work of the volunteer agencies, of the VOLAG's, but there have been some unfortunate experiences in the resettlement of the VOLAG groups because the VOLAG's failed to do what they were paid for and that is to stay on top of the resettlement effort, follow up on that individual person and not just let them free float in the United States.

It is also true that some depend on these R&P grants for the majority of their funding and they, therefore, do have a very high interest in the numbers that we talk about. That is the way that is. I want to, perhaps, just lay that one with the rest of the facts.

Then there is a serious error of my dear friend from Oregon. That letter he read does not cut anything in half. I see the staff member has left, too. I hope somebody will read it, eventually, in the process of this effort. It does not cut the number in half at all.

The letter did not reduce the number by half. It simply requested—and that is all it did was request—that no more than half of the total number be admitted until we have had the midyear consultation. It was signed by Senators BIDEN, THURMOND, KENNEDY, and myself. We are not cutting anything in half.

So I conclude that—I have no desire at all to talk about flooding the country. I am not a xenophobe. I do not spend any time in that, not a whit. All I am saying is we should not blanket people into the United States. Read the entire Ray report—they are very thoughtful people, together, who did it. I think it is absurd to say that I am saying that all people who come from Thailand are not refugees. Many of them are, and we owe them an obligation. But we owe it on a case-by-case basis and not some blanket process which distorts the Refugee Act and everything we have tried to do.

There is no doubt in my mind either that the H'mong people served us beautifully in Laos in the most extraordinary way. I do not argue with that one whit. And they then if they did, are refugees.

I simply ask this. And, as I say do not throw anything yet as I pose this question: Is it more humane to bring the H'mong to the United States of America where they may spend the rest of their lives whiling their time away on public assistance—hear this carefully, or I will get hammered flat—public assistance in a strange culture where notably they are those who have more refugee dependency rates than any other group? Or would it honestly be better, and this is what I am saying, for them to remain in Thailand while we seek voluntary and safe repatriation for these people or settlement in a place in Thailand where the entire local population is ethnically and culturally similar to the H'mong? Would the latter be better? That is all I have asked in that situation. And that is all I have to say in this situation. Nothing more. That is an issue that deserves to be addressed.

When I used the words "Taj Mahal," I am speaking of the Thai farmer. Somebody must have missed that one too. How the Thai farmer, 30 or 60 or 100 kilometers away from a new construction zone of barracks, which are admittedly pretty poor, and warehouses, that is how he feels and how he refers to it when his government is not giving him money and then they see it going to displaced persons who are not refugees.

I am quite aware that this amendment will carry. I must have a provocative nature to want to just say that when everything else fails, I think everyone is entitled to their own opinions, but nobody is entitled to their own facts. I hope we will look at all the facts in this very serious issue, at what you are doing here. You may think you are not amending the Refugee Act but indeed you are in a sense. Even though you are not formally amending the Refugee Act, and I do not believe I have said that any more than I said a phrase like "do-gooders"—I can tell you what it does do. It sends a signal to would-be migrants from Indochina who want to escape economic hardship in their homeland, who do not like the draft, their country any more, or a lot of things about it. It sends that signal. This sense-of-the-Senate amendment will send out the news of the opportunity to migrate to the United States through the use of a refugee program—and that is a distortion of everything we know. We do not mean to send such a signal to these people or other people or the Thais. They already have their correct signal. In our consultation figure for fiscal year 1988, it is the signal of higher numbers than those in this resolution. In fact, for the first time in 6 years, our overall admission numbers increase and they include 29,000 slots for Southeast Asia. That is the lion's share for all the world's numbers.

If we are going to tilt things for Southeast Asia, let us be ready to tilt it all for other countries. Let us try to get back to the Refugee Act. Let us stick with the definition of refugees under that fine act.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. I might say that I do not know of any other person in the Senate who spent more time and devoted more effort, and frankly who has more knowledge of the issue of immigration than my distinguished friend from the State of Wyoming. I particularly empathise, I guess, with those in foreign lands. Being the parent of a child from a foreign country, I understand all the reasons of compassion and concern. But I think we have to deal with realities, too.

We travel around this world and see one-fourth of the world going to bed hungry every night, another one-fourth suffering from malnutrition, and half of them would move here tomorrow if they could.

I know of no other country that has a more generous quota for immigrants coming into this country, or more willingly accepts refugees.

I know what is on the Statue of Liberty, and I know when it was placed

there. That is when the West was not settled and we needed more immigrants. But there is a limitation even in this country.

We have a limitation that is placed after very careful consideration under the Refugee Act. What we are seeing here in my opinion is an end run around it.

Other than just coming to this country, there is also the question of relocation in some of their own countries.

Time and time again we are seeing people who are not just political refugees, people who are not oppressed because of dictatorship or political process, but are really economic refugees. There is no way this country of ours can absorb all those persons.

I share the views and the concerns of my distinguished friend from Wyoming. Alhough I understand where the emotions are on this issue, and the great compassion of the Members of the Senate, I hope the position of the Senator from Wyoming will prevail.

Mr. EVANS. Madam President, I rise to support the amendment of my distinguished colleague from Oregon. Among many other shared concerns, we share a deep and long-standing concern about the plight of refugees languishing in Indochina.

Since the fall of the Indochinese countries to Communist forces over 1.7 million Vietnamese, Lao and Cambodian nationals have fled their homelands and sought refuge in neighboring countries. The other countries in Southeast Asia, notable Thailand, Malaysia, Singapore, Indonesia, the Philippines, and Hong Kong, have offered safe haven to the Indochinese refugees with the understanding that the international community would provide for their care and would seek to resettle the refugees outside the region. Thailand alone hosts approximately 300,000 people who have fled persecution in their own country.

There are clear signs that these first-asylum countries, who have distinguished themselves in their humanitarian response to the plight of the Indochinese refugees, are inceasingly less willing to bear the burden. These countries have borne tremendous burdens—social, economic, and political—to provide temporary asylum to the refugees. For example, when I visited the refugees camps in Thailand last December, I saw the trucks which transport huge tanks of fresh water to the camps. On their way, they rumble through tiny Thai villages that do not have enough water for themselves. I ask my colleagues, who among you would want to face constituents in a similar situation? This amendment provides a small amount of financial assistance for Thai villages affected by Indochinese refugee camps; assistance that is sorely needed.

The countries of Southeast Asia watch as the world's attention is diverted to new horrors and tales of human tragedy in other parts of the world. They find the international community less and less willing to accept the Indochinese refugees languishing in their camps. We can all agree that much remains to be done with respect to protecting and resettling or repatriating the Indochinese refugees. The least we can do is assure that the funding needed to continue our efforts is available. I am pleased to say that such funding was included in this bill at my request during the Foreign Relations Committee's consideration.

We must also make certain that there are no impediments to the protection and resettlement or repatriation of these refugees. I believe my colleague's amendment does much to further this objective and I urge my colleagues to support the amendment.

Mr. PELL. Madam President, I ask that the name of Senator DODD be added as a cosponsor.

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

Mr. PELL. Madam President, I think there has been ample discussion with all sides having been heard. I suggest we go ahead and vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. MOYNIHAN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

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

Mr. BYRD. Regular order, Madam President.

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

The result was announced—yeas 63, and nays 33, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—63

Adams	Glenn	Mitchell
Armstrong	Graham	Murkowski
Baucus	Harkin	Nunn
Bingaman	Hatch	Packwood
Boren	Hatfield	Pell
Boschwitz	Hecht	Quayle
Bradley	Heinz	Reid
Bumpers	Helms	Riegle
Chafee	Hollings	Sanford
Cranston	Inouye	Sarbanes
D'Amato	Kasten	Sasser
Daschle	Kerry	Specter
DeConcini	Lautenberg	Stafford
Dixon	Leahy	Stennis
Dodd	Levin	Stevens
Dole	Matsunaga	Symms
Domenici	McCain	Trible
Durenberger	McClure	Warner
Evans	Melcher	Weicker
Fowler	Metzenbaum	Wilson
Garn	Mikulski	Wirth

NAYS—33

Bentsen	Exon	Nickles
Biden	Ford	Pressler
Bond	Gramm	Proxmire
Breaux	Grassley	Pryor
Burdick	Heflin	Rockefeller
Byrd	Humphrey	Roth
Chiles	Johnston	Rudman
Cochran	Karnes	Shelby
Cohen	Kassebaum	Simpson
Conrad	Lugar	Thurmond
Danforth	McConnell	Wallop

NOT VOTING—4

Gore	Moynihan
Kennedy	Simon

So amendment No. 886 was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. PELL. Madam President, I understand that the Senator from Montana has an amendment.

The PRESIDING OFFICER. The Senator from Rhode Island will withhold. The Senate is not in order. The Chair cannot hear the Senator from Rhode Island, nor do I believe that Senators wishing to participate in the debate can hear the Senator from Rhode Island. If Senators will withhold their conversations, it will be appreciated.

Mr. PELL. Madam President, I ask unanimous consent that when we start the amendment of the Senator from Montana, there be a time limit of 10 minutes, equally divided, and that there be no second-degree amendments.

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

Mr. METZENBAUM. Madam President, I want to find out, from the standpoint of my own convenience: When the amendment of the Senator from Montana is disposed of, would it be timely for the Senator from Ohio to bring up an amendment? I do not think it will take any more than 10 minutes. It is my understanding that it is acceptable on both sides. I want to check for my own schedule.

Mr. PELL. Senator MCCAIN has one after Senator MELCHER, and then yours.

Mr. CHAFEE. Am I next on this side?

Mr. PELL. No. Senator MCCAIN is.

Mr. CHAFEE. Is that going to be a rollcall vote?

Mr. PELL. I do not think so.

Mr. CHAFEE. Will it be brief?

Mr. PELL. I hope so.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 851

(Purpose: To recommend to the President that he submit a plan for the sharing of costs involved in the use of United States Armed Forces in the Persian Gulf operations)

Mr. MELCHER. Madam President, this amendment was laid down last night and there was a brief discussion on it. As a result of that, I modified my amendment and that modification is at the desk.

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

The modified amendment is as follows:

On page 111, between lines 16 and 17, insert the following new section:

"SEC. . PLAN FOR SHARING COSTS INVOLVED IN THE USE OF UNITED STATES ARMED FORCES IN THE PERSIAN GULF

In order to pay for the costs of the protection provided by the United States Armed Forces for shipping in the Persian Gulf, it is the sense of Congress that:

(1) Countries which directly benefit from the United States policy of providing military protection to re-flagged Kuwaiti vessels and maintaining freedom of navigation in the Persian Gulf should share in the costs incurred by the United States Armed Forces in providing such protection;

(2) The President of the United States should enter into negotiations with such countries to secure reimbursements based on a pro-rata share of these costs.

(3) The President should prepare and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

"(A) his assessment of the costs incurred by the United States Armed Forces in carrying out the policy of protecting re-flagged Kuwaiti vessels: and maintaining freedom of navigation in the Persian Gulf;

"(B) his assessment of any costs which would be incurred by the United States and its citizens in the event that oil supplies transiting the Persian Gulf were not available to the United States:

"(C) his determination as to which countries benefit directly from the U.S. re-flagging policy including;

(i) Kuwait;

(ii) Other Oil Producing Gulf States; and,

(iii) countries purchasing Persian Gulf oil;

"(D) an accounting of the amount of benefit derived by each of these countries from the U.S. re-flagging policy;

"(E) an accounting of any assistance or support such countries are already providing the U.S. re-flagging policy;

"(F) a plan apportioning out the costs of U.S. Naval protection among those countries directly benefiting from the U.S. re-flagging policy; and

"(G) a discussion of the status of negotiations entered into for the purpose of implementing the plan.".

Mr. MELCHER. Madam President, this amendment is a sense-of-the-Congress resolution that says, that the President should enter into negotiations with the government of any country benefiting from the protection to oil shipments and other navigation in the Persian Gulf in order to establish a pro rata share in those costs.

Under our system of government the President could negotiate with these countries, could suggest to them rather bluntly that since they are benefiting they ought to pay for part of the costs that are involved in having the Navy there.

From the standpoint of the Constitution, that is the President's prerogative. That is one of his plenary powers, to engage in discussions with other countries some mutual cooperative program.

Who benefits from the Persian Gulf operation? Obviously, Kuwait and other Persian Gulf countries which are sending oil and whose oil is protected in transportation through the gulf.

Who else benefits? Obviously, those who receive the oil supplies from these countries and whose oil is protected in freedom of navigation in the Persian Gulf. Japan and Europe are principal users of that oil. Japan receives more than 50 percent of the oil that is consumed in Japan from the Persian Gulf; European countries, a lesser percentage. But they should all share in the costs.

We are a great nation, it is true; but, in my opinion, the greatest navy in the world, the U.S. Navy, is protecting the freedom of navigation in the gulf, and it costs us a bundle.

How much does it cost? A September 8 article in "Current News," early bird edition, from the Department of Defense, quotes an article from the September 5 Washington Post, saying that the gulf cost is estimated by the Pentagon to be $200 million a year, yet the Navy vigorously disagrees with that. They say that just operating one aircraft carrier group is $1.4 million per day, and we have many ships there. Other countries participate in providing some ships, ranging from an aircraft carrier group and other vessels from France to several vessels from Britain and some from Holland, Italy, and Belgium.

Obviously, these costs are very great for the United States. The countries that benefit from the protection of freedom of navigation in the Persian Gulf should share in these costs. That is only common sense.

To the credit of Japan, they are attempting to get approval in their country to pay some of these costs—and I say that is to the credit of Japan. Their constitution restricts what they can spend on any vessels. They are prohibited from sending vessels into a war zone. They are prohibited by their constitution from sending any armed forces into any foreign country or any foreign area.

Nevertheless, it is just good, common sense that the costs that the United States bears in supporting free navigation in the gulf, by having the presence of our naval vessels, both in the gulf and in the Arabian Sea, should be shared pro rata by the countries that are benefiting from it.

That is all this sense-of-the-Congress resolution does. I hope we can accept it.

Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Madam President, I think this is an excellent amendment, a fair amendment, and one that should be adopted.

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes.

Mr. HELMS. Madam President, I certainly commend the distinguished Senator from Montana for his excellent amendment, which, as the distinguished occupant of the chair knows, is a sense-of-the-Congress amendment stipulating that those countries directly benefiting from the U.S. reflagging policy help in defraying the cost of operations. When I say that, I can almost hear the American people applauding, because they certainly agree with that.

The Melcher amendment proposes that the President enter into negotiations with those countries benefiting, for the purpose of securing such assistance, and calls for a report to Congress outlining the costs incurred by the United States in this operation and the amount of benefit derived by those countries which directly benefit from our reflagging operations.

I am obliged to say, Madam President, that since the State Department came up with this reflagging plan, I have been apprehensive about the proposition.

From the very beginning I was among Senators who faulted the State Department for not pressing the beneficiary countries to participate in the cost of the operation and participate in other ways, as a matter of fact.

So, all in all this is a timely amendment and it gets to the point that needs to be stressed and that is that the State Department should not be in the business of offering other countries, any other country, a free ride.

I have been particularly concerned about Japan which so heavily depends upon the gulf oil yet has been slow to offer to participate in the operation.

Incidentally, I notice the press report this morning, Madam President, to the effect that the Japanese are at long last pledging to provide some assistance.

The report called for in this amendment would inform Congress as to exactly what will be involved in such assistance.

May I inquire of the distinguished chairman if he would be willing to propound a unanimous-consent request that this rollcall vote start at 2:30 so that Senators may attend the memori-

al service for Judge Sneed? Will he be willing to concur in that?

Mr. PELL. With the concurrence of the leadership and acquiescence of the author of the amendment, I think that would be a fine idea and I will accede.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Madam President, I understand the request. But what happens to those other amendments that might come up in the interim? Is it possible to go ahead and debate them and not have a rollcall vote interrupt, say, at 2:30, in the middle of those amendments?

Mr. HELMS. I say to the Senator that is precisely what we contemplate.

Mr. CHAFEE. In other words, the Senator's request would provide for stacking the Melcher amendment with the next rollcall vote.

Mr. PELL. No. My thought was we would not have any amendment that would require a rollcall in between.

Mr. HELMS. That would not preclude the Senator from offering an amendment and delaying the vote until after.

Mr. CHAFEE. The only difficulty is let us say if the Senator's suggestion were adopted, you will have a couple of swift amendments that are adopted; then at 2:15 I go forward with my amendment which is a fairly lengthy one and has to be debated. Then at 2:30 in the middle of the discussion does time stop for a 15-minute vote?

Mr. PELL. Under the unanimous-consent agreement, yes.

Mr. CHAFEE. I see the majority leader is here. What is going to happen is I certainly do not want to go ahead with my amendment at 2:15 under those conditions to have the flow of the discussion interrupted by a 15-minute rollcall.

However, if everybody is going to agree with the Melcher amendment, there is no question about it, and I would not mind the situation in which we go ahead with the debate and then when there is a rollcall on my amendment have it and then back to back have a rollcall on the Melcher amendment, if that was suitable to him.

But I would like to have the situation where our discussion took place and then the rollcall vote on my amendment and then go back to the Melcher amendment.

Mr. PELL. That is agreeable to the Senator from Montana, and again, with the concurrence of the majority leader, that sounds fine with me.

Mr. CHAFEE. On the other hand, if you want to go ahead with this arrangement, then I will just come up at some later time. We are going to be on this bill a long time.

Mr. HELMS. We will work out something.

Mr. PELL. There is no objection for you to proceed.

Mr. BYRD. Madam President, shall I put that in the form of a request?

Mr. CHAFEE. Yes, I would put it in the form of a request.

Mr. BYRD. Is his amendment up yet?

Mr. PELL. No, not up.

Mr. CHAFEE. It is not up yet, but it is my understanding that following the Melcher amendment, there are about five amendments that are going to be accepted, which will take little or no time; as I understand, no rollcall votes.

Let me say this, if I might, if the distinguished leader on this side wishes to attend a service and also wants to be involved in any way in the debate on my amendment, I would put mine off and wait until the regular flow, whenever you come back at 3:30, whatever it might be.

Mr. HELMS. If the Senator will yield, let me suggest we see how it works out. I think it is going to work out anyhow because Senator MCCAIN will be after Senator MELCHER, and then we go back to the Democratic side. I think the time will take care of itself. He will not have an interruption in his debate.

Mr. CHAFEE. Does the Senator mean others are going to take until 2:30 anyway and then vote on the Melcher amendment?

Mr. HELMS. Go to the vote on the Melcher amendment.

Mr. PELL. We have five amendments to take over.

Mr. CHAFEE. In that case I think I will reserve.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

The PRESIDING OFFICER. Is the unanimous-consent request from the Senator from North Carolina asking for the Melcher amendment to be voted on at 2:30 agreed to?

Mr. HELMS. That is correct.

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

Which Senator seeks recognition?

The Senator from Virginia.

Mr. WARNER. Madam President, I wonder if I might propound a question or two to the distinguished proposer of this amendment, the Senator from Montana and if I might get his attention. I address specifically my inquiry to the first paragraph and I read as follows: Generally, it states that it is the sense of the Congress that these countries which directly benefit from our reflagging policy help in defraying the cost of this operation.

It is the word "cost" that concerns this Senator. Just by way of background——

Mr. MCCAIN. A parliamentary inquiry, Madam President.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCCAIN. It was my understanding that we were now off of the Melcher amendment at this time. Is that correct? Or are we still on the Melcher amendment?

The PRESIDING OFFICER. We still have a minute and a half remaining on the Melcher amendment.

Mr. MCCAIN. Thank you, Madam President.

Mr. WARNER. Madam President, does this mean that the colloquy I am about to enter into with the proponent is limited to a minute and a half?

The PRESIDING OFFICER. Unfortunately the Senator is correct.

Mr. WARNER. I am wondering if the managers of the bill would consider some expansion of time for the purpose of a colloquy with the distinguished proponent of the amendment?

Mr. HELMS. Madam President, is there a time limitation on this amendment?

The PRESIDING OFFICER. There were 5 minutes equally divided and the Senator from North Carolina has a minute and a half.

Mr. WARNER. I need a good 6 minutes.

Mr. HELMS. Madam President, I ask unanimous consent that the distinguished Senator from Virginia be allowed to proceed for 6 minutes on the amendment.

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

Mr. WARNER. Mr. President, I thank the managers of the bill and I will try to be as brief as I can.

We go again to the document in front of me reciting that the amendment states that it should be the policy to defray cost of this operation.

My concern, I say to my friend from Montana, is that we are not beginning to indicate that the U.S. military person, be he or she a soldier, sailor, airman, or marine, is a mercenary, and we are sending them in harm's way, beyond the shores of this Nation, on any basis that some other nation which—and I will get the specifics of Japan—cannot put their men and women in the armed forces in a similar situation of harm's way, and therefore, we, the United States, receive some sort of monetary payment for the cost of the service, the cost of the risk of our service persons. I hope that was not the intention or the purport of this amendment, and I come back to the word "mercenary."

My distinguished colleague from Montana who served in World War II was recently given a second award by our Government, long delayed, well deserved for his valor in combat.

Our Nation, since its very origin, has only sent our citizens from our shores in harm's way in the cause of freedom. And all throughout this Persian Gulf debate, as you know, the Senator from Virginia has taken quite an active role supporting the President. But I must say I have been troubled as to whether

or not this particular policy in the gulf is motivated more by economics than the potential loss of freedom. It is that loss of freedom that has been the hallmark of the involvement of this country.

So I return to the question as to the word "cost." Does that indicate or imply in any way that the American service person is for hire as a mercenary by another nation?

Mr. MELCHER. Will the distinguished Senator yield for me to respond?

Mr. WARNER. Yes, Madam President. I just hope we have sufficient time to address what I regard as an important issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I am indebted to the distinguished Senator from Virginia for this colloquy, because I want to make it abundantly clear that, as the author of the amendment, I in no way disparage the use of the U.S. Navy and Air Force personnel and whatever other Armed Forces personnel might be necessary to protect the freedom of navigation in the Persian Gulf. I support that as a necessary action for the reason that countries must rely on the freedom of navigation in the gulf for them to pursue their normal economic interests. It is in no way to be cast as an amendment that would indicate that our Armed Forces are there for any other reason. They certainly are not for mercenary reasons. They are there for the protection of freedom of navigation.

Mr. WARNER. Let us take a hypothetical. The Department of Defense has been asked by the Armed Services Committee to begin to run a balance sheet on what it is costing, over and above normal operational cost, to have our forces employed in support of the President's policies in the gulf. Say that is coming up now to, and I do not have the accuracy of a figure, but say $1 million a month over and above what those forces would cost if deployed elsewhere in normal training cycles or other military commitments. But if a nation were to come in and say, "Well, now, we cannot employ our military forces"—for example, like Japan, because of an archaic constitution, saying that "Our military forces cannot go beyond the immediate geographic area of Japan, the defense force area, but we will send you $500 million toward that as a part of our payment for you service personnel taking risks in the gulf."

Now, to me, that borders on being a mercenary force. Fortunately, Japan, I think in a forthright way, is beginning to involve itself economically in the region, as set forth in the newspaper this morning, with navigational aid and the like. That benefits all military forces. And I accept that as a gesture of good faith.

But what concerns me is that we do not set up a precedent in this amendment that the U.S. forces are for hire, either in the gulf or in a future military operation, when countries, for reasons of their own, be it constitutional or otherwise, do not want to send in young people in harm's way.

I am wondering if you might consider some amendment to that first paragraph to make it eminently clear that we are not setting a precedent that the U.S. forces are for hire.

Mr. MELCHER. If the distinguished Senator from Virginia will yield, I would respond by saying that such clarification would be welcome. I would be glad to so modify it if we can agree on appropriate language prior to the vote. Because the amendment itself does not address any U.S. Navy for hire. It is not intended to have any connotation at all that our Armed Forces are to be used as mercenaries. Rather, it is to indicate that the U.S. Navy presence in and around the Persian Gulf are there for the protection of freedom of navigation. And that is to the interest of the United States, something that we would pursue in any event. But to indicate that under the constraints that other countries have—and the distinguished Senator mentioned Japan, the restraints their constitution places on it. Perhaps that can be accepted by us, but if we accept that, perhaps they can reimburse some of the expenses that we have in other ways.

(Mr. WIRTH assumed the chair.)

Mr. WARNER. Mr. President, the issue in Japan we could debate another day. I happen to think that constitution is outdated and that they ought to begin to involve themselves in the real world, a world that is not risk free. Putting that aside for the moment.

Mr. MELCHER. Might I say to my distinguished friend, I agree with his statement.

The PRESIDING OFFICER. The Chair would note that all time on this amendment has expired. The vote on this amendment, under a previous order, was agreed to occur by 2:30.

Mr. WARNER. Mr. President, I wonder if I might seek recognition for the purpose of a unanimous-consent request for another 2 minutes.

Mr. McCAIN. Reserving the right to object.

Mr. HEINZ. Reserving the right to object. I do not intend to object. I would like to seek unanimous consent myself to proceed for not more than 2 minutes on another subject not related to this.

Mr. McCAIN. Reserving the right to object, I would like to point out to my good friend from Pennsylvania that I have been waiting here with an amendment that would take approximately 5 minutes. So I would object at this time until after I have finished with my amendment. Then I would certainly consent to the Senator's request.

Mr. PELL. Mr. President, I suggest the Senator from Virginia talk on for 2 minutes. We can get unanimous consent for that. Then Senator McCAIN, who has been here for some time, could offer his amendment and limit it to 5 minutes, and then the Senator from Pennsylvania, speaking as if in morning business, could limit himself to 2 minutes.

Mr. HEINZ. Make it 3, please.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Virginia is recognized for 2 minutes.

Mr. WARNER. Thank you, Mr. President. I thank my colleagues, and particularly the manager of the bill.

I am certain, as I listened to my good friend from Montana speaking in response to my inquiry, that we are in agreement and that, if it is not feasible to support a change in the amendment at this time, the legislative history certainly has been established that this is not intended in any way to set a precedent.

Mr. MELCHER. The Senator from Virginia is absolutely correct.

Mr. WARNER. Or that the U.S. forces could ever be employed now or in any other situation as a mercenary force.

Mr. MELCHER. I very much agree with the Senator from Virginia.

Mr. WARNER. Mr. President, that satisfies this Senator's concern and I intend to support the amendment.

The PRESIDING OFFICER (Mr. Fowler). The Senator from Arizona is recognized.

AMENDMENT NO. 887

(Purpose: To express the sense of Congress toward a partial lifting of the trade embargo against Nicaragua)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona (Mr. McCAIN), for himself and Mr. DOLE, proposes an amendment numbered 887.

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

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

The amendment is as follows:

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

SEC. 517. SENSE OF THE CONGRESS TOWARD A PARTIAL LIFTING OF THE TRADE EMBARGO AGAINST NICARAGUA.

SENSE OF CONGRESS.—It is the sense of Congress that the President should exempt from the trade embargo against Nicaragua those items which would benefit Nicaragua's independent print and broadcast media, private sector and trade union

groups, non-governmental service organizations, and the democratic civil oppostion.

Mr. McCAIN. Mr. President, it is my understanding, under a previous unanimous-consent agreement, that I have 5 minutes to discuss the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. Mr. President, I rise to propose this amendment today, which has been, I am glad to say, cleared by both sides of the aisle. I will try to be brief.

Basically, it says:

It is the sense of the Congress that the President should exempt from the trade embargo against Nicaragua those items which would benefit Nicaragua's independent print and broadcast media, private sector and trade groups, nongovernmental service organizations, and the democratic civic opposition.

Mr. President, I am pleased to be joined in this amendment by the distinguished Republican leader, Senator DOLE.

Mr. President, in 1985, the President of the United States, acting under the National Emergencies Act, imposed economic sanctions on Nicaragua and, as a result, there has been no trade between the two nations since that time. I believe that the sanctions at that time were justified. Indeed, I still do at this time.

But I think that we have an important exception situation which has arisen as a result of the Guatemala City treaty which offers a brief opportunity for democratic opposition inside Nicaragua. In order for that democracy to be healthy, they must demonstrate and have the ability to operate. At the present time, Mr. President, the people who compose the democratic opposition within Nicaragua are in desperate straits for funding.

In conversations with Mrs. Violeta Chamorro, she stated that they had sold their last vehicle for delivery of La Prensa. They are now delivering their newspaper by means of private vehicle. Other media outlets which would like to resume broadcasting find it impossible to do so for the lack of basic equipment.

I would like for this country to be able to provide the democratic opposition in Nicaragua with the means with which to express themselves and their views and their opposition or their support of the Central American Peace Treaty and I believe they cannot do it without the assistance of the United States.

I think the amendment of my colleague from Texas, Senator BENTSEN, giving the National Endowment For Democracy an additional $250,000 for the opposition groups is important. I think we should allow them to purchase that equipment—and necessary means for communicating their views—from the United States. I think it is a logical complement to the Bentsen amendment, and I urge the support of my colleagues to this amendment so we can indeed give this peace plan an opportunity to succeed. We can only do so by providing the democratic opposition in Nicaragua an opportunity to truly express themselves and their views.

With that, I yield back the remainder of my time.

Mr. DOLE. Mr. President, I am pleased to join Senator McCAIN in cosponsoring this important amendment.

In May 1985 the President—acting under the National Emergencies Act—imposed tough economic sanctions on Nicaragua. As a result, there has been virtually no trade between the two countries since that time.

In my view, the sanctions imposed by the President were justified and needed. And I believe most of them should remain in place now—at least until we see whether the Sandinistas keep their promises under the Guatemala City accord.

But Senator McCAIN and I are urging that one segment of the sanctions package be lifted—covering equipment and supplies that are to be used by the independent press and other media which exists, or comes into being, in Nicaragua.

When Senator McCAIN and I were in Nicaragua about 6 weeks ago, we had the opportunity to meet with both Cardinal Obando—who is responsible for Catholic Radio—and Violetta Chamorro—the editor of La Prensa. La Prensa, of course, is already publishing again, and we hope to see Catholic Radio back on the air soon.

But both the cardinal and Mrs. Chamorro indicated to us the great practical difficulties that they would face in revitalizing their media outlets. In both cases, there will be serious, potentially crippling shortages of equipment and supplies, which will be needed both initially, and over time, to insure continued operation. In regard to Catholic Radio, what will be needed is production, broadcast, and transmitting equipment—both original equipment and spare parts. With La Prensa—and other independent papers which are permitted to reopen—the needs will include newsprint, ink, copying equipment, and the like.

Right now, due to the embargo in place, none of that equipment can come from the United States. In order to give these important media outlets every chance to succeed—and to deny the Sandinistas any leverage to keep them from succeeding—it makes sense for us to lift our embargo on such equipment and supplies which would be destined for the independent media.

Our resolution urges the President to modify the embargo to that end—while ensuring that the other elements of the embargo, aimed at pressuring the Sandinista regime, remain in place. The President has existing authority to make this change. I believe that, with the spur of passage of this amendment, he will do so promptly.

So I encourage all Senators to support this amendment, as another small step in the direction of maximizing the opportunities for free expression in Nicaragua.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 887) was agreed to.

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

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

The motion to lay on the table was agreed to.

ROLLCALL POSTPONED TO 2:40

Mr. PELL. Mr. President, I would ask unanimous consent that the rollcall ordered for 2:30 be postponed to 2:40, and that the Senator from Ohio be recognized at this time to offer an amendment.

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

The Senator from Ohio.

AMENDMENT NO. 888

(Purpose: To direct the use of funds for Slovenian broadcasts by the Voice of America)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) for himself, Mr. DODD, and Mr. KERRY, proposes an amendment numbered 888.

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

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

The amendment is as follows:

On page 58, between lines 22 and 23, insert the following:

(c) CONTINUATION OF SLOVENIAN BROADCASTS.—The Voice of America shall use such funds as may be necessary in order to provide, on a daily basis, broadcasts in the Slovenian language.

Mr. METZENBAUM. Mr. President, this amendment ensures the continuation of Voice of America's Slovenian broadcasts.

The people of Eastern Europe, Mr. President, are starving. They hunger for freedom. They hunger for liberty. They hunger for the promise represented by America. That promise—that message of hope and defiance—is what Voice of America's Slovenian language program is all about.

These broadcasts create a bond between the people of Slovenia and all other Slovenian speaking people in Europe and the people of the United States.

It shows that we care. It shows that we support their struggle. It shows that we will not abandon their cause.

Unfortunately, as the Voice of America has faced large cutbacks in recent years, Slovenian broadcasts have been severely reduced. At one point, these broadcasts were suspended. Fortunately, the broadcasts were reinstated, but now they are a low priority on the Voice of America list. On June 1, I wrote to Charles Wick, Director of the U.S. Information Agency, urging him to keep Slovenian broadcasts on the air. His response expressed a sincere interest in these broadcasts, but he could not assure me that they would be continued. I ask unanimous consent to insert this letter and his response at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
WASHINGTON, DC.
June 1, 1987.

MR. CHARLES Z. WICK,
Director, U.S. Information Agency, Washington, DC.

DEAR MR. WICK: I am writing again to express my concerns about Voice of America's Slovenian broadcast program.

I have always been interested in ensuring that this program be continued. However, it has been brought to my attention that although the Slovenian program remains on the VOA broadcast schedule, it has been designated a low priority on the USIA-VOA language priority list. I would like to see this priority changed to make this program a permanent part of your broadcast programming. The Slovenian program cannot be continually embroiled in a competition with other low priority language services.

I am concerned with the long-term future of this programming—it would be a great tragedy if the Slovenian broadcasts were to be forced off of the VOA program list. Voice of America represents our nation's voice of freedom to oppressed countries all over the world, and the Slovenian language program reaches countless listeners in Eastern Europe who hunger for freedom and liberty. I will continue to strongly oppose any curtailment of VOA's Slovenian broadcasts, and I will appreciate your keeping me abreast of any further developments where this program is concerned.

Thank you for your continued attention to this matter.

Very sincerely yours,
HOWARD M. METZENBAUM,
U.S. Senator.

U.S. INFORMATION AGENCY,
WASHINGTON, DC.
June 24, 1987.

HON. HOWARD M. METZENBAUM,
U.S. Senate.

DEAR SENATOR METZENBAUM: Thank you for your letter of June 1 concerning reservations about the placement of Slovene language broadcasts. The Agency finds the deletion of any language from its broadcast schedule distasteful. In the more than 100 broadcast hours we were forced to eliminate earlier this year, we did eliminate one language service, however, we were pleased to be able to restore the complete Slovene broadcast schedule on January 25.

We have four categories of language priority. Slovene is in the third category: national or regional languages of people with whom the United States has a continuing need to communicate. This group consists of 20 other languages in addition to Slovene. Although Slovene is in the third category, I do not consider it a "low priority." Should further budget cuts require additional reductions in broadcast hours, a number of languages would be affected. We would, of course, consult with appropriate members of Congress before effecting any new cuts. Our hope, however, is to maintain or expand our present broadcast schedule.

We appreciate your efforts in support of adequate funding for the entire overseas information and cultural program. With such backing, we will, as you say, consistently reach countless listeners in Eastern Europe and all over the world who hunger for freedom and liberty.

We do, indeed, appreciate your continuing support and interest in the Agency.

Sincerely,
CHARLES Z. WICK,
Director.

Mr. METZENBAUM. It is clear to me that Slovenian broadcasts continue to face the danger of being suspended again. Discontinuing these broadcasts sends the wrong signal to those we care about in Eastern Europe.

We should not turn our backs on them. My amendment is straightforward. It simply requires the Voice of America to provide regular daily Slovenian broadcasts. We need to keep these broadcasts going. The spoken world is a powerful weapon. In fact, our message of freedom may be the most powerful weapon in our arsenal.

A vote for this amendment is a vote to strengthen this arsenal.

Mr. President, it is my understanding that the amendment has been cleared on both sides. If that is the case, I would ask for prompt action.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. On this side of the aisle we have examined the amendment and think it is an excellent amendment. We recognize the fairness of it and recommend its approval.

Mr. HEINZ. Mr. President, the amendment directs the Voice of America to continue Slovenian broadcasts. We know the broadcasts reach a very broad, diverse audience within the Warsaw Pact. I am advised by those who I have been in contact with, the members of the minority in the Foreign Relations Committee, that this amendment is acceptable to the manager of the bill, for whom I am currently standing in.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 888) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I thank the managers on both sides of the aisle for their accommodating me with regard to this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. I ask unanimous consent that the order for the quorum call be rescinded.

VOTE ON AMENDMENT NO. 851

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

Under the previous order, the hour of 2:40 having arrived, the question recurs on the amendment offered by the Senator from Montana, Mr. MELCHER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Illinois [Mr. SIMON] and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

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

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—95

Adams	Fowler	Mikulski
Armstrong	Garn	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Graham	Murkowski
Biden	Gramm	Nickles
Bingaman	Grassley	Nunn
Bond	Harkin	Packwood
Boren	Hatch	Pell
Boschwitz	Hatfield	Pressler
Bradley	Hecht	Proxmire
Breaux	Heflin	Pryor
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Byrd	Hollings	Rockefeller
Chafee	Humphrey	Roth
Chiles	Inouye	Rudman
Cochran	Johnston	Sanford
Cohen	Karnes	Sarbanes
Conrad	Kassebaum	Sasser
Cranston	Kasten	Shelby
D'Amato	Kennedy	Simpson
Danforth	Kerry	Specter
Daschle	Lautenberg	Stafford
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lugar	Thurmond
Dole	Matsunaga	Trible
Domenici	McCain	Warner
Durenberger	McClure	Weicker
Evans	McConnell	Wilson
Exon	Melcher	Wirth
Ford	Metzenbaum	

NAYS—2

Quayle	Wallop

NOT VOTING—3

Gore	Simon	Stennis

So the amendment (No. 851), as modified, was agreed to.

Mr. BYRD. Mr. President, I am seeking again to ascertain whether we might be able to get some time agreements on amendments.

Will the managers enlighten us on the prospects?

Mr. President, I ask unanimous consent—after having discussed this request with the two managers—that there be a time limitation on the following amendments of 10 minutes each, to be equally divided, and that no amendments to the amendments be in order: Messrs. CONRAD, PRYOR, BIDEN, COHEN, BINGAMAN, KERRY, and DODD.

The PRESIDING OFFICER (Mr. BUMPERS). Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, there are a couple I want to check on.

The PRESIDING OFFICER. Will the Senator from North Carolina use his microphone?

Mr. HELMS. I was using it, but I have my thumb over it.

Mr. BYRD. Mr. President, while these discussions are going on, I limit that list to amendments by Mr. CONRAD and Mr. COHEN. There will be a 10-minute time limitation on each, with no amendments in order to either.

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

Mr. BYRD. Mr. President, I yield the floor.

AMENDMENT NO. 889

(Purpose: To express the sense of Congress that the President should enter into negotiations with members of mutual defense alliances with the United States for the purpose of achieving a more equitable distribution of the financial burden of support of such alliances)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 889.

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

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

The amendment is as follows:

On page 111, between lines 16 and 17, insert the following:

SEC. 812. SENSE OF CONGRESS RELATING TO SUPPORT OF MUTUAL DEFENSE ALLIANCES.

(a) FINDINGS.—Congress makes the following findings:

(1) Japan, the member nations of the North Atlantic Treaty Organization (NATO), and other countries rely heavily on the United States to protect their national security under mutual defense alliances.

(2) The United States spends more than $100,000,000,000 annually to provide the defense umbrella for the allies of the United States.

(3) The financial burden of mutual defense assumed by many NATO allies and Japan is not commensurate with their economic resources, and, as a result, the United States is forced to bear a disproportionately large share of the financial burden of supporting such mutual defense.

(4) While the United States is currently spending 6.5 percent of its gross national product on defense, our NATO allies spend an average of 3.5 percent of their gross national products on defense and Japan spends only 1.0 percent of its GNP on defense.

(5) The greatest weakness in the ability of the United States to provide for the mutual defense of the United States and its allies is not the military capability of the United States, but rather the economic vulnerability of the United States.

(6) The level of Federal spending must be reduced in order to reduce the Federal budget deficit and revitalize the economy.

(7) The continued unwillingness of the allies of the United States to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

(b) POLICY.—It is the sense of Congress that—

(1) the President should enter into negotiations with countries which participate in mutual defense alliances with the United States, especially the member nations of the NATO and Japan, for the purpose of reaching an agreement on a more equitable distribution of the burden of financial support for the alliances;

(2) the objective of such negotiations with the member nations of NATO and Japan should be to establish a schedule of increases in defense spending by our NATO allies and Japan or a system of offsetting payments that is designed to achieve, to the maximum practicable extent, a division of responsibility for defense spending between those allies and the United States that is commensurate with their resources; and

(3) The President should report to Congress, within one year after the date of the enactment of this Act, on the progress of such negotiations.

(4) If, in the judgement of the Congress, the President's report does not reflect substantial progress toward a more equitable distribution of defense expenses among the members of a mutual defense alliance, the Congress should review the extent of the distribution of the mutual defense burden among our allies and consider whether additional legislation is appropriate.

Mr. CONRAD. Mr. President, the amendment I have offered is an amendment that has been adopted by a vote of 90 to 4. It is an amendment I offered to the Defense authorization bill. Given the fact that the President is going to veto that bill, I am offering the amendment again on this legislation.

Mr. President, this amendment has been cleared on both sides of the aisle. It is an amendment that involves the question of burden sharing. Who ought to have the burden of providing the mutual defense? As Senators know, we are currently spending over $100 billion a year to provide the defense umbrella for Western Europe and Japan. That may have been reasonable and may have made some sense after World War II. I question, and I think many Members question, whether that makes any sense today.

We believe this is a time to insist that our allies start to pay their fair share of their own defense costs. Frankly, we simply cannot afford to be the ones who are providing for their defense any longer, given the fact that we have a massive Federal deficit and given the fact that they are resurging economically. They are well positioned now to provide for their own defense, and that is the reason why this sense-of-the-Senate resolution has been offered. It simply requires a 1-year study or 1-year negotiations by the President with our allies to achieve a more fair distribution of the defense budget.

At the end of that period, we ask the President to report to us on the progress that has been made. If substantial progress has not been made at the end of 1 year, then Congress would revisit the issue and determine whether further legislation is necessary to assure that our allies bear their fair share of the defense burden.

That, Mr. President, is the essence of the amendment. I do not feel any need to belabor the issue.

I want to thank the Chair, thank the managers of the bill, and I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Who yields time in opposition?

Mr. PELL. I am happy to say there does not seem to be any opposition.

I have no objection on this side.

The PRESIDING OFFICER. Do the managers yield back their time?

Mr. PELL. I do.

Mr. HELMS. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 889) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 890

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 890.

Mr. BIDEN. Mr. President, I ask unanimous consent that further read-

ing of the amendment be dispensed with.

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

The amendment is as follows:

(1) Participating Agencies.

On page 79:

After line 8, insert the following:

"(8) the Director of the United States Geological Survey;

(9) The Secretary of Energy; and".

On line 8, delete the word "and".

On line 9, change "8" to "10".

(2) Advisory Role.

On page 79:

On line 14, after "Relations" add a semicolon and "the Committee on Commerce, Science and Transportation;"

On line 16, after "Affairs" add a semicolon and "the Committee on Science and Technology;"

On line 18, after "Force" delete the period and add a comma and "along with any other Members designated by the majority and minority leaders of the Senate and the Speaker of the House of Representatives."

(3) Chairman and Vice-Chairman.

On page 78:

On line 18, delete the comma and "who shall serve as Chairman".

On line 21, delete the commas and "who shall serve as Vice Chairman and Executive Director for Research".

On line 17, after "of" insert "the following, from among whom the President shall designate a Chairman and a Vice-Chairman".

(4) Causes of Global Warming

On page 77:

On line 6, after "may" insert a comma and "in combination with deforestation,".

On line 21, after "pollution" insert "and deforestation".

Mr. BIDEN. Mr. President, in this bill there is a provision relating to global warming. That was accepted in the committee and is part of the legislation.

I am moving to amend my own language in the bill to meet some of the criticisms that have been made of the provision, and I can be very brief.

There are four pieces. One relates to the agencies that would participate in the Task Force mandated by the provision. I am adding the United States Geological Survey and the Department of Energy to the participating agencies.

Second, there is a provision relating to advisory roles. I am adding the Committee on Commerce, Science, and Transportation in the Senate and the Committee on Science, Space, and Technology in the House.

The third change relates to who is the Chair and the Vice Chair of this Task Force. In the bill, as written, the Secretary of State is the Chair. I am changing the amendment to permit the President to make this determination.

The final change relates to the findings of causes of global warming. This change adds "deforestation."

I view these as technical changes, and I move to amend that portion of the bill accordingly.

The PRESIDING OFFICER. Who yields in opposition?

If there is no further debate, the question is on agreeing to amendment of the Senator from Delaware.

The amendment (No. 890) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 891

(Purpose: To enhance cooperation between United States Government agencies in the control of illegal international arms transfers, to aid in the identification and apprehension of illegal arms traffickers, and to expedite procedures for reviewing and issuing commercial arms export licenses)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR) proposes an amendment numbered 891.

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

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

The amendment is as follows:

On page 111, after line 22, add the following new title:

TITLE VII—MUNITIONS CONTROL ACT OF 1987

SHORT TITLE

SECTION 701. This title may of cited as the "Arms Export Control Enforcement and Coordination Act of 1987".

EXPORT LICENSES

SEC. 702. Section 38 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(g)(1)(A)(i) The Agency shall develop appropriate mechanisms to identify in connection with the export licensing process—

"(I) persons who have been indicted for or convicted of violations of this Act, the Export Administration Act of 1979, the Espionage Act, the Trading with the Enemy Act, the Foreign Assets Control Act, or

"(II) persons who have been indicted for or convicted of conspiracy to violate any of the statutes described in this subparagraph, and

"(III) persons who are ineligible to contract with or receive export or import licenses from any agency of the United States Government.

"(ii) The Agency shall require that each applicant for a license to export an item from the United States Munitions List shall identify in his application all parites to the proposed export.

"(B) If the Agency has reasonable cause to believe that an applicant or party to the export has violated any of the status cited in subparagraph (A) or has been indicted for violations of any of the statutes cited in subparagraph (A), the Agency may disapprove the application. The Agency application shall consider requests by the Secretary of the Treasury to disapprove any export license application based on these criteria.

"(C) No person may be issued a license to export an item covered by the United States Munitions List if—

"(i) such person or any party to the export has been convicted of violating a statute referred to in subparagraph (A), or such person or any party to the export is at the time of the license review ineligible to contract with or receive export or import licenses from an agency of the United States Government, except as may be determined on a case-by-case basis by the Agency, after consultation with the Secretary of the Treasury, after a thorough review of the circumstances surrounding the conviction or ineligibility to contract and a finding by the Agency that appropriate steps have been taken to mitigate any law enforcement concerns; or

"(ii) such person is a foreign person, except in cases in which an export has been agreed to under Foreign Military Sales authority.

"(2) The agency shall have the authority to require an export license (or other authorization) for any item on the United States Munitions List before it is sold to, provided to, or taken possession by a foreign person or a person acting on behalf of a foreign person.

"(3) The President shall direct the Secretary of State, the Secretary of Defense, and the Secretary of Treasury to detail personnel with appropriate expertise to the Agency to assist in the initial screening of applications for export licenses under this section for the purpose of determining the need for further review of such applications for foreign policy, national security, and law enforcement concerns.

"(4) For purposes of this subsection—

"(A) the term 'Agency' means the United States Government agency charged with administration of this section;

"(B) the term 'foreign person' means any person who is not a citizen or national of the United States or a person lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act, and such term includes foreign corporations and their United States subsidiaries, international organizations, foreign governments, and any agency or subdivision of foreign governments, including diplomatic missions and embassies;

"(C) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization, or group, including governmental entities; and

"(D) the term 'party to an export' means any employee of, consultant to, or agent for the person requesting the export license who is involved in the sales or marketing of items covered by the United States Munitions List, any person that exports or causes to be exported the item or items being exported, and the end user of the item or items."

REGISTRATION

SEC. 703. Section 38(b)(1) of the Arms Export Control Act is amended—

(1) by inserting "(A)" immediately after "(1)"; and

(2) by adding at the end thereof the following new paragraph:

"(B) A copy of each registration made under this paragraph shall be transmitted to the Secretary of the Treasury for review regarding law enforcement concerns. Re-

ports on such concerns shall be made to the Agency as may be deemed necessary."

The PRESIDING OFFICER. The Senator from Arkansas.

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

Mr. President, some people may disagree with me, but I see nothing wrong with the prudent sale of U.S. military hardware abroad. However, we have learned the hard way that a clever black market for American military parts and munitions efficiently supplies many of our potential enemies, from Iran to North Korea.

Mr. President, today we must ask ourselves about what kind of people get licensed to export arms overseas. We must also ask ourselves about how these arms traffickers elude our security controls on arms sales and exports. Where are the weaknesses and the holes within our system?

Mr. President, during two hearings this year I think we have identified one of the biggest weaknesses and prepared this amendment to improve a very disturbing situation. The weak link I refer to is in the Office of Munition Controls or OMC at the State Department. OMC's tiny staff, 30 people, grant over—and listen to this, Mr. President—over 15 billion dollars' worth of commercial arms sales export licenses every year. This is up from roughly $3 billion only 10 years ago.

Mr. President, further, the Office of Munition Control, and this is a staggering figure, goes through a huge number of applications, some 49,000 of them each year, to see who is going to become a licensed export arms dealer. This is up from just 24,000 licencees only 10 years ago.

OMC does not run the Foreign Military Sales program or any government-to-government sales. That is done entirely by the Department of Defense. OMC does not license exports of civilian aircraft or civilian products. OMC's sole duty, Mr. President, is to license military goods for export to private citizens, private companies and dealers and commercial sales to foreign governments. This includes radars, communication gear, fighter aircraft parts, M-16 rifles and other commercial military goods.

In recent hearings that we have held and reports, we have discovered that the Office of Munition Controls in the State Department is either negligent or incapable in almost all of its responsibilities. In short, we have lost control over who gets an arms export license and ultimately where those arms exports end up.

Mr. President, very briefly, let me explain two of the more shocking findings about the Office of Munition Controls within the State Department. OMC claims it does not have the authority to deny export licenses to known or suspected criminals. In other words, a person can be convinced of treason, murder, terrorism, in fact anything other than violating the Arms Export Control Act, and OMC will not lift a finger to stop him or her or that company from exporting defense items to a particular foreign country.

That sounds unbelievable. It ought to be in Ripley's Believe It Or Not. But it is the case and our hearings have borne this fact out.

As one also might guess, Mr. President, the Office of Munition Controls does not even bother to maintain a list of questionable exporters, arms merchants, or foreigners associated with terrrorist groups. Unbelievable? It is a fact.

What is the result of such negligence? What is the result of this very, very poor way of granting export licenses to arms manufacturers and dealers to export overseas?

One study of export crime found negative export information on 26 percent of a sample of companies registered to export at the Office of Munition Controls. It also found bad information on one-fourth of the people who received OMC-licensed exports.

Our investigation has found six companies that received hunderds of arms export licenses from the Office of Munition Controls, our own State Department, even though the company or principals of the company had been convicted or indicted of serious export law violations, ranging from the Trading With the Enemy Act to the Arms Control Act.

Yes, Mr. President, it is shocking. But, once again, it is true.

In fact, a September GAO study that I requested found that the Office of Munition Controls gave 322 licenses worth $15 million to a company while it was denied export privileges across the street by the Commerce Department.

Mr. President, I have heard many people criticize the Commerce Department export office for being too easy on questionable exporters. I would suggest that there is a more frightening threat to export our military weapons, our military security, and that it is found in our own State Department, in the Office of Munition Controls.

I have further proof of this point, Mr. President. In the last 10 years, OMC has punished only four export law violators. Last year alone, the Commerce Department issued export denial orders on 58 exporters and imposed fines worth $3.6 million.

GAO's study fleshed out most of OMC shortcomings. If found sloppy procedures, second-rate automation, little knowledge or concern about illegal exports, and severe understaffing. The State Department admits to some of these problems and it blames a lack of legal authority and poor funding and understanding.

The current foreign assistance bill contains an additional $100,000 for the small and understaffed office of OMC and the State Department has now promised to allocate some new funds for this office. These actions should be applauded, but much more is needed. In fact, the amendment that I offer is needed to help clear up this situation.

My amendment is very simple, Mr. President. To address some of the problems, it requires immediate remedial legislation. First, it clarifies OMC's authority and responsibility to deny export licenses for questionable arms shipments. It also clarifies when an export license is required in transactions with foreign persons. And third, it increases interagency cooperation in the early screening of licenses that will aid law enforcement and will help speed the review of export applications for honest exporters. These are some of the major provisions of this amendment.

My amendment does nothing to harm honest exporters or to impede international trade. It does not create burdensome reporting requirements nor does it place any additional limits on the arms trade except a new procedure by which there can be some checks and balances as to who becomes the recipient of these arms export licenses granted by our own Government, by our own Department of State.

It does get tough with criminal arms traffickers and it will help to deny our enemies the benefit of our military industry.

This amendment will also put some muscle behind the very inefficient and backward Government bureaucracy at the Office of Munition Controls in the Department of State.

Mr. President, I am very hopeful that this amendment will be voted on favorably. In fact, I even suggest it might even be successfully adopted by unanimous consent. I have been negotiating with the managers of the bill and look forward to their discussion of this proposal.

Mr. President, I ask unanimous consent that a recent GAO findings relative to the Office of Munition Controls within the State Department be printed in the RECORD.

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

SUMMARY OF GAO FINDINGS—AUDIT OF THE OFFICE OF MUNITIONS CONTROL

SCOPE OF OMC'S RESPONSIBILITY

OMC issued licenses for the export of $14.9 billion of defense articles and services in FY 86—up from $3.3 billion in FY 77. (This compares to $8 billion in FY 86 for U.S. foreign military sales and assistance programs.)

In FY 84, although OMC authorized $12.7 billion in exports; only $3.8 billion was actually exported.

Export values are also understated—GAO reports that OMC's export data "is not verified, current, or compatible" with other foreign military sales data.

ENFORCEMENT

OMC "does not verify the accuracy of information provided by registrants." (One is supposed to register before licensing.)

OMC does not systematically check applicants, freight forwarders, or consignees against "lists of questionable exporters, exporters convicted of past export violations, or those denied export privileges of the Department of Commerce."

GAO found that OMC issued 322 licenses worth $15 million in FY 86 to a company denied export privileges by the Department of Commerce.

A 1987 study found "negative information" on 26% of a random sample of OMC registrants and 27% of foreign consignees.

OMC does not formally develop "watch lists" of questionable exporters out of concern for FOIA and the Privacy Act. (Commerce, DOD and Customs do so and consider it legal and important.)

OMC told GAO it is aware of less than 30 questionable firms and individuals (DOD said there were hundreds).

OMC can revoke license privileges. However, it has done so only four times since 1976, the last time in 1983.

END USE

OMC asked US embassies to verify the end use of only 50 exports in FY 86 (on 49,000 license applications).

OMC's stated reason: resource limitations and inability to identify suspicious exports.

POLITICAL CONTRIBUTIONS AND AGENT FEES

Most licenses worth over $250,000 require letter stating whether political or agent fees were paid. GAO found that 43% of a license sample did not contain any such statement.

OMC'S BUDGET AND ADMINISTRATIVE TROUBLES

OMC officials maintain that an increased work load and static resources have restricted their efforts.

The volume of munitions cases has increased from about 26,000 in 1977 to over 49,000 in 1986. Over the same period, OMC's staff has remained at around 30 persons, with about 10 staff members authorized to approve licenses.

OMC's computer system is essentially an "automated filing system" of limited capacity. "Even with planned software improvements, the system will remain an automated filing system."

Requests for additional staff have been deleted from the State Department's budget request by OMB.

OMC plans meet short term problems but do not address long term needs.

GAO'S CONCLUSIONS AND RECOMMENDATIONS

OMC has worked to process license applications quickly, at the expense of careful license review and administrative and reporting requirements.

OMC must make better use of information available from other federal agencies regarding exporters to identify applications requiring closer scrutiny.

OMC must develop criteria and procedures for getting more end-use verifications from U.S. embassies abroad.

OMC should require exporter compliance with administrative and reporting requirements.

OMC needs to greatly improve its computer system.

Mr. HELMS. Mr. President, I certainly find the amendment acceptable and I commend the Senator on it. It is cleared on this side.

Mr. PELL. It has been cleared on this side, too. It is a good amendment. I trust it will pass.

The PRESIDING OFFICER. Is there further debate?

Mr. PRYOR. I thank both of the distinguished managers of this bill. I think this will be a constructive move, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 891) was agreed to.

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

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

The motion to lay on the table was agreed to.

THE BORK NOMINATION

Mr. FOWLER. Mr. President, I have not held my peace this long on the question of confirming Judge Robert Bork to the Supreme Court only to confound my friends and adversaries and confuse the media. Until yesterday, I was genuinely undecided about my vote. I view this as one of the greatest responsibilities I have undertaken as a new Member of the U.S. Senate. I promised the people of Georgia from the start that I would not flock to any banner, that I would consider all the evidence presented and let the decision rest with my conscience.

As I have done so, I have grown to have great respect for Judge Bork. I admire his intelligence and, especially, his candor, his readiness throughout his career to withstand public controversy and political pressure. We need, throughout our Government, but especially in the courts—we need men and women who will stand up against noisy but narrow special interests that do not necessarily represent the overall welfare of our country. That is one issue that should not be lost on us, regardless of the outcome of this nomination.

Many moot issues have been raised, on the periphery of these proceedings, by both sides. I am appalled by the way this became a plebiscite. We do not elect Justices to the Supreme Court in this country. We should not conduct national referendums. And I can sum up the effect of these campaigns on me: Those who attacked Judge Bork made me often yearn to confirm him. Those who campaigned for him by attacking his opponents turned me against the nomination.

I do believe Judge Bork has confused the issues to some extent himself—by promoting the doctrine of "original intent," which supposedly keeps the values of judges out of their deliberations. Judge Bork opposes some rulings as contrary to the intent of the framers, but says he would uphold other rulings if they had a "reasonable basis." The latter method—I cannot escape this conclusion—is another way of referring to a value judgment by the jurist himself.

I agree with Justice Harlan, who said in his concurring opinion to Griswold versus Connecticut:

> While I could not more heartily agree that judicial "self-restraint" is an indispensable ingredient of sound constitutional adjudication, I do submit that the formula for achieving it is more hollow than real.

I find no reason to oppose Judge Bork for failing to adhere strictly to a theory that I consider ab initio unworkable. Nor will I oppose him on the basis of his opinion on any single issue, however controversial.

I do reject the Judge's particular form of strict construction. Because it has prevented hard facts—the actual injustices, hardships, discrimination, miseries and oppression experienced by real people in an imperfect society—from penetrating the world of pure theory.

Reality does have to enter the ethereal world inhabited by the courts and the Constitution, to bring that world into contact with the society we are struggling to govern and to shape. The way reality enters this world is through the facts and the issues that come before the Supreme Court in living controversies, as set forth in the Constitution.

A Justice on the United States Supreme Court should demonstrate the capacity to confront the difficult decisions he or she must make—and excel not only in intellect, but in fortitude, in determination to uphold justice, and finally in wisdom to apply the broad guidelines of our Constitution to the narrow and particular sets of facts that arise as unresolved cases of law.

I cannot agree with Judge Bork's application of these guidelines, because it is not informed by values set forth in the preamble to the Constitution, and readily discoverable in the history of the founding of our republic. Our forefathers were profoundly influenced by the conflicts of their times, yes, yes, but also by their belief in the gifts of a supreme being. Hear Thomas Jefferson when he proclaimed for his constitutional colleagues: "We hold these truths to be self-evident * * * that we are endowed by our creator with certain inalienable rights."

I think Judge Bork keeps out of his reading of the Constitution those intangibles that are most central to its intent. In the process, his attempt to prescribe 18th century values, stands as one of the greatest works of 20th century relativism.

Judge Bork, for all the brilliant qualities he does possess, does not in-

corporate the attributes we need most at this time in our history. I do not believe he embraces the spirit that can unite our people today, the same spirit that certainly united the authors of our Constitution.

If the court is to succeed, it must aim for consensus among its own members and among the people of our country. I worry about the deep divisions in the Court as reflected by the growing number of 5 to 4 decisions on important cases in recent years. We now need a conciliator, not a swing vote. That was the great contribution of Justice Powell, one of conciliation in a divided court.

Mr. President, if you subscribe to the view that there is a moral order to this world, then you will recognize the deep-seated feeling that comes upon you so strongly at times, that there is a reason for everything that happens—just as you will feel that there is a reason, a moral basis for every word of our Constitution.

In this instance, as painful as it has been for our country, the debate over Judge Bork's confirmation has brought the law of these United States to life. It has exposed many phony issues. It has illuminated the relationship between our law and the things we hold dearest.

How many Americans had heard of Griswold versus Connecticut before? The whole issue of the right to privacy? Arcane legal cases have come down from their musty shelves. Their meaning has come alive in the minds of Americans who never attended a day of law school, who never argued before a jury or deliberated on the bench. In this respect, Judge Bork has succeeded in what I believe he set out to accomplish in his career.

What we have been through cannot help but renew the understanding and commitment necessary for the operation of our Republic. It is for that reason that I decline to criticize President Reagan for advancing this divisive nomination. I cannot support it, but I believe it has opened the discussion necessary to discover the road to consensus.

I want to add one last thought if I may. We will have a conservative Justice on the Court. I welcome that. It is clearly time to sort out the gains we have made, and to heal the wounds we know we have suffered along the way. We require steadiness and careful deliberation. It is not time for careening off in any extreme direction.

It is in that spirit that I ask now, after this wide-open and exhausting controversy, that we now move on to a nominee that our citizens in the great middle ground of America, majorities and minorities, men and women, Democrats and Republicans can rally around. I pledge to President Reagan everything in my capacity to assure that the Court vacancy will be filled by year's end. Our country—and our countrymen—deserve no less.

I yield the floor.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Florida.

JUDGE BORK

Mr. CHILES. Mr. President, few issues have been as troubling for me as considering the nomination of Judge Robert Bork as Associate Justice of the Supreme Court. I approach this decision with the sure knowledge that a position on the supreme court carries with it the potential to have immense impact on the future of all Americans. For the Senate it is an irrevocable judgment. The men and women we confirm can serve for life.

In my three terms in the Senate I have supported every nomination made to the Supreme Court.

I certainly have not agreed with every position these individuals espoused but I was confident in their ability, their integrity and their adherence to fundamental principles of constitutional law. I see my role as a Senator not to second guess the President in his choice but to make a judgment that a person has the intelligence, temperament and principles to serve on our highest Court.

I do not share the view that somehow the Senate must insure some sort of balance on the Court. That is not our role and in view of the historical unpredictability of justices after ascending to the Court it is to me a pointless exercise.

Rather I have tried to satisfy myself that Judge Bork is a jurist who has the capacity to serve on the Court and that he will adhere to the principles and rulings that have developed under our Constitution and are the bedrock of our free society. In doing so I have closely studied the proceedings of the Senate Judiciary Committee and read Judge Bork's writings and decisions.

Frankly, in areas such as law enforcement and the prerogatives of the legislature I find much that I can agree with.

I am satisfied that Judge Bork has the capacity. He seems to be a highly intelligent, perhaps brilliant legal scholar. I do not question his competence nor his integrity.

It is Judge Bork's overall philosophy with respect to the Constitution that I find radical and greatly at odds with our 200-year experience under the Constitution. Our Founding Fathers intended to preserve and guarantee individual rights and liberties and to limit the powers and intrusions of Government. The great progress this country has made in assuring these rights to all segments of society—to minorities, to women, to the traditionally underrepresented—has in effect been progress toward a fuller realization of what the Constitution promises to all Americans.

I am not convinced that is Judge Bork's view. His is a much narrower view of individual rights guaranteed by the Constitution. His view of the Constitution is to limit the rights of individuals, to reserve to government those rights not literally spelled out in the Constitution. To my mind this is a view at odds with the intent of our Founding Fathers.

My study of the adoption of the Constitution indicates that the Founding Fathers were concerned about excesses of government. They wanted in effect to limit the power of the state. They were not trying to confer additional powers on the government. They were establishing a charter as to what the powers of government would be, and those not given to the government were reserved to the people.

Mr. President, I feel that they are inherent rights guaranteed by the Constitution and that was intended by the Founding Fathers.

This narrow stance of Judge Bork represents a threat to the difficult and continuing effort to assure the civil rights of all Americans. It is a threat to the rights of privacy that Americans believe are guaranteed by their Constitution. And I have found in Judge Bork's decisions a disturbing pattern that would sacrifice family relationships and the rights of children and parents to the perceived needs of the state.

Mr. President, I began my consideration of the Bork nomination with the hope that I would be able to vote to confirm.

I have always felt that the President is entitled to have the benefit of the doubt on his nominee. I had no problem in confirming Justice Scalia or Justice O'Connor, nor in confirming Justice Rhenquist to be Chief Justice of the Court. I, too, believe that the President is entitled to nominate, a conservative to the Court.

I think there are many, and certainly many Southerners, who are qualified in this regard. I know of several on the appellate bench from my State.

I regret that I can not vote to confirm Judge Bork as a Justice of the Supreme Court.

FOREIGN RELATIONS AUTHORIZATION ACT FISCAL YEAR 1988

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent on an amendment by Mr. CHAFEE that there be a time limitation of 1 hour, to be equally divided in accordance with the usual form; that on an amendment by Mr. COHEN there be a 10-minute limitation,

to be equally divided in accordance with the usual form; that on an amendment by Mr. BINGAMAN there be a 10-minute limitation, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, I think the majority leader should have said we have not heard from Senator SIMPSON yet so that might be set aside.

Mr. CHAFEE. I wanted to discuss that. I would not want to proceed without his approval.

Mr. BYRD. Then I would withdraw that portion. It leaves the Cohen and Bingaman amendments to have a time limitation of 10 minutes each, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Mexico.

AMENDMENT NO. 892

(Purpose: To maintain Latin American and Caribbean data bases, and for other purposes)

Mr. BINGAMAN. Mr. President, on behalf of Mr. DOMENICI and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 892.

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

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

The amendment is as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. 517. LATIN AMERICAN AND CARIBBEAN DATA BASES

(a) The Secretary of State, in consultation with the appropriate departments and agencies of the U.S., may maintain data bases on the Latin American and Caribbean region. In developing these data bases the State Department shall be required to satisfy the following conditions:

(1) Any new contractual agreement entered into for purposes of this section shall be subject to full and open competition among qualified U.S. institutions with strong Latin American and Caribbean programs; and

(2) The Secretary of State shall ensure that funds are not awarded to maintain services which are significantly duplicative of existing services.

(b) Contracts made under subsection (a) shall be subject to the availability of appropriations.

Mr. BINGAMAN. Mr. President, I am offering this amendment to require the State Department to maintain a computerized data base or data bases on Latin American and the Caribbean. The need for such services is great. The link between the national security interests of the United States and events in Latin America and the Caribbean is indisputable. It is an unfortunate fact that many of our neighbors to the south are racked with political and social problems, which, as we are too well aware, often turn to violence. Our sensitivity to events in the region is justifiably high, and consequently the need for comprehensive, up-to-date, and readily available information on Latin America is also great.

I noted that the version of the State Department authorization bill which passed the House included a provision, section 136, earmarking not less than $1.3 million for each of fiscal years 1988 and 1989 for the State Department to establish a Latin American and Caribbean data base.

I commend our friends in the House for recognizing how imperative it is to have information on hemispheric affairs available; I am concerned, however that the House provision does not mandate full and open competition for the funds and might set up a new data base that would significantly duplicate existing services. My amendment addresses these concerns and is offered as further clarification and improvement on the House language. First, it mandates that any funds for this purpose shall only be awarded through full and open competition among qualified U.S. institutions. Second, it calls on the Secretary of State to verify that funds are not awarded to provide services which would substantially duplicate existing services.

Technology is now available to organize and process text and statistical material on Latin America. Up-to-date information can be accessible to members of the government, the business community, the academic community and the public via on-line data services. I would point out that several fine institutions have already developed significant capabilities in this area, and that the State Department would greatly benefit from fortifying and expanding these capabilities under the provisions of this amendment. I am aware, in particular, of extensive data base programs on Latin America and the Caribbean available at the University of California at Los Angeles and the University of New Mexico, in Albuquerque. I have a brief description of the Latin American data base at the University of New Mexico, which, for the sake of time, I will not read to you. However, I would ask unanimous consent that it be included at the end of my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. In these days of tight budgets I believe that it would be imprudent to authorize funds which could significantly duplicate existing capabilities. Rather, we should focus such efforts on qualified existing institutions with substantial capabilities in this area.

Whether policy debate in our country is focusing on the impact of immigration, narcotics trafficking, human rights, foreign aid, trade, or our efforts to promote peace and democracy in Latin America and the Caribbean, the availability of on-line and up-to-date information is vital. I hope that my colleagues will support this amendment to provide for such services. I believe that my amendment, and specifically its provisions mandating full competition and eliminating the possibility of significantly duplicative services, is the best way to balance our need for these services with budgetary considerations.

Mr. President, I hope my colleagues will support the amendment. I believe the amendment is one which is supported or not opposed by the two managers of the bill. I conclude my description at this point.

Mr. President, I am not aware if there are others who wish to debate the amendment or not.

EXHIBIT 1

LATIN AMERICA DATA BASE

INTRODUCTION

The Latin America Data Base (LADB) at the University of New Mexico at Albuquerque (UNM) was created in 1985 to collect, organize and process text and statistical materials on Latin America, including Brazil. The LADB has accumulated, on a daily basis, a wealth of information on Latin American economic, political, social, and international developments. Today the LADB Is the leading computerized database in the United States, with about 80 million bytes of online information, the equivalent of some 40,000 printed pages.

The LADB offers a variety of services. Its technical staff utilizes state-of-the-art technology in unique applications to monitor electronic and print sources from all over Latin America. The LADB staff and editorial board are professional writers and scholars specialized in Latin American affairs. They offer subscribers a solid merger of expertise, communication skills, and objectivity in reporting on the region.

LADB Director Nelson P Valdes is associate professor of sociology at the University of New Mexico. Dr Barbara A Kohl, LADB managing editor, is a visiting scholar of the UNM Latin American Institute (which administers the LADB); she is also a former Fulbright scholar.

In January 1986 the LADB launched two electronic newsletters: the Latin American Debt Chronicle (LADC) and the Central America Update (CAU). The LADC covers political and economic events and issues and analyses related to the foreign debt burdens and debt payment capacities of the countries of Latin America. The LADC is published on Tuesdays and Thursdays. The CAU is focused on economic, political, security, and human rights developments throughout Central America. The CAU is published on Wednesdays and Fridays.

SERVICES

Issues of the CAU average twelve articles in ten single-spaced pages; issues of the LADC average ten articles in nine single-spaced pages. Both newsletters are available in the United States via NewsNet, via the Compuserve gateway to NewsNet, via Peacenet, via Bitnet (an international academic network), and via Technet (covering the Rio Grande Research Corridor in New Mexico). All back issues are available on 5¼-inch personal computer disks. A weekly print version of both newsletters will be available beginning in October 1987.

COMMENTS

The LADC and the CAU have been well received by diverse user groups, including scholars, human rights activists, radio and newspaper journalists, congressional research staffs, economic development specialists, and United States-based transnational companies. Among these user groups are the North American Congress on Latin America (NACLA), Beyond War Foundation, Hoover Institution, Pacifica News Service, US Agency for International Development (USAID), and Shell Oil Company. The LADB has been cited in such diverse publications as the Tower Commission chronology of events concerning Central America which accompanied its report on the Iran-contragate affair, and in the Journal of Current History.

Finally, the LADB has just gone online through a mainframe computer at the UNM Computer and Information Resources and Technology Center. With this development, powerful search and retrieval software give those using the LADB rapid and wide-ranging access to the entire database. Anyone making economic, financial, or political risk decisions related to Latin America now has a comprehensive, current and accurate source.

The PRESIDING OFFICER. Is there further debate?

The Senator from North Carolina.

Mr. HELMS. Mr. President, I have studied the amendment of the distinguished Senator.

As I understand it, he is authorizing the State Department to contract with institutions to maintain the data base at the institutions. Is that correct?

Mr. BINGAMAN. That is correct.

Mr. HELMS. This is strictly authorizing. We have worked with the Senator on the amendment. I appreciate his working with us. I find it entirely acceptable, Mr. President.

Mr. PELL. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BINGAMAN. I yield back my remaining time.

Mr. HELMS. I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 892) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

Mr. ROTH addressed the Chair.

Mr. HELMS. Mr. President, if the Senator will withhold for just one moment.

The PRESIDING OFFICER. The Senator from Florida has been recognized

Mr. GRAHAM. Mr. President, our responsibility to the public——

Mr. BYRD. Mr. President, will the distinguished Senator yield for a question? The managers are trying to alert other Senators when they may proceed with their amendments. Could the distinguished Senator indicate how long he will be speaking?

Mr. GRAHAM. Approximately 10 minutes.

Mr. BYRD. Very well. There is no time agreement on the bill and there is no way you can limit any Senator. So the Senator would be speaking about 10 minutes. I would hope we could get some time agreements so we could move on with the amendments and in this way if we yield to Senators, if they want to speak, yield 5 minutes to them or whatever.

Mr. President, I yield the floor so the Senator may proceed.

Mr. GRAHAM. I thank the Senator.

Mr. PELL addressed the Chair.

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

Mr. PELL. Mr. President, yesterday many Senators wanted to speak on this subject, and we tried to limit it to 5 minutes. I know Senator PRESSLER yesterday waited quite a while.

Mr. PRESSLER. I would say——

The PRESIDING OFFICER. The Senator from Florida controls the floor. One would have to ask him to yield in order to speak.

NOMINATION OF JUDGE BORK

Mr. GRAHAM. Mr. President, our responsibility to the public we serve embraces few tasks graver and more consequential than the confirmation of the nomination of a Supreme Court Justice.

Clearly both our President and Judge Robert Bork have approached the matter of Judge Bork's nomination with the utmost respect for and reflection upon the role of a Supreme Court Justice in our society.

Judge Bork has dedicated a lifetime to scholarly pursuit and judicial application. He has repeatedly defined a set of deeply-held convictions which inform his decisions. His intellect is formidable. His articulation of his views is forceful.

We in the Senate have no lesser responsibility. Ours is to evaluate the candidate proposed and to measure and reflect the will of the people not only in choosing a justice, but maintaining the historic confidence of the American people in American justice.

Such a decision must probe deeply held beliefs and can be, as we have seen, contentious, even anguished.

Each of us has had to pause in the inevitable clamor of pressing daily events—to consult the people of our State;

The words and decisions of the candidate;

The history of U.S. law and judicial interpretation which hold the pattern and direction for our future;

And we have had to pause to search our own souls for a sense of what will best serve the people of this Nation.

As a Floridian, as someone whose life has been dramatically affected by a Supreme Court decision, I have a unique perspective on this particular choice. I might never have been elected to public office were it not for the Supreme Court decision on reapportionment.

Another former Governor of Florida, Leroy Collins—a man whose record is distinguished by courageous battles to bring Florida into the 20th century of civil rights and equal opportunity—tells a story which illustrates the intimate and ultimate power of the Supreme Court to influence and be influenced by our efforts to sustain a workable democracy.

Governor Collins found himself next to Justice Hugo Black after a Georgetown dinner party in 1963. Justice Black asked Collins what his biggest disappointment had been as Governor.

Collins replied without hesitation that he had been unable to convince the Florida Legislature to reapportion the voting districts of the State—in effect, to reform itself to reflect the dynamic growth of Florida and the diversity of ethnic backgrounds and political positions.

Justice Black told Governor Collins that the Florida experience was discussed by the Court during deliberations on the case of Baker versus Carr, which dealt with Tennessee's reapportionment. Florida's inability to resolve the issue through the State legislative process convinced the Court that it had the final role in ensuring equal weight to each voice—one man/one vote.

We heard eloquent testimony from former Congresswoman, Barbara Jordan who ran for office twice, garnered an impressive turnout twice—and lost twice before reapportionment allowed her to win a seat in the Texas House of Representatives.

She told the Judiciary Committee:

My opposition to this nomination is really a result of living 51 years as a black American born in the South and determined to be heard by the majority community.

When you experience the frustration of being in a minority position and watching the foreclosure of your last appeal and then suddenly you are rescued by the Supreme

Court of the United States—that is tantamount to being born again.

It is this hope—confidence in the essential fairness and justice of our Government which has served as strong sinew in binding our Nation together.

The expectation of full membership in the family of America has kept those waiting for admission within the democratic system.

Our Constitution is the wellspring which inspirits the Nation. The Supreme Court is the channel for the great river of democracy that flows from it. Time and again throughout our history, the Court's decisions have changed the direction of our individual lives.

The Court struck down the poll tax. It said we can teach foreign languages in our schools. It supported affirmative action. It affirmed that individual privacy is a right. It opened our schools to all of our children. It affirmed that the law must equally protect every American. And that no American may be deprived of liberty without due process of law.

His inattention to the human consequence of adjudication is seen as a threat by many who have only recently won—hardwon—progress toward equity for all Americans.

In the course of these hearings, Judge Bork has amended some of his views, altered others. But in the course of his judicial and academic work, the judge has chosen consistently to be provocative, to be divisive.

We are an expansive people; we cannot be constricted by a narrow view. Scholastic brilliance, when it is bloodless and abstract, is nothing more than a brilliance with blinders.

Thomas Jefferson wrote of the Constitution:

> Some men look at constitutions with sanctimonious reverence and deem them like the ark of the convenant, too scared to be touched.
>
> Laws and institutions must go hand in hand with the progress of the human mind.

The greatest lessons in our common history are the lessons of the heart:

All men are created equal. We are each entitled to a share of the abundance of this Earth. We have rights to express our opinions, to seek knowledge and gainful employment, to live in adequate shelter, to shield our privacy, to be heard equally, to be judged equally, to find our own happiness, to dream our own dreams.

If the Constitution is the framework of our Government—if the Declaration of Independence is the soul and spirit of our Nation—then the Supreme Court has the responsibility to infuse the one with the other. The Supreme Court is the living instrument of the will and yearnings of the American people.

A justice of that Supreme Court must be a part of that humanity, not apart from that humanity. Judiciousness is reached through streets teeming with the noise and struggles and fears and joys of life. One who is untouched by his passage through those streets is unprepared to wield the power of decision which will so intimately touch other lives.

I have decided I cannot support the nomination of Robert Bork as an associate justice of the Supreme Court. His own words mark him as an inappropriate candidate. In response to Senator SIMPSON's question:

> Why do you want to be an associate justice of the U.S. Supreme Court?

Judge Bork replied:

> I think it would be an intellectual feast just to be there and to read the briefs and discuss things with my colleagues. That is the first answer.

We need not go on. That is the wrong answer.

The dedication of a life to the shaping of so many lives is the highest honor—and the highest austerity. The preparation for such a rule must be rigorous. The character of such an aspirant must fully exhibit intellectual discipline informed by real passion.

The pursuit and definition of justice is passionate work.

It is all-consuming.

It is a trust we can call sacred.

It is my life and your lives and the lives of our children and the foundation of the democracy we safeguard for all Americans—the enlightened hope we hold up as a beacon to the rest of the world.

Mr. President, thank you.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that there be the following time limitations on amendments: 20 minutes on an amendment by Mr. ROTH; 10 minutes on an amendment by Mr. ROTH, and these amendments are identified by both managers; 90 minutes on an amendment by Mr. CHAFEE and Mr. SIMPSON, to be equally divided; and all in accordance with the usual form, that no amendments be in order to either of the amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I am glad someone is at least listening on the squawk boxes. Ten minutes on an amendment by Mr. ROTH to be equally divided; 90 minutes on an amendment by Mr. CHAFEE to be equally divided; both in accordance with the usual form, no amendments to be offered to either; and I withdraw my request for the time on the amendment dealing with the Bahamas by Mr. ROTH.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Reserving the right to object; I will not object.

Mr. CONRAD. May I have recognition?

Mr. BYRD. No. I have recognition.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. ROTH. Yes. I want 20 minutes on the second amendment.

Mr. BYRD. That is not the one that deals with the Bahamas?

Mr. ROTH. Yes. Twenty minutes; that is correct.

Mr. BYRD. That is not the one that deals with the Bahamas. I have an objection to that. Yes. But the other one, I put the request for 10 minutes to be equally divided. Is that agreeable?

Mr. ROTH. That is fine.

Mr. CONRAD. Might I inquire, if this unanimous-consent request is agreed to, would that preclude any intervening statements on the Bork nomination.

Mr. BYRD. Senators could ask for the managers to yield time. It is the only way that the managers have of controlling the floor at this time and getting on with this bill. They can still yield time to Senators who may wish to speak.

Mr. CONRAD. If the floor managers would be willing to grant me 10 minutes—I think it could be done in less than that—I would certainly not object.

Mr. ROTH. Reserving the right to object, I have been waiting for nearly an hour, and I do not want to prevent any Senator who desires to speak the time to do so, but I would like to proceed with my amendments.

Mr. CHAFEE. Might I direct an inquiry to the majority leader? Regarding these unanimous-consent requests, will they then proceed in that order? In other words, the Senator from Delaware for 10 minutes, then we will go to my amendment?

Mr. BYRD. That would be fine. I could include that in the request. Yes I do include that in the request.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Again, Mr. President, reserving the right to object, and I certainly prefer not to object, but I am in a difficult situation in that I have pledged to announce my vote today. I would like to be able to explain it. I am just inquiring of the floor managers of this bill if there would be a chance to get some time as we proceed. If there is a chance, I will certainly not object. If there is no chance to get time, I will be left with no alternative but to object.

Mr. BYRD. Mr. President, I hope the Senator will not object. Senators have been waiting patiently. The Sen-

ator from Rhode Island was here this morning trying to call up his amendment.

I ask unanimous consent that after the amendments by Mr. ROTH and Mr. CHAFEE have been disposed of Senators may speak on other matters for not to exceed 10 minutes each.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Reserving the right to object, I do not intend to object. Senator DECONCINI is on his way over here, and he is interested in the Bahamas amendment. I would imagine when he comes over he may well agree to a time limitation. I wonder if we could not keep the two Roth amendments together.

Mr. ROTH. I will be hapy to agree to a time period.

Mr. BYRD. But the objection was to the time limit.

Why do we not proceed with the bird in the hand and not try to get the two in the bush right now. Mr. DECONCINI is on his way over. He could negotiate with the Senator on the second amendment. Would that be agreeable?

The PRESIDING OFFICER. Is there objection to the request? Without objection—does the Senator from Delaware object?

Mr. ROTH. No.

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

Mr. CHAFEE. Do I understand the agreement that is being proposed is the Senator from Delaware will proceed on his 10-minute amendment and I will proceed?

The PRESIDING OFFICER. That is the Chair's understanding. Without objection, it is so ordered.

The Senator from Delaware. The Senator from Delaware is recognized for a period not to exceed 10 minutes, time which will be evenly divided between the Senator from Delaware and the Senator from Rhode Island.

AMENDMENT NO. 893

(Purpose: To insure that due concern for security is reflected in future construction projects in Communist-controlled countries)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. DOLE, proposes an amendment numbered 893.

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

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

The amendment is as follows:

SEC. 1. That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by any provision of law shall be available for undertaking any additional construction activity on any project planned or underway in any Communist-controlled country until 30 days after—

(1) receipt by the Congress of a detailed report submitted by the Secretary of State and approved by the Directors of the Central Intelligence Agency, Defense Intelligence Agency, and National Security Agency, on any such project. Such report shall include—

(A) an evaluation of all security-related factors which must be and are being considered in the planning and implementation of such project; and

(B) how any existing and potential security related issues and problems are being addressed in the planning and implementation of such project; and

(2) receipt by the Congress of a certificate made by the President that appropriate and adequate steps have been taken to ensure that the project may proceed without undue risk that American security interests will be compromised thereby.

SEC. 2. Neither the Department of State, nor any other Executive department or agency engaged in negotiations with the government of any Communist-controlled country for the construction of diplomatic or other official facilities in such countries, shall make any binding commitments on behalf of the United States in regard to such projects, or similar projects of such country in the United States, until a report such as is described in Section 1 shall be submitted to the Congress.

EMBASSY CONSTRUCTION IN EASTERN EUROPE

Mr. ROTH. Mr. President, as I mentioned on the floor of the Senate this morning, when we discuss intelligence matters, it makes little sense to talk of the Soviet Union. Rather, we should talk of the Warsaw Pact nations, because the intelligence services of those countries are thoroughly coordinated with and, on occasions, substitute for the KGB and the GRU.

Consequently, Mr. President, we must expect that whatever efforts were made to compromise the security of our Embassy in Moscow—and we now know that those efforts were legion—have also been made in Eastern Europe. If the KGB was willing to go to such great lengths to plant listening devices in our new Moscow Embassy, we should expect that it was equally firm in instructing its Eastern European surrogates to undertake similar efforts against our facilities in Warsaw Pact countries.

In this context, I must point out that the Senate Select Committee on Intelligence, in making its report on the security of the United States Embassy in Moscow asserted, "there is no doubt that similar efforts will be made to attack the six new Embassies now planned for construction in Eastern Europe. This suggests the real possibility that the United States will be placed in the same position with respect to these Embassies as it is in Moscow." (P. 11, recommendation 5, "Report on security at the United States Embassy in Moscow and other areas of high risk," Sept. 9, 1987.)

Mr. President, I do not believe that the Senate should contemplate such an unnecessary repetition of our disastrous Moscow experience. To prevent such a development, I have sent an amendment to the desk on behalf of myself and the Republican leader. This amendment calls for the halting of State Department construction in any Communist-controlled country until 30 days after the Congress has received a report from the Secretary of State including an evaluation of all security related factors which must be, and are being considered in the planning of such a project and how such problems are being addressed. This report by the Secretary of State must be approved by the Directors of the Central Intelligence Agency, Defense Intelligence Agency, and National Security Agency.

Similarly, the amendment precludes the State Department, or any other executive agency engaged in negotiations with a Communist-controlled country for the construction of diplomatic facilities in such countries from making any binding commitments on behalf of the United States until a report on the projected agreement, along the lines I have already outlined, has been submitted to the Congress.

Mr. President, this amendment has been designed to cause minimal disruption to the State Department's construction program, while insuring against the repetition of recent sad developments. I ask Members to view this amendment as a sensible, prudent move to assure us security in regions where it is so frequently threatened.

Mr. DOLE. Mr. President, I am pleased to join with the distinguished Senator from Delaware [Mr. ROTH] in offering this amendment. It is a straightforward piece of legislation, with two basic provisions.

NO CONSTRUCTION WITHOUT SECURITY GUARANTEES

First, it prohibits any further expenditure of funds for construction of diplomatic or official facilities in Communist countries—until the Congress receives a report that appropriate precautions have been taken, to insure that such construction can proceed without compromising the security of the facility.

It is obvious—from the debate in the Senate over recent months, and from some of the other amendments being offered to this bill—that there is still great concern about whether the State Department, acting solely on its own, will do everything that needs to be done to insure the security of these projects. As a result, we have built into this amendment a requirement that the report we are prescribing, although submitted by the Secretary of

State, would have to be approved as well by the CIA, DIA, and NSA—in other words, to insure that their national security-related responsibilities, experience and concerns are taken into account.

So that is the first provision—dealing with construction projects already decided on, where planning or construction are underway.

THINK FIRST, BEFORE YOU SIGN

The second provision concerns ongoing negotiations with Communist-controlled countries on future construction projects—whether they be our projects in their country; or their projects here. Basically, we require that the State Department, or whoever is negotiating on behalf of the United States, make no binding commitments until we are certain that appropriate weight has been given to security considerations. Again, we ask for that assurance through a report, which must be submitted prior to making any such commitments.

Let me stress: We do not intend to stop or disrupt ongoing negotiations. Often, pursuit of those negotiations—and the projects being negotiated—serves our national interest; including our national security interest. So the negotiations can go forward.

But when it gets to the stage of making firm commitments in those negotiations—when we say, for example: "OK, we'll let you build in location *X* in Washington, if you'll let us build in location *Y* in your capital"—when we get to the stage of making those kinds of deals, we want to see a report before the final deal is struck. We want to be sure the deal will not disadvantage us in security terms.

There is growing feeling, I think, that the Mt. Alto deal was a pig in the poke for the United States, in security terms. An unequal deal, which we should never have made in the first place.

This amendment says: No more Mt. Alto's. Let us think first, before we sign on the dotted line.

URGE PASSAGE

So, Mr. President, I think this is a clear amendment, which puts security high on the priority list of things to consider in new construction projects in Communist countries. That is how we ought to treat security—and that is why we should adopt this amendment.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Rhode Island.

Mr. PELL. Mr. President, on behalf of the Democratic side, we have had a chance to examine this amendment and think it is a good amendment. I am glad to agree to it and recommend its adoption.

Mr. ROTH. I thank the distinguished chairman of the Foreign Relations Committee.

Mr. President, I am ready to yield back my time.

The PRESIDING OFFICER. The Senator yields back his time.

Is all time yielded back?

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 893) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President——

(Disturbance in the gallery.)

The PRESIDING OFFICER. The Senator will suspend.

The Sergeant at Arms will restore order in the gallery.

The Senator will suspend. The time will not be used.

Mr. CHAFEE. Mr. President, I have 45 minutes, I believe, on my side, on this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 894

(Purpose: To amend the Immigration and Nationality Act to waive the continuous residence requirement under the legalization program for spouses and children of qualified legalized aliens)

Mr. CHAFEE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. PELL, Mr. MOYNIHAN, Mr. HEINZ, Mr. STAFFORD, Ms. MIKULSKI, Mr. CRANSTON, Mr. GORE, Mr. MATSUNAGA, Mr. SIMON, Mr. ADAMS, and Mr. MELCHER, proposes an amendment numbered 894.

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

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

The amendment is as follows:

At the end of the bill, add the following:

a. Section 245A(a)(2) of the Immigration and Nationality Act is amended by adding at the end thereof the following new subparagraph:

"(D) CONTINUOUS RESIDENCE NOT REQUIRED FOR SPOUSE AND CHILDREN OF QUALIFIED ALIENS.—Subparagraphs (A), (B), and (C) shall not apply to an alien who is the spouse or child of an individual otherwise qualifying for adjustment of status under this subsection"

Mr. CHAFEE. Mr. President, today, together with Senators PELL, MOYNIHAN, HEINZ, STAFFORD, MIKULSKI, CRANSTON, GORE, MATSUNAGA, SIMON, ADAMS, and MELCHER, I am offering an amendment to correct a serious flaw in the new immigration law—its failure to take into account the unity of families.

I would like to especially thank the distinguished senior Senator from Rhode Island for his help as a cosponsor of this amendment, and for allowing this measure to be considered as an amendment to the State Department bill.

The Immigration Reform and Control Act passed by Congress and signed into law last year was the product of years of debate and negotiation, and much compromise. Many believed that, given the strong feelings on every side of the issue, it would be impossible to write an immigration reform law that would gain enough support to pass Congress.

Thanks to the perseverance and leadership of Senator SIMPSON and others, we beat the odds by passing such a law. In general, I believe we did a good job. I supported the immigration bill in part because it contains tough new provisions to crack down on illegal immigration in the future. I would like to assure my colleagues that I would never support legislation that would open the floodgates to new immigration.

There was another important feature of the immigration bill that compelled me to support it: It treats long-time resident illegal aliens compassionately. The centerpiece of the law, the Amnesty Program, is based on the reality that there are many aliens who have made new lives for themselves in this country, who are already hard working Americans, and who should therefore be granted the benefits of legal residency.

Since the immigration law went into effect, however, many immigrants and people who work with immigrants have noticed a glaring deficiency in the Amnesty Program. In April, I held a conference in Rhode Island on the new law. At that meeting, a number of social service providers and clergymen asked, on behalf of the illegal aliens they counsel, "What is the INS going to do about family members who do not qualify for legalization? Will the new law result in the separation of families?"

At that time I assured them that, in devising the Amnesty Program, Congress did not mean for families to be separated. I advised Rhode Islanders concerned about the potential separation of families to wait for the Immigration and Naturalization Service to issue its final regulations, which were supposed to address the problem.

When the INS issued its final regulations on May 1 of this year, it failed to deal specifically with the problem of ineligible family members. In other words, the regulations do not tell INS officials how to treat a family in which one member or some members qualify for amnesty, while others do

not. INS field officers have been given broad discretion in this area, which leaves the entire problem unresolved. In my opinion this is not fair to the families concerned about separation. A family cannot be sure, for example, if the father's application for amnesty will result in the deportation of the mother.

Reports are coming in to suggest that the law is being applied stringently in some cities and leniently in others. Immigration experts and counselors here in Rhode Island tell me that the failure of the INS to confront the problem of ineligible family members has resulted in a climate of fear and uncertainty among undocumented aliens. Many who are eligible for legalization are not coming forward because of their fear that their ineligible spouses and children will be deported. In Rhode Island, only 750 of the estimated 5,000 eligible aliens have filed applications for amnesty, and I am told that the vast majority of those applicants are single individuals without children. The others would rather remain illegal and keep their families intact than risk being separated from them. I cannot say that I blame them.

For example, I know of a family in Central Falls, RI, that faces a painful decision. The mother entered the United States with her three small children before the cutoff date of January 1, 1982, and thus all four are eligible for legalization. The father, however, entered the country shortly after the cutoff date, and therefore is ineligible for amnesty. As the law now stands, there is a possibility that he will be deported and separated from his family.

Furthermore, even if he decides to remain with his family illegally, he will be unable to work because of the new law's strict prohibition against hiring illegals. How can we, in good conscience, place people in this position?

Mr. President, throughout the United States there are many similar cases. I believe that they offer an explanation—probably the main explanation—for the low level of activity in the Amnesty Program. INS offices have been receiving a trickle of applications rather than the flood that was expected. Many, many hard working, honest, immigrant families, fearful of deportation of one or more ineligible members, are choosing not to participate. The irony is that these are exactly the kinds of people the new law was meant to help. Rather than offering them a new beginning, as was our intention in passing the law, the Amnesty Program has given these eligible aliens more cause for confusion and anxiety.

Immigration officials and some Members of Congress argue that INS officials will use the flexibility of the regulations to avoid the separation of family members. That is encouraging to hear, but it is not enough for me.

I am also aware that some Senators who support family unity were hopeful that the problem could be worked out administratively. Several Senators have taken part in negotiations with the INS to arrive at a satisfactory family unity policy. Mr. President, these negotiations have been going on for months, and no agreement has yet been reached. How much longer are we going to wait for this problem to be resolved? The Legalization Program is more than half over. Action is urgently needed to protect the integrity of immigrant families and to convince aliens that they can come out of hiding, before the legalization program ends in May 1988, 7 months from now.

In recent months, I have received letters and petitions from thousands of constituents, asking that Congress correct this problem. These friends and neighbors of undocumented aliens insist that the law as it stands is, to quote one petition: "punitive to family life in our community." I agree with them that it is time for us to act and believe the only effective solution is legislation that will leave no doubt about the unity of immigrant families.

I want to make it clear that my amendment just deals with spouses and with children. It does not touch uncles or aunts or grandparents or nieces and nephews, just spouses and children.

My amendment will only assist individuals who already are in the country when the immigration law became effective.

What my amendment does is as follows: If a spouse or member of the family were here prior to the cutoff date of January 1, 1982, and the rest of the members of the family—and just spouses and children we are talking about—were here prior to the law becoming effective, then if that one individual in the family, we are usually talking of the father, were here satisfactorily and qualifies for this new status, then his children and his wife will likewise qualify.

The amendment I am offering today will allow spouses and children of eligible aliens to remain here legally with their families.

Since my amendment will only assist individuals who were already in this country when the immigration law was passed, it will not increase immigration levels whatsoever. Not a single new person will be able to enter the country and participate in the amnesty program.

This amendment would not be a drain on the taxpayers or the U.S. economy. At the time they achieve the status of legal residents, most newly legalized immigrants will not become eligible for public assistance. Since most aliens eligible for legal status already have jobs here, and since the new law contains strict sanctions against employers who hire illegal aliens, this amendment will not take work away from American citizens. In fact, many sectors of our economy, especially agriculture and the service industry, would welcome additional labor.

I believe that the family unit is sacred. No law or Federal program should threaten the integrity of the family, which is the foundation of American society. Our amendment is based on this principle. Let us help those immigrant families who now find themselves in the excruciating position of having to choose between family unity and citizenship: If they have family unity they do not get the citizenship on the one hand, or citizenship without family unity on the other hand.

I believe it is time for the Senate to act to keep families together.

We might get some objections to this and I suspect we will. The principal one will be the following: Why do these people, the illegal aliens who are members of the family, get special treatment when those who immigrate through the proper channels must wait a long time before their families can enter legally. That is a fair question.

Here we are giving an illegal alien who qualifies amnesty and his family as well, but as to a legal alien who came in and went through the routine steps his family could not come in.

The answer to this is as follows. We are already treating these illegal aliens differently by offering them amnesty. That is what the whole program is about. We have made a decision that we are going to give amnesty to those who are here illegally if they can prove it before January 1, 1982.

It is different from the legal immigrant who comes in and leaves his family behind. The legal immigrant has made a decision to leave his family behind. He has made that choice. But here we have an illegal alien and we set up an amnesty program for him. His children and spouse arrive. They are in the country, just after perhaps the cutoff date, but they are here. They have been here in many instances 3 or 4 years, or 5 years perhaps, and we are saying, "No, we are breaking up this family," and I just do not think that is what we want.

Some will also say, well, we do not need binding legislation; let us work this out administratively.

I have already said the INS in some places treats this rather leniently and in others they do not. So let them work it out administratively.

The answer to that is they have not, and how much longer are we going to wait.

This legislation, I believe, is critical if we are going to have this whole program succeed and if we are going to treat a family the way I believe it ought to be treated to keep it together.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has reserved the remainder of his time.

Who yields time?

Mr. CHAFEE. I yield 6 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 6 minutes.

Mr. MOYNIHAN. Mr. President, I rise in fervent support of the thoughtful and necessary amendment which the distinguished Senator from Rhode Island has offered and, as he indicated earlier, there are many of us who join him in the measure.

It is particularly appropriate that this measure should be offered on the State Department Authorization Act.

Mr. President, I ask the fellow Senator how much of our efforts in the world with other nations is involved with this question of family reunification?

Our Secretary of State and our Ambassadors travel the world, speaking in this capital and that capital, to the elemental issue of good conduct by governments toward families who have been separated and ask to be reunited.

In so many states—for example, the Soviet Union—this is a question of government policy not to do, or to do very rarely, and after extensive negotiating. This is a principle which is offensive to the good opinion of mankind, and surely fails to meet that standard of conduct to which we so often refer.

If we are going to make representations abroad on behalf of that elemental standard, surely we ought to meet it ourselves, here.

I make the point, Mr. President, and it may not always be remembered, that most immigration follows a pattern which historians have called "chain migration." First one person comes to our country, settles somewhere, and sends for a relative. Then that relative sends for yet another relative, and the result is that it is very common for groups of people to be found from one part of Sweden, Ireland, Germany, or Mexico, all in one particular place.

Permit me to explain a case in point. When my grandfather Jack left the County Kerry, he went straight to Jamestown, NY. Why? Because an uncle had done that before him and consequently there was a place where he had connections and could be settled until he found work.

As a matter of fact, I might say to the Senator from Rhode Island, and I am sure it is his experience, that many of the cases that we are coming upon in our part of the world right now involve Irish migration. This was the first great migration to this country, and as it has resumed in considerable part, the Irish are having to separate their families once again.

It seems to me that the same spirit of amnesty that motivated to pass the Immigration Reform and Control Act last October should be extended, to not a large number of persons, but for a large principle. And there is a large principle involved here. If our Secretary of State is to raise issues of family reunification with the heads of Communist governments and other such, he ought to do so in the knowledge that his own government is sensible in such matters, and pursues them here on the Senate floor where laws can be passed and matters resolved directly.

I urge the adoption of this amendment, Mr. President, and I thank the distinguished Senator for allowing me time to speak.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from New York.

At this time, Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the American Jewish Committee in support of this amendment and also writing on behalf of the following organizations who also support the amendment: American Civil Liberties Union; American Council for Nationalities Service; American Immigration Lawyers Association; AFL-CIO; Association of Farmworker Opportunity Programs; Friends Committee on National Legislation; International Ladies' Garment Workers' Union, AFL-CIO; League of United Latin American Citizens; Lutheran Immigration and Refugee Service; Mexican American Legal Defense and Educational Fund; National Association of Latino Elected and Appointed Officials; National Coalition for Haitian Refugees; National Council of La Raza; National Urban League; and the United States Catholic Conference, Migration and Refugee Services.

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

INSTITUTE OF HUMAN RELATIONS,
New York, NY, October 5, 1987.

DEAR SENATOR: We are writing in support of an amendment to be offered by Senator John Chafee (R-RI) to the Department of State Authorization bill. The amendment, known as the Humanitarian Family Unity Act (S. 1408), would prevent the deportation of family members of persons eligible for legalization under the Immigration Reform and Control Act.

The separation of families of legalization applicants remains an unresolved issue of critical importance to the success of the legalization program. Under current law ineligible family members of persons who qualify for legalization can be deported. This frightening prospect has persuaded many qualified persons not to apply for legalization.

Thus far, the Immigration Service has rejected appeals from members of Congress as well as members of the general public to issue clear guidelines ensuring that spouses and children of qualified applicants would not be deported.

The undersigned organizations are committed to the success of the legalization program. We believe that a clear, positive national policy is needed to ensure that spouses and children of eligible applicants will not be deported and will be authorized to work. Senator Chafee's amendment would establish such a clear policy by waiving the continuous residency requirement for the spouses and children of qualified legalization applicants.

We urge your support for Senator Chafee's amendment. Thank you for your consideration of these views.

Sincerely,

American Jewish Committee; American Civil Liberties Union; American Council for Nationalities Service; American Immigration Lawyers Association, AFL-CIO; Association of Farmworker Opportunity Programs; Friends Committee on National Legislation; International Ladies' Garment Workers' Union, AFL-CIO.

League of United Latin American Citizens; Lutheran Immigration and Refugee Service; Mexican American Legal Defense and Educational Fund; National Association of Latino Elected and Appointed Officials; National Coalition for Haitian Refugees; National Council of La Raza; National Urban League; United States Catholic Conference, Migration & Refugee Services.

Mr. CHAFEE. Mr. President, I also ask unanimous consent that two additional letters, one from the American Bar Association in support of this amendment, and another from the United States Catholic Conference, in which the Monsignor Daniel F. Hoye, general secretary, writes the following:

The United States Catholic Conference (USCC) strongly endorses the initiative of Senators Chafee, Pell, Moynihan, Heinz, Cranston, Stafford, Mikulski, Gore, Matsunaga, Melcher, and Kennedy, which addresses the threat of family separation that may otherwise result from the legalization provisions of the Immigration Reform and Control Act of 1986 (IRCA). * * *

I hope that you will be able to support this fundamental humanitarian principle.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, October 6, 1987.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Affairs, U.S. Senate, Washington, DC.
and
Hon. JOHN H. CHAFEE,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN PELL AND SENATOR CHAFEE: On behalf of the American Bar Association, we are writing to urge support for the provisions of the proposed Humanitarian Family Unity Act, S. 1408, which we understand you will offer as an amendment to the De-

partment of State authorization bill, S. 1394.

Only one year ago, Congress passed a generous legalization program which the American Bar Association enthusiastically endorsed. However, during the program's first five months, it has become increasingly apparent that the effective implementation of the program is endangered because the statute fails to protect from deportation the spouses and minor children of legalized aliens whose continuous residence cannot be proven or who arrived after the January 1, 1982 cut-off date.

For many persons who are eligible for legalization, the new law forces a cruel choice between remaining lawfully in the United States while sending away ineligible family members, most often minor children, or foregoing this once-in-a-lifetime opportunity rather than endure the trauma of family separation. The third, equally unsatisfactory option is for eligible persons to apply without resolving the status of their ineligible family members, who would remain outside the scope and protection of our law.

The success of this one-time legalization program rests upon maximum participation by the eligible population. Conversely, the absence of a national policy which assures that family members will not be deported currently deters the participation of eligible individuals. Your amendment would establish a clear and humane national policy to unite families, rather than to divide them.

On behalf of the American Bar Association, I commend you for proposing this amendment and urge your colleagues to support it.

Sincerely,

ROBERT D. EVANS.

UNITED STATES CATHOLIC CONFERENCE,
Washington, DC, October 6, 1987.

DEAR MEMBER OF CONGRESS: The United States Catholic Conference (USCC) strongly endorses the initiative of Senators Chafee, Pell, Moynihan, Heinz, Cranston, Stafford, Mikulski, Gore, Matsunaga, Melcher, and Kennedy, which addresses the threat of family separation that may otherwise result from the legalization provisions of the Immigration Reform and Control Act of 1986 (IRCA).

We strongly urge you to support the amendment to the Department of State Authorization Bill (S. 1408), the Humanitarian Family Unity Act of 1987. This Bill would amend the Immigration and Nationality Act to "waive the continuous residence requirement under the legalization program for spouses and children of qualified aliens." The Bill addresses an issue of paramount importance to the National Conference of Catholic Bishops (NCCB). As Archbishop John L. May, President of NCCB/USCC, wrote to President Reagan on May 4th of this year, the U.S. Catholic Bishops have been deeply concerned about IRCA confronting aliens with a "cruel" dilemma. This dilemma forces some aliens who would otherwise qualify for legalization to choose between the threat of family separation (if they have non-qualifying nuclear family members) and "continuing existence in the shadows of illegal status" to protect their family.

The degree to which this has and will continue to happen is not at issue here. What is important is to recognize that in the absence of a clear and uniform national policy on this issue, the perception that applying for legalization in some case threatens family unity is persisting. This amendment, S. 1408, addresses that problem by providing a clear policy to assuage the fears of those who are confronting this dilemma.

Support for the Humanitarian Family Unity Act of 1987 conforms with the fundamental principle of the sanctity of family unity—a principle enshrined in U.S. immigration law and a clear derivative principle in customary international law.

I hope that you will be able to support this fundamental humanitarian principle.

Sincerely,

REV. MSGR. DANIEL F. HOYE,
General Secretary.

Mr. CHAFEE. Mr. President, I also wish to make the following points to show how the system is not functioning to the degree that was expected, because the number of applicants under the amnesty program is nowhere near expected. And there is good reason to believe it is because of this family separation provision.

The Eastern Regional Processing Office was geared up for a capacity of 312,000 legaiization applications by September 30, a week ago. It did not receive 312,000 applications. It received 61,000, one-fifth.

The northern processing office was geared for a capacity of 338,000. It received 81,000, about one-fourth.

The southern office was expecting 431,000 applications. It received not 431,000, it received 189,000.

The western processing office received the largest percentage of those anticipated, but still not what they expected. They expected 640,000 applications. Instead they received 450,000, about two-thirds.

In other words, they were ready for 1,700,000 by September 30. Instead of 1,700,000, they received 783,000, less than half of what was expected.

Mr. President, I also ask unanimous consent to have printed in the RECORD an article from the Wyoming Star Tribune of September 8, 1987, in which they state in Wyoming that about 100 illegal aliens in the State applied for amnesty.

Only about 100 of Wyoming's suspected 2,000 illegal aliens have applied for amnesty under the 1986 Immigration Reform and Control Act.

There is lingering distrust in the INS and there are various suggestions of why that was as it was.

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

[From the Wyoming Star Tribune, Sept. 8, 1987]

ABOUT 100 ILLEGAL ALIENS IN STATE APPLY FOR AMNESTY, OFFICIAL SAYS

(By Daniel Wiseman)

CASPER.—Only about 100 of Wyoming's suspected 2,000 illegal aliens have applied for amnesty under the 1986 Immigration Reform and Control Act, an Immigration and Naturalization Service official says.

Fear of the INS and the legalization process may be responsible for the low turnout, volunteers assisting the aliens suggest.

Jim Knight, INS legalization officer for the Denver district, which includes Wyoming, said last week that "everybody now knows about the new immigration law." Most may be delaying application since the deadline is not until May, he said.

But officials with the Wyoming Ecumenical Legalization Project, a volunteer group approved by the U.S. Attorney General to assist aliens in applying for amnesty, disagree.

Lingering distrust of the INS, the agency responsible for the deportation of illegal aliens, still exists among aliens, said Tony Padilla, manager of the ecumenical office in Green River.

Gale Peterson, the manager in the legalization project's Casper office, said that aliens fear the INS will split up the families of illegals whose members all do not meet amnesty requirements even though the INS has indicated it will not.

Other illegals believe they will not meet the requirements for amnesty and do not apply, Padilla said.

More applications to the INS should be forthcoming because the legalization project in Wyoming is screening about 300 more illegals, Peterson noted.

Also, applying for amnesty is complicated and expensive, Peterson said. A great deal of documentation is required and the application process can cost more than $400, he said.

Padilla said he believes the great majority of aliens who so far have applied for amnesty did so with outside help.

The legalization project charges $50 a person to process an application and the INS charges another $185, Padilla said. He added there also can be fees for medical exams, photos and travel.

Knight said the INS has not received any reports of unscrupulous operators in Wyoming offering assistance to aliens in the application process—possibly resulting in the fleecing of illegals.

But Padilla said he had heard of illegals in Wyoming paying as much as $30 for free application forms. Peterson, however, said such abuses are not widespread in the state.

The INS will be in Casper and Worland later this month to handle legalization requests from illegal aliens. This will be the third trip to Wyoming for INS officials who previously visited the state this year in June and August.

An INS team will be at the Worland Municipal Airport from 8 a.m. to 4 p.m. Sept. 22 and 8 a.m. to 2 p.m. Sept. 23, and in Casper at the Wyoming Wool Growers Building, 811 N. Glenn Rd., 8 a.m. to 4 p.m. Sept. 24-25.

At the sessions, the INS will schedule interviews for aliens and accept additional applications for amnesty as well as special agricultural field-worker permits.

All those who apply for amnesty are given a temporary employment card.

The drive to give amnesty to aliens began four months ago, and since then Knight said the INS has received 90 applications for amnesty and 11 for special fieldworker permits in Wyoming.

Regionally, Knight said the INS estimates that between 10,000 and 25,000 illegal aliens live in the three-state Denver district of Wyoming, Colorado and Utah. To date in the three states, 6,000 people have applied for amnesty—which protects aliens from prosecution for entering the country illegally—and another 7,000 applications have been requested, Knight said.

All information given to the INS is kept confidential, he said.

To qualify for amnesty, Knight said a person must have lived in the country continuously before 1982.

There are two kinds of special agricultural permits that can be awarded, Knight said. One, for those who have more work experience, puts a person on a faster track to receiving a permanent residency card and subsequent citizenship.

Aliens wanting to file for legal status must meet a number of requirements, according to the new immigration law.

In addition to meeting certain residency requirements, applicants must submit proof of identity, results of a medical examination by an INS-approved doctor, be fingerprinted and show proof of financial responsibility.

The financial requirement is to avoid accepting anyone who might become a burden to public assistance programs, the law says.

An applicant with more than three misdemeanors or one felony conviction also can be disqualified.

After an application is filed, INS personnel will conduct an interview and decide whether to recommend temporary residency to the regional office. Temporary residency usually is granted within six months of the interview, and permanent residency another 12 months after that, Knight said.

An alien can apply for citizenship after living in the country for five years.

As for another section of the new immigration law that creates civil penalties for employers who hired illegals after Nov. 6, 1986, Knight said there have been no citations issued for violations in Wyoming.

Knight also said that through June 1988, only citations will be issued to employers who violate the law. After that he said, employers could receive even more stringent penalties.

Mr. CHAFEE. So throughout the Nation we are seeing that these applicants, potential applicants for amnesty, are not coming forward. I believe that one of the reasons, not the sole reason, but one of the principal reasons—and I base this not on JOHN CHAFEE sitting here in the U.S. Senate somehow feeling the pulse of the Nation, but instead I base it upon contacts that I have had with those in my home State who are deeply familiar with this, plus others across the country who have suggested that one of the principal reasons is the fear for one's family. The fear that the individual will qualify, he will come forward, make the application, and his family will not qualify. Indeed, even though it is not meant to occur, even though on the application record, where one sets forth that he has a family and children in the country, that is not meant to result in punitive action, but it does, and it has resulted that the families are punished.

So once that happens—and I think we all know there is a network amongst the illegal aliens; it goes like wildfire; word travels how they are treated—once that happens, and it has happened in my State that a person came forward, applied, and there was retribution against his illegal alien children and his wife, who did not qualify, then nobody else is going to come forth and take a chance. That, I believe, is one of the principal reasons for the low application rate that I stated.

Mr. President, I reserve the balance of my time.

Mr. SIMPSON. I yield to the Senator from California.

The PRESIDING OFFICER. If the Senator has not sought recognition, the time is controlled by the Senator from Rhode Island and the Senator from Wyoming at this moment.

Mr. SIMPSON. Mr. President, I would inquire of the Senator from California if his request is to participate in this debate?

Mr. CRANSTON. I would like to speak very briefly on behalf of the Chafee amendment.

Mr. CHAFEE. Mr. President, I yield 6 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 6 minutes.

PRESERVING FAMILY UNITY UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Mr. CRANSTON. Mr. President, I rise in support of Senator CHAFEE's amendment to H.R. 1777 which would waive the continuous residency requirement for the spouse and children of a qualified applicant for legalization under the Immigration Reform and Control Act [IRCA] of 1986. The objective of Senator CHAFEE's amendment is similar to that of my resolution, Senate Joint Resolution 131, which I introduced on May 19, 1987. Senate Joint Resolution 131 urged the Immigration and Naturalization Service [INS] to adopt a uniform national policy to provide relief from deportation for ineligible family members, and work authorization where appropriate, to assure family unity. Although INS' regulations implementing IRCA clarify that INS district directors have authority to exercise their discretion to prevent their deportation of ineligible family members where there is a humanitarian need, a legislative solution to this problem appears necessary in order to obtain a uniform national policy.

Mr. President, the day after I introduced my resolution I, along with my colleagues from California, Representatives ROYBAL, BERMAN, and TORRES, met with Commissioner Nelson to express our concern regarding this issue and the need for an INS national policy on family unity. At the conclusion of the meeting, Commissioner Nelson agreed to draft a policy on family unity and to bring that policy to a follow-up meeting with myself and the California Congressmen within a week's time.

Well, Mr. President, it has not been over 4 months since that meeting with Commissioner Nelson and he has not established a uniform national policy on family unity. During this 4-month period, a member of my staff has regularly contacted Commissioner Nelson's office to schedule a follow-up meeting but has been given a variety of excuses why Commissioner Nelson is not ready to meet with me and other concerned Congressmen. Just yesterday I was informed that there is a letter in the mail to me from INS indicating that they are in the process of drafting a family unity policy. From my perspective, Mr. President, INS' 11th hour statement of intent to address this issue is too little, too late.

Clearly, Mr. President, Commissioner Nelson's hesitancy to address this issue calls for expedited congressional action. I continue to receive reports from California social service agencies and church groups providing assistance to undocumented persons who may qualify for legalization that the lack of a uniform national policy on family unity is deterring individuals from completing the application process. Since the 1-year application period is nearly half over, and since the expected number of applications have not been filed, we must do everything we can to assure that the lack of a national policy on family unity does not ultimately undermine the legalization program.

FAILURE TO ACT ON FAMILY UNITY ISSUE CONFLICTS WITH THE REAGAN ADMINISTRATION'S EXECUTIVE ORDER ON THE FAMILY

Moreover, Mr. President, INS' failure to establish a uniform national policy on family unity contradicts President Reagan's recently issued Executive order on "the family." That order directs executive departments and agencies, when formulating and implementing policies and regulations that "may have a significant impact on family formation, maintenance, and general well-being," to consider whether such action will "enhance family well-being." The objective of the Executive order, Mr. President, is to require that policies developed by executive departments and agencies "strengthen the institutions of marriage and family in America."

The issuance of this Executive order highlights the unreasonableness of INS' delay in establishing a uniform national policy on family unity. Because INS is clearly out of step with the Reagan administration's policy in this area, and clearly out of touch with the real predicament that many applicants for legalization find themselves in, we must take action today.

CONCLUSION

Finally, Mr. President, we must not forget the purposes for which we included the legalization program in the Immigration Reform and Control Act of 1986. If this program is undermined due to the lack of a national policy assuring family unity in the legalization process, we will continue to have problems such as the straining of INS's limited resources for internal enforcement purposes, the existence of an ex-

ploitable subclass of undocumented persons, and the unavailability of an adequate legal work force for employers. In short, Mr. President, our attempt to immigration reform will amount to no reform at all, and we will continue to face the social, legal, and economic problems which have plagued us in the past.

A better approach is to make sure that all necessary steps are taken to assure the success of the one-time legalization program. For this reason, I am a cosponsor of Senator CHAFEE's bill, S. 1408, and I strongly support this amendment. I hope that all Senators who profess to care about strengthening and supporting families will join us in this truly pro-family effort.

Mr. KENNEDY. Mr. President, I strongly support this important initiative on the part of Senator CHAFEE, Senator PELL, Senator MIKULSKI, and others. As they know, for many weeks I have pressed the administration, on the issue of family unity in the legalization program, to use readily available authorities to permit immediate relatives of legalized aliens to remain with their families. This has been a key topic in the oversight hearings conducted in the subcommittee on Immigration and Refugee Affairs, and one which I have addressed, as chairman of the subcommittee, in correspondence with the Commissioner of the Immigration and Naturalization Service.

While I believe we've made some progress with the Immigration Service on this question—and a policy directive on this issue from that agency may be forthcoming—I also share the frustration of the sponsors of this amendment. We stand now, nearly 6 months and almost 1 million legalization applications into the legalization program, and this important question has still not been resolved. It makes absolutely no sense that an administration which purports to represent family values will not utilize the authorities under existing law to keep spouses and their children together.

Our subcommittee staff has met with immigration officials around the country in order to assess the implementation of the Immigration Reform and Control Act of 1986. And I think it's interesting to note that they have found a strong desire on the part of the immigration officers in the field to deal humanely with this problem. I am convinced these officers do not want to systematically deport the spouses and children of newly legalized persons. In the absence of an official policy in this area, their cases are simply going to be placed on the bottom of the enforcement heap.

But, Mr. President, this approach does not address the anxiety faced by these family members, who must daily seek to avoid contact with the authorities.

On a recent site visit by our subcommittee staff, they encountered a Central American family in which the husband, wife, and two of their children had qualified for legalization. However, two other minor children came to the United States after the January 1, 1982, eligibility cut-off date. The immigration officers accepted the application for the eligible spouses and children. But the two ineligible minor children were simply turned away until an official directive was issued.

Obviously, we're not going to deport these children. They will eventually qualify for immigrant visas in any case as their legalized family members obtain permanent resident status and, later, citizenship. I think it's appropriate, therefore, for us to take the modest step of relieving uncertainties which exist by passing the pending amendment.

Mr. President, I ask that a letter on this question which I sent to Alan Nelson, Commissioner of the Immigration and Naturalization Service, be included at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 17, 1987.

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

DEAR COMMISSIONER NELSON: Over the past several weeks since the beginning of the legalization program, our Subcommittee staff has visited a number of the INS District as well as Legalization Offices around the country and also with many of the community groups—Qualified Designated Entities—assisting in the program. They have been uniformly impressed with the level of dedication exhibited by all those involved in the effort, both within INS and the voluntary agencies. I would like to relay to you some observations we have developed from these visits and reports from the field, which I think require immediate attention and on which I am prepared to take action.

First, it is apparent from the staff visits that additional resources are needed to augment key aspects of the legalization program. I am pleased with current levels of participation in the program, with now over a quarter million applications pending at INS. In addition, various voluntary agencies report hundreds of thousands of pre-registrants. But this rising volume cases is placing tremendous demands on even the most competent voluntary agencies, who are struggling to maintain pace with new and untrained staff. For example, in Los Angeles alone the Catholic Church reports over 350,000 pre-registrants.

Visits by my staff suggest that a failure to provide additional resources to cope with these problems may in the end cause participation to fall short, and many who might have qualified for legalization won't.

I want, therefore, to explore with you your willingness to devote additional funds to two areas.

1. Training. It is understandable that a significant proportion of the staff in community groups and the INS have little or no experience in this kind of complex immigration processing. The need for methodical training is evident. We have met a number of persons within the voluntary agency community with impressive credentials in this area who would be valuable trainers for both Q.D.E. and INS staff. But usually the voluntary agencies cannot afford to permit these persons to train than those within their own specific agency. I think it in the best interest of the program that INS establish a continuing legalization training program in which the Service would encourage certain voluntary agencies to make available their most competent and experienced staff and for which the Service would fund the full cost.

2. Additional funding for qualified designated entities. It is apparent that the task of completing even the most routine legalization application is far more labor-intensive than expected, usually consuming 4-5 hours of counseling over serveral different visits. We found this to be confirmed by INS staff who have taken the time to counsel applicants from start to finish, as all Q.D.E.'s must do in each case. I think it is important to recognize this fact now, and to provide an increase in the very modest grant already made available to Q.D.E.'s on a per capita basis. An increase of only $10 to be used at the community level would enable participating local groups to hire the additional staff needed to sort through and verify documents, provide rudimentary counseling, and more—all tasks which would greatly enhance participation in the program.

Second, mid-course corrections in field guidance are required in two areas.

1. Family unity. I raised with you during our oversight hearing the need to deal with the problem of nuclear families in which not all members may qualify for legalization. Your May 1 regulations for the legalization program note appropriately that authorities exist currently to permit District Directors on a case-by-case basis to exercise discretion in providing a legal status to family members not qualifying for legalization. Subsequently, you and your staff have indicated a willingness to clarify this issue further in cooperation with the Subcommittee, a process which I support in lieu of legislation in this area. Furthermore, field visits with various District Directors and Legalization Directors suggest that they too are expecting further guidance in this area, and are anxious to deal humanely with this problem.

I think the time has come to develop such an administrative clarification over the next several days, and my staff is available to work with you on this at any time.

2. Documentary standards. I have commended you in the past for the appropriately flexible list of possible documents suggested in the May 1 regulations to prove eligibility for legalization. We have witnessed this same flexibility in various Legalization Offices as well. However, what is lacking at this point is a standard—further guidance, if you will—governing the use of documents. Both INS and voluntary agency officials are uncertain to what extent documentation is required, or at least preferred. I, like you, reject the notion that rigid documentary guidelines are required. But I do think further guidance can be issued without sacrificing the paramount need for flexibility.

You and your colleagues are to be commended for your efforts thus far. We will

continue to observe the implementation of the Immigration Reform and Control Act and share with you our observations from the field. I assure you of my desire to work with you and the voluntary agencies to ensure the smoothest possible implementation of the new law. If additional appropriations, or legislative ear-marking, is necessary, I am prepared to raise the issue with the Appropriations Committee, as I have already done.

Again, many thanks for your consideration, and best wishes.

Sincerely,

EDWARD M. KENNEDY,
Chairman.

The PRESIDING OFFICER. The Senator yielded back the remainder of his time. Who yields time? If neither side yields time, the time will run and will be equally divided.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, that is the fastest 6 minutes the Senator from California has ever used in this Chamber. He was very swift.

The PRESIDING OFFICER. The Senator was prompt.

Mr. SIMPSON. When he says 6 minutes, I usually count on 7 or 8. I am glad I have returned to the Chamber and I appreciated hearing the comments. Thank you, also, my friend from Rhode Island, for protecting the floor.

I understand the time ran equally in that brief few seconds.

Well, here I am again on this day. I spoke against the amendment of Senator HATFIELD and I think mostly for the record, because the vote on that was quite concise. This one I hope will be even more for the record and that people will listen to the position of those who do not support this amendment.

Senator CHAFEE and Senator MOYNIHAN, who have both spoken, could not have been more consistent supporters of the issue of doing things with illegal immigration reform—when we were dealing with illegal immigration and the Immigration Refugee Act.

Throughout the long course of that, Senator CHAFEE and Senator MOYNIHAN were very supportive, consistently so, and very helpful.

We even finally made a convert out of the Senator from California, late in the last session, when we dealt with the issue. He, too, supported the legislation. But let me just review this briefly, as to where we are, because it is one of those issues that will also be filled up with emotion and guilt, and that is the way it is. That is what I have learned that I must deal with in these issues.

Emotion, fear, guilt, and racism are the four things that flock to this particular issue. They always will.

It is important, I think, whether we are for or against, that at least we assess what it is we are doing and try to keep some semblance of perhaps a thread of common sense and reason. I hope so. That is not to say that these arguments are presented in any way which is not terribly authentic and appropriate—they are.

This amendment, if you look at it, it simply excises three paragraphs from Public Law 99-603, signed November 6, 1986. That, to me, needs attention. The amendment disturbs me because it destroys the delicate balance of the recently passed immigration reform legislation which so many assisted with here.

We have already debated the issue of legalization. Legalization, amnesty—that is also the word. It always stunned people. They did not like amnesty. People in America do not like amnesty. They were able to take it and embody it in the legislation, even though they did not like it.

I remember the arguments throughout the years were: How can you possibly reward people who are here illegally and give them a legal status—not citizenship for we were never giving anybody citizenship—we were giving them temporary resident alien status or permanent residence alien status; and how can you do that when millions of people are standing in line under our legal immigration system and they cannot come in? It is a good question.

I said, well, you know, there is a reason why we are doing it. We are going to remove a fearful subculture of human beings who are afraid to go to the cops, afraid to go to the hospital, afraid to go to their employer, certainly. So we gave amnesty and I fought hard for that.

The amnesty provision only passed the U.S. House of Representatives by seven votes. Legalization was nearly stricken from the bill by a seven-vote margin in the U.S. House of Representatives. It was tough over here to pass. So it is the least popular part of the bill.

Not only are you reopening it, but what this is actually a second amnesty. I want every one to realize what this is. It is a second amnesty.

We have debated the issue of legalization of illegal aliens. Congress decided that those aliens who had lived here continuously since January 1, 1982, or before should be allowed to receive a legal status.

The Senate Judiciary Committee reported on this bill and stated very clearly how nonqualifying family members of illegal aliens should be treated. This was agreed to by the U.S. Senate and I might add that there was never a shred of partisanship in the immigration reform legislation. I must share with my colleagues—not a shred. That was just an extraordinary series of allies and detractors from all over the political spectrum. But it said:

It is the intent of the committee that the families of legalized aliens will obtain no special petitioning rights by virtue of the legalization. They will be required to "wait in line" in the same manner as immediate family members of other new resident aliens.

That was the report of the U.S. Senate. That is the language of the report.

As I say, the amendment is thus an attempt at a second amnesty. All of us as sponsors, those who worked on the bill through those years, promised during the immigration bill's consideration in the last 6 years that legalization would be a one-time only program. We all remember that? "This is it. It is one shot. You come forward and you have a year to do it. One time only."

We intend to keep that promise to those Members who voted on this legislation despite having real, serious reservations about a legalization program. I think there are probably, and this is perhaps unfortunate, but there are probably as many people in Congress today who want to narrow and pinch up the legalization program as there are those who wish to broaden it. This, surely, broadens it.

We have already grappled with and anguished over the legalization issue and conclusively decided it. As I say, it was tough: by only seven votes in the House. I do hope my colleagues are listening, and it is tough as we all do so much around this fascinating arena. The cruel irony of this amendment, and it is very real, is that it will treat illegal, undocumented immigrants more generously than we treat legal immigrants in the United States. I think everyone should be aware of that.

It is all right if you do that. Just know what we are doing. It treats illegal immigrants better and more generously than it treats legal immigrants.

Under our present legal immigration system a new permanent resident alien who does not enter with his immediate family members has to apply through the preference system for his entire family to immigrate. That is the present law.

In such cases there is a wait for 16 months for the nationals of most countries and longer waits in countries of high visa demand: Mexico, Philippines, some other Asian countries—which can be 6, 8, or even 10 years. I am talking now about legal immigration, not illegal immigration.

As the newly legalized aliens receive permanent resident alien status, then they may apply for the admission of their family members in the same manner that legal immigrants or residents do now. I think that is very important to remember.

First they go into temporary resident alien status, 18 months under this legalization, under the new bill. Then, 5 years of permanent resident alien status; and then into naturalization or citizenship if they wish. They

need never come into that if they do not want to. Many choose not to.

Of Mexican nationals in the United States who have permanent resident alien status, only about 14 or 16 percent of them ever go on to citizenship. They choose to keep the dual status: permanent resident alien here; citizenship there. There is nothing wrong with that. That is the way we do it.

Many Americans objected to the original legalization and they said it was going to law breakers. How then could that be done? It rewarded law breakers while penalizing those waiting patiently in line to immigrate legally.

While I and others opposed those arguments, and I surely did, I believe that this amendment so plainly reopens those painful arguments that the public is unlikely to see it in its best light. Without adequate public support, always, any immigration policy is doomed. I fear we are actually undercutting exactly that support by adopting this amendment which gives more favorable treatment to illegals than it does to legals.

Here is the point. There have been claims that the legalization provisions are breaking up families. I have heard some very passionate remarks about families on this issue—or that we are deterring applicants for legalization. That somehow this factor alone is keeping people from coming forward.

I think that is highly unsubstantiated and exaggerated and just not so.

The illegal alien families are the ones who previously chose voluntarily to break up their own families. That is an unfortunate statement, but it is a true statement. And they did it for the best of reasons, to seek a job. But they knew when they came here they were coming illegally. So the illegal alien families were the ones who chose this themselves, to "break up their families." The United States of America did not do it, the immigration bill did not do it, they did it. They made their choice.

Had they all migrated to the United States together—and that could have been done; many had done that—they would all then qualify for the legalization program together. I want everyone to be aware that that is the reality.

There is much anecdotal commentary here and there will always be those terribly painful situations of this person, that family, and that is not the way that law was to be, but thank Heavens we always try to respond to that. But there is no hard evidence that the family unity issue is deterring substantial numbers of aliens who apply for legalization. It is just not there.

In fact, let me ensure my colleagues that the legalization program is proceeding quite smoothly.

There have been—and you must hear this if you are going to embrace the fullest sense of it—there have been now 800,000 applicants for amnesty legalization under the bill. That is an extraordinary number; 662,000 of them were general legalization; 138,000 came in for what we call the special agricultural worker program, the SAW Program. We appear to be well on course toward the 2 million applications by the end of the statutory period, slightly more than the Congress had anticipated.

There were some people who said there were 12 million illegals in the United States. There were people who said there could not be any more than 2 million in the entire United States. The true irony is that most of the organizations who signed the letter that Senator CHAFEE put into the RECORD were among those who said there were never more than 2 million illegal people in the entire United States. I could go through that list in individual ways and show you that during the course of the entire debate they said, "Wait a minute. This is all balled up. It is all distorted. There are just not over 2 million illegal people in the whole United States." Now they say after almost half that number have come forward in these 5 months that they are being deterred?

Those are the people who signed the letter which has gone into the RECORD. That is, I think, a rather extraordinary irony when they say that this bill, itself, is a deterrent to the legalization program.

I think there really is little room in this debate for the position that somehow this alone is the singular factor deterring legalization. That is not so. Nothing we have shows that. In fact, it is not justified.

I wish to point out how certainly broad this amendment is under this proposal. If you follow this, a family member of a formerly illegal alien who enters the United States illegally 1 day before the President signed the bill would be granted the same status that is being given to someone who has lived here illegally for 5 years. That is what this amendment does, without any question.

The new immigration law recognized certain equities. We talked about equities that long-term illegal residents have established in this country. No such equities have been established by someone who came to this country last November. That is not the way equities are calculated.

Another aspect of how broad is this amendment, another case, is an illegal alien family member who spent 4 years, 11 months, 15 days, who chose to be separated voluntarily in the United States may choose to have legal status based on their having been here illegally this past 11 months.

Earlier this year we saw an effort by some organizations to weaken the employer sanction provisions in the new law. There were some good reasons presented as to timing and the delivery of the I-9 form to the employers and that type of thing. I think we handled those well. We handled things about temporary workers in agriculture. I think we handled that well. Now we see an effort to broaden the other key aspect of immigration reform, legalization.

In both cases, I would point out that the special interest groups supporting both of these adjustments to the bill were among the most historic and persistent opponents to the entire illegal immigration reform movement. With one or two exceptions from the organizations on that list they whomped on this bill from dusk to daylight and daylight to dusk.

I think you want to keep that in perspective. There was no way I could ever satisfy them. I had them in every hearing I held. Sometimes they did not want to come and I said, "Show up. I want to be sure you are there because I do not want it ever said that you were not treated fairly."

So, if you look at that list, you find these historic opponents of the entire package that are listed right there. At least, I think my colleagues can now better understand why it took 6 years to pass the bill. I have never seen the extraordinary array or panoply of resistance by people who had the most narrow of interest and tried still to say that it was being done for the Nation's good.

Satisfied or not, they are back, and they are a very vocal, special-interest array of groups who just cannot accept the fact that Congress passed an Illegal Immigration Reform and Control Act last year, and passed judgment on it just last year in October.

While I know that my colleagues who sponsor these amendments have very different and clear motivations, I caution everyone to view with care the endorsement of this long laundry list of groups. How did those groups stand on the final passage of this legislation last year? I think the best way to describe it was that I was standing and they were the firing squad. Their position, their long antipathy toward the bill is nothing new, nothing fresh, nothing to be added to the debate. A majority of the House and Senate voted in favor of this legislation last year and the President signed it. I think it is time to allow the legislation to mature and now to move on to the new questions facing U.S. immigration policy in the legal immigration policy areas, such as the overwhelming influence of family unification. There is nothing wrong with that, but we do want to be sure that we draw upon seed immigrants like we have through-

out the history of our country and not go back to any racist selection or ethnic solution in the process.

The important thing to remember is that all the players are still here. The people who were involved in the immigration reform bill in the House and the Senate—all of us here and Congressman RODINO, Congressmen MAZZOLI, SCHUMER, FISH, LUNDGREN, and the new ranking member of the House Immigration and Reform Subcommittee, PAT SWINDALL and, most importantly, the Commissioner of the Immigration and Naturalization Service Al Nelson are still right here. There is no question about what the legislative intent is or was. We are all still here to perform our oversight role. And there is no sweeping activity in either the House Judiciary Committee or the Senate Judiciary Committee to do anything right now with this legislation. That is why it comes up today before us with no hearings on this bill of State-Justice. It does not really fit here at all. Unless I am mistaken, I do not recall any hearing on it in my time as ranking member of the subcommittee.

So I just do not believe that any administrative relief is warranted for some family members who may not qualify for the congressionally-mandated cutoff date. We will never, ever fully resolve that, but I would be very pleased to work with any Member of this body on either side of the aisle and in the administration in creation of any new immigration policy.

However, the question of legislative relief was timely handled just several months ago. It has already been debated and disposed of. I think this amendment is particularly unacceptable. I do have some questions, serious questions and I hope for some serious answers on this amendment, and it will not take but a moment to do that. But I think that there has been such tremendous discussion and passionately so, of the issue of family unity, and that is supposed to be the high ground of the issue. I think it is, but if we refer to it more honestly as the second amnesty, I think that might offset the advantage of the words used of family unity. Just as it can be called family unity, it can be called second amnesty, because it creates a new group of beneficiaries which the Senate did not include in that one time only legalization in the original bill. The original bill most clearly stated that each applicant has to qualify on his or her own, and this amendment would grant legal status to ineligible family members, people who do not qualify under the first amnesty and hence the second amnesty.

What is the remainder of my time, Mr. President?

The PRESIDING OFFICER. The Senator has 23 minutes remaining.

Mr. SIMPSON. Mr. President, I yield 5 minutes to my colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment of the distinguished Senator from Rhode Island. It would broaden the amnesty program of the new immigration law. I do not know of anyone who has worked harder for any piece of legislation than our distinguished Republican whip, AL SIMPSON. We worked on this matter day and night for years. The Immigration Reform and Control Act was considered, debated, and voted on during three separate Congresses. Every facet of it was gone into and it was a hard job to get it passed at that—most difficult. I believe Congress judgment is final on this issue.

I was chairman of the Judiciary Committee during the Senate's consideration of the immigration bill, and I assure you that Senators on both sides of the aisle felt that amnesty was necessary but publicly unpopular.

Now, a decision was consciously made to require everyone to qualify individually for the amnesty program. Why should not everyone qualify? Simply because one member of the family qualifies does not mean you have to bring in all members of the family. It just does not make sense. That was never the intention of the bill.

Senator SIMPSON has assiduously handled this matter. He worked faithfully. He has worked conscientiously and he has done as well as anybody could have done in handling this legislation. I think we will make a great mistake if we now try to broaden this law and simply say because one member of the family is qualified, you can bring in everybody.

Without this requirement I do not believe the amnesty program would have been passed in the first place. We must not now make the amnesty program so broad that all public support disappears for our immigration policy. This amendment would treat illegal—I want you to catch that, Mr. President—illegal immigrants more generously than it would legal immigrants. I believe the American public objects to such a practice. There are solutions to the problems of family members who do not qualify for the amnesty program because they enter the program too late. First of all, their relatives, when they become legal, may apply for them through the legal immigration preference system. Second, the immigration services may grant administrative relief in hardship cases. So that is fair. That is reasonable. Why should you go any further? I believe these remedies are sufficient and they should be pursued.

Mr. President, I object to the creation of a second amnesty program, and that is what this will be—second amnesty program. I urge my colleagues to reject this amendment. I think it would be unfair, it would be unreasonable, and I am sure the public would not favor it.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I have just a few questions if I might ask of the sponsor and then I think I can yield back the remainder of my time.

Mr. PELL. I just want to say a word in support of the bill.

Mr. SIMPSON. Please.

Mr. President, not on my time. I want that understood.

Mr. CHAFEE. I yield 5 minutes to the senior Senator from Rhode Island.

Mr. PELL. I thank my colleague from Rhode Island.

Mr. President, I am very glad to be a cosponsor of this amendment. We in Rhode Island are particularly conscious of the importance of the unification and reunification of immigrant families. From a statistical viewpoint I believe I am correct in saying that our State has the highest percentage of foreign-born people.

We speak a great deal about the importance of family unification, family life, family values. All of these thoughts would be better served by the passage of this legislation because, without it, there will be many families forced to either split or disobey the law. That is a very, very cruel choice which people are actually facing at this very moment.

So for all these reasons and recognizing the difficulties that the Senator from Wyoming faced in trying to get the legislation through, legislation for which I voted and support, I still believe this is a good amendment and would hope that it is accepted.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Wyoming.

Mr. SIMPSON. I think I will ask these questions and get the response, and then perhaps we can conclude.

I thank Senator THURMOND for his remarks, for his extraordinary support of me when I was chairman of the subcommittee. There was no one more generous or more helpful or more supportive than that chairman. He moved me along in his remarkable way, usually with a firm grip on the arm. I appreciate that. He served with my father, he served with me, and he will probably serve with some other son or something. He is the most extraordinary man I have ever known, a marvelous friend, and I think one of the deeply respected Members of this body.

My questions are short and they are not whiz-bangers, but I think they need to be in the RECORD. The Senator

can answer them later, I say to my colleague from Rhode Island, but they are certainly questions that must be asked. I think they are quite salient.

What immigration status, I ask my friend from Rhode Island, does this amendment offer to the beneficiaries?

Mr. CHAFEE. The immigration status of the beneficiaries, which would be the children and the spouse, if that were the situation, would be similar to that of the one who would qualify through the Amnesty Program. In other words, the one who qualified has status. That same status would be given to his spouse or children, temporary legal residence.

Mr. SIMPSON. That would be then the status of permanent resident alien for 18 months and then coverted to permanent resident status after 18 months. That would be the same status.

Mr. CHAFEE. That is right. I think it is very important to realize that we are not opening the floodgates; that anybody who comes in and qualifies can then send down to Colombia, wherever it is, and bring in his wife or children. It is only those who were here, that is, children or the spouse, when the law became effective. Now, that law was signed by the President November 6, 1986.

It is my understanding that the commissioner said the effective date was May 1 of this year. So that is past. The cutoff date is past. There is no more all-in-free; bring in wives and children from some distant country and they will qualify.

The second point is that this is not for all the family. Somehow the suggestion has been given that uncles, aunts, relatives, cousins can come in. No. It is only for spouses and only for children.

Mr. SIMPSON. I thank my colleague from Rhode Island. My time is running.

Mr. CHAFEE. I will be glad to give the Senator some time.

Mr. SIMPSON. I thank my colleague.

I guess rather than a question, it seems to me that the status they are going to give under this amendment is the same given to illegal aliens who have lived here illegally since January 1, 1982, or before and who qualify for the Legalization Program. That would be correct.

Mr. CHAFEE. That is correct.

Mr. SIMPSON. Then the amendment removes the requirement that an illegal alien family member must have entered the United States on January 1, 1982, or before?

Mr. CHAFEE. That is correct.

Mr. SIMPSON. Does the amendment remove the requirement that an illegal alien family member must have lived in the United States continuously since January 1 1982?

Mr. CHAFEE. Some would not have been here since January 1, 1982, because that is the very situation we are trying to cover, but they must have lived here continuously from the date they came.

I am perfectly glad to have report language or whatever is necessary to make that clear. It is not somebody that is going in and out. They have come, and they have remained here.

Mr. SIMPSON. Mr. President, that is the disturbing thing. I would like to visit and time is of the essence here. But the amendment of the Senator from Rhode Island simply waives sections 2(a), 2(b), and 2(c) under Public Law 99-603, and that section is that the alien must establish that he entered the United States before January 1, 1982, and that he has resided continuously in the United States in an unlawful status. So I think it is very clear that that removes the requirement of living continuously in the United States. There is no question about that. They could go in and out.

Mr. CHAFEE. That is not the intention. We can have report language or however the Senator wants it.

Mr. SIMPSON. The final question, because I have two colleagues that apparently wish to speak briefly, is this: I think this is the most serious question and knowing my colleague will give it the most serious of answers. It is this: Why is it more of a hardship, more difficult in essence or more unfair or more unjust for an illegal immigrant to be separated from family members than it is for a legal immigrant?

Mr. CHAFEE. I tried to answer this in the statament that I made. The Senator is absolutely right. The illegal alien is being treated in a preferential fashion over the legal alien. But that is what the legislation is all about.

If the Senator when he proposed legislation was dedicated to the proposition that illegal aliens would receive no preference over legal aliens we never would have had the Amnesty Program. That is what the Amnesty Program is all about; that you say those who are here at a certain time, you came in illegally, but we are going to recognize this. We are going to give you a preference. But I do not think in giving them this preference we wanted to impose upon those illegal aliens that we are giving you, and obtain your citizenship and send your children home, your wife cannot obtain a job, she remains in this black shady area of never-never land where she is an illegal alien and is subject to all the restrictions that are placed upon illegal aliens, and thus the family is split.

I do not think that was the objective. I would like to point out the Senator several times mentioned that this bill barely passed the House of Representatives. But this bill passed the Senate 69 to 30. And one of the principal reasons was the advocacy and the dedication that the distinguished Senator from Wyoming had given to this legislation. But I do not think it meant that it was set in concrete. Frankly, I do not think many of us realize that we are possibly breaking up families in giving this amnesty.

Mr. SIMPSON. Mr. President, indeed the bill did pass the Senate by a better margin than in the House. But the issue of legalization is what I was saying passed the House by only 7 votes. Here it passed by a much more substantial margin. And I want to say to my colleague from Rhode Island, or to anyone involved or listening in the debate, that it certainly is not my intention to express some kind of pride of authorship or something, and that this bill should not be changed. It should indeed have careful oversight. The committees are prepared to do that, and have not.

I will ask my colleague: Have there been any hearings on this issue perhaps in the committee under his jurisdiction on this singular, specific, isolated issue?

Mr. CHAFEE. No. There has not. This bill has been introduced for several months. And there have not been hearings on it before the Judiciary Committee. But let me just say, I do not think the issues are all that complicated. We wrestled with the whole problem of amnesty for 6 years. I believe, and the Senator from Wyoming can correct me, that we passed this bill once prior to the passing last year. Am I not correct? We passed it in the Senate?

Mr. SIMPSON. That is correct.

Mr. CHAFEE. I remember that clearly. It was the Simpson-Mazzoli bill. We passed, I suppose, sometime in 1985 perhaps.

Mr. SIMPSON. The Senator from Rhode Island helped in that cause.

Mr. CHAFEE. So, this is an issue which is not an issue that none of us know about. Frankly, it is not that complicated. We do know that the system of amnesty is not functioning to the extent that any of us thought it would. That applies not only to my State, it applies to the distinguished Senator's State, and it applies throughout the Nation in the figures that I have previously quoted.

Mr. SIMPSON. My final question, Mr. President, is this, and just as seriously presented as the previous one. Why should the alien person who disregarded our laws receive a benefit then? It is not the same question rephrased because it is a benefit we just do not provide to one who is here legally under our laws in the status of permanement resident alien. A permanent resident alien cannot do this, and may have to wait 16 months, 2 years, 3 years, or 10 years.

I think it is disruptive. It is going to be disruptive out in the communities for the person with the green card who is saying, "Wait a minute. I have been waiting in permanent resident status for 5 years, and I could not get my family reunified." Then they can immediately get citizenship so at least they can get swift family reunification. But how is that fair, and how are we going to justify that to permanent resident aliens of the United States? And there are millions of them who are not going to receive the same benefit that is to be received if this amendment should pass.

Mr. CHAFEE. I think we crossed that bridge when we got into the whole business of the amnesty. A decision was made. A decision was made to treat certain illegal aliens differently. And we made it. Now there is a good deal of objection.

I am sure no one knows better than the man who really succeeded in putting this bill together, and having it pass, the junior Senator from Wyoming. He was constantly confronted. Why are you treating these people differently? And we treated them differently because these folks had established themselves in the country, were working, had their families here in many instances, and we said we are starting fresh. Those that were here have such roots in our country that we are saying all right, we are not going to jerk you out of your homes, out of your jobs, away from your families, and send you back. We are going to let you stay.

That was a tough decision, but we made it, and we made it by 69 votes to 30 in this body. I do not think we thought that in doing that we were going to split up families.

Now, you might say, why should not the legal alien object? I am sure he objects. The point I make is that the legal alien who has come here without his family has consciously made a decision to leave his family behind. He knew the rules when he came here. The others came in illegally—we know that—and they raised a family, the children have been here. They have been in this lower world, as it were, where no one can let themselves be identified for fear of being thrown out.

I just do not think we want to ship away children and spouses because of the effect of this law, which I do not think many of us realized was going to end up in splitting up families.

Mr. SIMPSON. Mr. President, those are some of the questions I wanted to ask.

The legalization was designed to eliminate a subclass of persons who had lived here for at least 7 years.

When we started—and the Senator is correct, it was January 1, 1980, when we set the date. Then we changed it to 5 years, in the conference, which was eventually accepted. But it was never intended for legalization to give any group special consideration, but to address only a serious national problem and to do it one time and say, "This is it. It is a one-shot."

I think we cannot do it many times without a severe public backlash, and especially the severe public backlash of the permanent resident aliens, part of our national community, who have petitioned for their relatives and are now going to see, if this amendment is adopted, that people here just months are going to have a status better than theirs.

I want to say that we do not ship anybody out. We are not good shipper-outers in America. That is not what we do. All that material is confidential. If they have an illegal, they are never going to know it, because the records are not available to anybody in the United States. So I think that is important to remember. We only deported about 20,000 people last year. That is not our nature.

Mr. President, I believe the Senator from Texas wishes to participate. I do not believe I have more than 2 or 3 minutes. I wonder if the Senator from Rhode Island might be generous enough to yield 2 or 3 minutes to the Senator from Texas.

Mr. CHAFEE. Let me see what the time situation is.

The PRESIDING OFFICER. The Senator from Rhode Island has 18 minutes and 42 seconds remaining. The Senator from Wyoming has 2 minutes and 26 seconds remaining.

Mr. GRAMM. Mr. President, will the Senator yield me 3 minutes?

Mr. CHAFEE. I yield 3 minutes.

Mr. GRAMM. I thank the distinguished Senator for yielding time.

Mr. President, I am sorry that I missed the earlier part of the debate, but I would like to give one example that I think shows the great unfairness of the amendment that has been presented here.

It is important for us to remember that there are over 2 million people who have applied to come to the United States legally. If I have a person in my State, or if there is a person in your State, who is here legally, who came legally, who waited to come here, who has worked his way through the process to become a permanent resident alien, and this person happens to be from Mexico, and this person goes today down to the INS office and says, "I would like my wife to come here so that I might share my life with her"—remember, we are not talking about somebody who came here illegally, not somebody who worked 60 days last year in agriculture, not somebody who has been here illegally since 1982. We are talking about somebody who has worked years, complying with the law, is here legally, and goes down and says, "I would like to apply for my wife to come here."

Do you know how long it currently is taking for the person who abided by the law to get his wife to this country? In most cases, at least several years, and in some cases, up to 10 years—10 years.

Now, I ask Members of the Senate: Given that it takes up to 10 years for the guy who abided by the law to bring his wife to this country illegally, do we really want to adopt an amendment that says to the 2 million people around the world who have applied to come to America legally, under our existing quota system, "We are not worried about you, because you abided by the law. We are going to say to the fellow who violated the law and whose spouse violated the law that they can come here and be here instantaneously"?

I understand what the distinguished Senator is trying to do. Everybody wants to promote love and happiness. That is the only legitimate goal of a free government—promoting the happiness of the people. But part of happiness is fairness, and I simply cannot support an amendment that is so unfair that it perpetuates a situation where the person who came to America legally is waiting up to 10 years to bring his wife here, and we are going to say overnight, because somebody violated the law and came here illegally, that we are going to allow his spouse to be legalized.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. I have made the point. I hope my colleagues will pray over that point as they cast this vote and will vote against amendment.

Mr. CHAFEE. Mr. President, I appreciate the admonition for prayerful consideration of this amendment. I am quite certain that the distinguished Senator from Texas voted against the whole amnesty program, the bill itself, last year. Am I not correct?

Mr. GRAMM. The Senator is correct.

Mr. CHAFEE. So there is a difference here. The Senator, for good and fair reasons, objected to the whole amnesty program.

What I am saying to those Senators who voted for the bill last year is that they should vote for this amendment. If you voted against the bill last year, you are probably against the whole idea of amnesty to start with. Fair enough. But if you voted for the bill last year, as I did and 68 other Senators did, you voted for amnesty, a program to create some fairness, recognizing that, true, the illegals are getting a break over the legals. We decided that. We thought it was a fair way to proceed. But I do not think we ever thought that the result of this was going to be the breaking up of a

family. At least, here is one Senator who did not think that, and I do not think many others did.

This situation has been raised by members of the immigration subcommittee.

Mr. SIMON. Mr. President, I wish to add my support to the Humanitarian Family Unity Act of 1987 which Senator CHAFEE seeks to add to the State Department authorization bill. It has been almost a year since the 99th Congress passed the Immigration Reform and Control Act. We recognized that the final bill represented a compromise and a balance between employer sanctions and a legalization program. Clearly, it was not a comprehensive answer to our immigration needs for that is a long-term process which requires efforts to improve economic development, free institutions, and peace in Latin America. But one step we can take today to improve upon the bill passed last year is passing this amendment which will keep families together without having to forego obtaining legal status in the United States.

This Congress intended that the maximum number of aliens eligible for legalization be legalized. In the Immigration Subcommittee, I and my colleagues have raised the family unity issue a number of times. I have been made aware of instances in which eligible aliens are not coming forward to apply for legalization not because they themselves are not eligible but because they have a family member who has met the requirements except for being continuously in the United States since January 1, 1982. For those people, the choice between legalization for themselves and possible deportation of their spouse or children or separation from them is a choice we should not force them to make. Fortunately, the INS District Director in my State of Illinois has stated that, "If a person in the family has a legal claim [to amnesty], then we should unify them here." (Chicago Sun Times, Mar. 23, 1987.) However, that welcoming call has not been echoed in all INS districts which further necessitates Congress taking action now.

This amendment will make clear that unified families are important to this Nation as well as to the long-term prospects of self-sufficiency of those who are affected by the Immigration Reform and Control Act. I urge its adoption.

I ask unanimous consent to have the following articles printed in the RECORD: First, Chicago Sun-Times, "Alien Amnesty Splits Families," March 23, 1987; second, Chicago Tribune, "Keep Immigrants' Families Together," April 4, 1987; third, San Francisco Progress, "Amnesty Seekers Must Know They Can Keep Their Families Together," August 23, 1987; and fourth, "Atlanta Journal/Constitution, "Families of Immigrants Deserve Amnesty," July 17, 1987.

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

[From the Chicago Sun-Times, Mar. 23, 1987]

ALIEN AMNESTY SPLITS FAMILIES

(By Tim Padgett)

Sandra Lopez knows she can't spend the rest of her life relying on "coyotes" to keep her family united.

Lopez, 40, her husband and five of her seven children are Mexican illegal aliens living in Pilsen. When immigration authorities deported her in 1982, she paid "coyotes" (alien smugglers) to return her to her family here.

That deportation made Lopez (not her real name) the only member of her family not eligible for amnesty under the new federal immigration law, which offers temporary legal residence to illegals who have lived here continuously since before 1982.

Lopez wept last week as she watched her husband and children preparing for the yearlong amnesty application period beginning May 5.

"If they deport me again, even with the pain in my heart, I would have to leave my children here," she said. "Their lives are here."

Scores of cases like Lopez's darken the law's promise for Pilsen's underground alien community as they do in communities such as East Los Angeles, Calif. That community's congressman, Rep. Edward R. Roybal (D-Calif.), is introducing an amendment to the immigration law that would grant amnesty to ineligible illegals such as Lopez whose spouses or family members do qualify.

"Too many families stand to be separated under this law," Roybal aide Elaine Sierra said last week.

Earlier this month, A.D. Moyer, the Immigration and Naturalization Service's district director here, said he agreed that family unification should be the "No. 1 principle" of the law's legalization program, which could include up to 300,000 illegal aliens in Chicago.

"If a person in the family has a legal claim [to amnesty], then we should unify them here," Moyer said. "Likewise, if no one has a claim, then we should deport the family.

"The key to immigration history in the United States has been based on [whether] that one person in the family can make it."

Moyer emphasized, however, that each family member should be required to apply for amnesty, not just those who are eligible, to ensure against fraud.

Under the law, the INS cannot use an applicant's information, such as past deportations, for any purpose other than determining eligibility for amnesty.

For that reason, Lopez said, she will apply and risk revealing to the INS that she has returned rather than stay underground. "It's better than sitting in the house with all this fear," she said.

Pilsen's illegal aliens recently have been able to take their fears out of the house and down the street to informational meetings at Catholic churches. The Rev. Chuck Dahm, pastor of St. Pius Church, 1919 S. Ashland, said the threat of separated families is the chief anxiety among Pilsen's illegals.

Pilsen's Ald. Juan Soliz (25th), an attorney, said he is advising illegals in Lopez's situation "absolutely not" to apply for amnesty because he fears "the rules will be strictly enforced, and they could risk being deported."

Roybal's amendment still must go to the House immigration subcommittee. But the INS last week announced tentative regulations to implement the law. The regulations will be finalized in mid-April. Among them is an amnesty application fee of $185 for most illegals, and an extension of the time illegals could have been outside the country since 1982, and still be eligible, from 150 to 180 days.

Moyer said last week his office has selected one of the four Chicago-area sites for applying for amnesty, the Forest Park Mall at Roosevelt and Des Plaines in Forest Park.

"It has tons of parking, a bus line on Roosevelt which goes straight into the mall, and ideal space," he said, adding that his staff still is negotiating sites on North Pulaski Street, in Blue Island and Aurora.

Illinois House Speaker Michael J. Madigan (D-Chicago) has chosen state Rep. Joseph Berrios (D-Chicago) to form a task force that will oversee the law's implementation in Illinois, which has the fourth largest number of illegals in the United States.

[From the Chicago Tribune, Apr. 4, 1987]

KEEP IMMIGRANTS' FAMILIES TOGETHER

Immigration laws have been variable over the years, but they have been consistent on at least one principle: the encouragement of family unification. But the provisions for amnesty in the nation's latest immigration law depart from that sound tradition. It is an oversight that should be corrected.

Starting May 5, the new law allows illegal aliens, estimated to number 300,000 in the Chicago area alone, a year to apply for legal residency status, if they have lived here continuously since before Jan. 1, 1982. But the new law does not extend the amnesty to close relatives who fail to meet that requirement. That could mean, for example, that one parent in a family could meet all the requirements and receive amnesty while the other does not and remains subject to deportation.

Immigration and Naturalization Service spokesmen say the agency has no intent to break up families and will not use any of the information submitted on amnesty applications for any purpose other than amnesty. But the understandable fear of families who have been living in the underground world of illegal aliens makes some reluctant to apply for amnesty at all.

An amendment sponsored by Rep. Edward R. Roybal (D., Calif.) would help close this gap in the law by extending amnesty to the immediate families of those who qualify. All spouses and children would have to apply but, if one parent qualifies for amnesty, the other family members would only have to show continuous residency in the United States since Nov. 6, the new immigration law's enactment date, instead of the regular amnesty cutoff date.

The United States has a long tradition of humanitarian concern for the unity of immigration families. All efforts should be made to continue that tradition.

[From the San Francisco Progress, Aug. 23, 1987]

AMNESTY SEEKERS MUST KNOW THEY CAN KEEP THEIR FAMILIES TOGETHER

Imagine you're an immigration official trying to determine whether a family of un-

documented Salvadorans can legally stay in this country under the amnesty program.

In this hypothetical case, the Salvadoran father clearly qualifies. He has lived and worked in the United States since 1981, and he has the documents to prove it. But his wife and three young children arrived in 1983, too recently to meet the requirement.

Would you legalize the father, then have his wife and children deported? Or would you let the entire family stay?

It would be unconscionable to give an undocumented worker legal status in this country, then make him send his family away or keep it in hiding.

Immigration officials are allowed to bend the rules to keep such a family together. Surely many of them would. But the rub is: They don't have to.

That means, thousands of undocumented families must play a kind of immigration roulette. Whether all the family members get the benefits of amnesty may depend on where they apply or the policy of a particular district director. Will they draw a kindly, humane immigration officer in San Diego or a curmudgeon in San Francisco?

This kind of uncertainty prompted Senator Alan Cranston to say that an amnesty program with a humane intent could become "a cruel instrument of family suffering."

"We must not force people to make the terrible choice of either breaking up their family or ignoring the law and remaining in the dark shadows of an underground illegal world," said Cranston, who introduced a congressional resolution calling on the INS to find a way to keep families together.

While, Rep. Edward R. Roybal, a Los Angeles Democrat, has introduced a bill that would amend the immigration reform law to accomplish that aim, Cranston has the right idea. The amnesty program only lasts until next May. It's toc late for a lengthy congressional debate.

INS Commissioner Alan Nelson could solve the problem administratively in a minute by telling all district directors to be flexible so that amnesty doesn't separate husbands from wives, parents from sons and daughters.

The INS promised to interpret amnesty generously. This is one way the agency can prove its good faith.

[From the Atlanta Journal/Constitution, July 17, 1987]

FAMILIES OF IMMIGRANTS DESERVE AMNESTY

Last May, as the amnesty program for illegal aliens began, the U.S. Immigration and Naturalization Service (INS) hunkered down for an expected stampede. It was set to handle 1.6 million applications by Sept. 30 (and 2.3 million more over the next 12 months). But—surprise! So far, the totals have been distinctly underwhelming. As of last Monday, 282,000 aliens had applied, a sharp contrast to the 800,000 projected to have signed up by now. What's going on?

One can only guess. Maybe Washington overestimated the number of illegals who are eligible. Maybe, as the Congressional Hispanic Caucus charges, the INS has given insufficient publicity to the program. Maybe the feds underestimated the deep-seated fear and mistrust with which many immigrants regard the INS. Maybe all of the above.

But one flaw is obvious. In its eagerness to reach a compromise on immigration reform, Congress glossed over the question of family reunification. That is, if a worker qualifies for amnesty, does the worker's family thus qualify as well? Congress didn't say. So now INS officials must make such decisions case by case. Surely, the possibility of an adverse decision has discouraged more than a few immigrants from applying.

Not only is this inhumane, it undermines a fundamental reason why our immigration laws were reformed: to reduce the nation's large, shadow population of vulnerable and exploitable illegals. The government simply should not be in the business of arbitrarily separating families.

The INS needs to establish a national policy of blanket amnesty to spouses and children. That's the least the "pro-family" administration can do.

Mr. SIMPSON. Mr. President, I inquire about the time situation.

The PRESIDING OFFICER. The Senator from Wyoming retains 2 minutes and 26 seconds.

Mr. SIMPSON. I yield 1 minute to the Senator from Texas.

Mr. GRAMM. Mr. President, I thank the Senator for yielding.

We had a debate over this issue, employer sanctions, amnesty, and the entire package last year. Over 20 Members of the Senate opposed the bill. The distinguished Senator is correct that I was counted in that number.

But that is not the point that we are making here. The point we are making here is that there are 2 million people who are on waiting lists to come to America. They are from all over the world, and they are waiting, going to bed every night praying that their number is going to come up and they are going to get a share of what we have.

The amendment of the distinguished Senator would make some sense, it might not be acceptable but it would make some sense if he were proposing to eliminate the waiting period so that every person in this country legally, whether they have amnesty or came here legally to begin with, could bring their spouse and children here immediately. At least that amendment would make some sense and would have some equity.

But to say the people who have been waiting for up to 10 years should forget it and we will let the people who came here illegally have advantage over them is totally unfair.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE. I just wish to stress this. It is not, as I have said before, a call out to those spouses and children who are somewhere abroad, "Come on in; the gate is open. You can come in."

That is not the situation. They must have been here. They must have been here by the time this bill became effective. That date has gone by. Nobody came in anticipating that they are going to have that break because the break was not there at the time the law was passed.

Mr. President, I feel so strongly that we have made this decision and a right decision last year, but we certainly did not make it with the intention of breaking up families and submitting an individual who qualifies to the cruel choice. Take this wonderful advantage we have given you under the immigration reform bill last year. You can qualify as a U.S. citizen, but your children and your spouse cannot. Your wife is an illegal alien. She is subject to every restriction, cannot get a job, all impositions that we imposed on illegal aliens. I just do not think that is the purpose.

Mr. SIMPSON. Mr. President, I thought another colleague was going to participate. I do not see that person.

Mr. CHAFEE. I will yield additional time to the Senator.

Mr. SIMPSON. No, I do not require any further time from the Senator from Rhode Island.

I would just say that in concluding any time we set a date it will have the effect of excluding someone. This amendment here is going to exclude someone, too.

Mr. CHAFEE. That is right.

Mr. SIMPSON. It is going to exclude anyone who came after November 6, 1986, and the next amendment at some future time, very short time, will be how to pick up that bunch and how to handle that.

I just think it is ill advised to have a second amnesty, and that is what this is. I do not think we are ready for that in this country.

Let us do the first one. They have a year to do it. Let us have them do it. It works well; 800,000 came in, and they have until May 5, 1988, and I hope millions of them will come forward.

But nobody on this list ever told me over 2 million were in the United States. How interesting, curious, and surprising.

Mr. CHAFEE. Mr. President, I would like to make one other point. The distinguished Senator from Texas raised a situation that somehow a great unfairness is going to be perpetrated on those legal aliens who have come to this country. We are not affecting them one way or another under this bill. We are affecting probably a relatively small group who were here before a certain cutoff date and yet not here by January 1, 1982, and their spouses and their children. They are not uncles and grandparents and nieces and nephews. They are the intimate part of what we call a family.

I see no one else who wishes to speak and indeed I am prepared to yield the Senator some of my time if he wants it. But I would yield back my time and move for the yeas and nays on my amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. SIMPSON. I yield back the remainder of my time and move to table the Chafee amendment 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.

Mr. CHAFEE. Could I get the yeas and nays on my amendment myself, Mr. President?

The PRESIDING OFFICER. Is there a parliamentary inquiry from the Senator from Rhode Island?

Mr. CHAFEE. Yes, I would like the yeas and nays on my amendment if I might. I asked for that.

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 Wyoming to lay on the table the amendment of the Senator from Rhode Island.

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

The legislative clerk called the roll.

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

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

[Rollcall Vote No. 311 Leg.]

YEAS—55

Armstrong	Garn	Nickles
Biden	Gramm	Nunn
Bingaman	Grassley	Pressler
Bond	Hatch	Proxmire
Boren	Hecht	Pryor
Breaux	Heflin	Reid
Burdick	Helms	Riegle
Byrd	Hollings	Roth
Chiles	Humphrey	Rudman
Cochran	Johnston	Shelby
Cohen	Karnes	Simpson
Danforth	Kassebaum	Stennis
Dixon	Kasten	Symms
Dodd	Lugar	Thurmond
Dole	McClure	Trible
Domenici	McConnell	Wallop
Exon	Metzenbaum	Warner
Ford	Mitchell	
Fowler	Murkowski	

NAYS—45

Adams	Gore	Moynihan
Baucus	Graham	Packwood
Bentsen	Harkin	Pell
Boschwitz	Hatfield	Quayle
Bradley	Heinz	Rockefeller
Bumpers	Inouye	Sanford
Chafee	Kennedy	Sarbanes
Conrad	Kerry	Sasser
Cranston	Lautenberg	Simon
D'Amato	Leahy	Specter
Daschle	Levin	Stafford
DeConcini	Matsunaga	Stevens
Durenberger	McCain	Weicker
Evans	Melcher	Wilson
Glenn	Mikulski	Wirth

So the motion to lay on the table amendment No. 894 was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. BYRD. Mr. President, would the distinguished Senator from Oregon yield to me briefly?

Mr. HATFIELD. I would be happy to yield.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, the two managers have a list of amendments with the names of the authors of such amendments. I wonder if we can get time limitations on the following: An amendment by Mr. ROTH, 20 minutes, equally divided.

Mr. HELMS. Mr. Roth has agreed to that.

Mr. BYRD. Mr. President, I make that request.

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

Mr. BYRD. An amendment by Mr. MOYNIHAN, 20 minutes equally divided.

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

Mr. BYRD. Mr. President, 10 minutes on an amendment by Mr. SYMMS on Mount Alto, equally divided.

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

Mr. HELMS. I have 20 minutes on the Symms amendment on Mount Alto.

Mr. BYRD. All right.

Mr. PELL. He said 10 minutes would be adequate.

Mr. HELMS. All right.

Mr. BYRD. And another amendment by Mr. SYMMS, 10 minutes, equally divided.

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

Mr. CONRAD. May I inquire of the majority leader?

Mr. BYRD. Yes.

Mr. CONRAD. Are these to be sequentially addressed without Senators seeking recognition on another matter?

Mr. BYRD. Mr. President, the order that was previously entered would allow Mr. CONRAD to speak now for not to exceed 5 minutes. That was the order previously entered. That order will be honored.

Mr. HATFIELD was recognized. I hope Mr. HATFIELD will yield to Mr. CONRAD so he can make that 5-minute speech. That was under a previous order.

If I could proceed for another 2 minutes without impinging on anyone, Mr. PRESSLER would have 2 minutes on one amendment and there will be 2 minutes on an amendment by Mr. KENNEDY, equally divided; two amendments by Mr. HUMPHREY, 20 minutes on each of two amendments by Mr. HUMPHREY, equally divided.

Mr. President, for the information of Senators, the next vote will occur at 9 o'clock tomorrow morning. There will be no further rollcall votes tonight.

If Senators have amendments that may be called up and accepted, or at least debated, they are urged to stay, if the managers are willing to take on that task.

Was the last request agreed to?

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

Mr. BYRD. Was the amendment by Mr. KENNEDY for 2 minutes agreed to?

Mr. President, I withdraw that.

Mr. President, if Senators would pay attention so that the Chair could hear and the managers could hear, it would be appreciated.

Let me inquire: Were the requests which I put before the Senate agreed to with reference to Mr. ROTH, Mr. MOYNIHAN, two amendments by Mr. SYMMS, and two amendments by Mr. HUMPHREY?

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request just outlined by the majority leader? Without objection, it is so ordered.

Mr. GLENN. Mr. President, reserving the right to object, am I on the list?

Mr. BYRD. Not yet.

Mr. GLENN. Mr. President, I would like to have a half hour on one amendment, with 15 minutes on a side.

Mr. HELMS. Could we have a copy of that amendment?

Mr. GLENN. I will send you a copy.

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

Mr. BYRD. Mr. President, one amendment by Mr. ROTH, 20 minutes to be equally divided, with no amendments thereto in order.

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

Mr. BYRD. The amendment by Mr. MOYNIHAN on which there will be 10 minutes equally divided I believe was agreed to on time.

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

Mr. BYRD. I earlier had two amendments by Mr. SYMMS. I want to restate that. I understand there is an objection.

One amendment by Mr. SYMMS on the subject of messages to the Soviet Union, 10 minutes to be equally divided.

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

Mr. BYRD. Two amendments by Mr. HUMPHREY, on each of which there will be a 20-minute time limitation to be equally divided, one amendment dealing with Afghanistan——

Mr. HELMS. Both relate to Afghanistan.

Mr. BYRD. Both of which relate to Afghanistan with no amendment to be in order thereto.

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

Mr. BYRD. Mr. President, if I did get an order for an amendment by Mr. SYMMS concerning Mount Alto to be dealt with in 10 minutes, I have had objection to that. I therefore ask that that request be vitiated.

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

Mr. BYRD. An amendment by Mr. KENNEDY, 2 minutes, on Cuba, with no amendment in order thereto.

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

Mr. BYRD. One amendment by Mr. GLENN on which there would be a 30-minute time limitation equally divided in accordance with the usual form, with no amendment in order thereto.

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

Mr. GLENN. I do not think we will need that much time.

Mr. HELMS. Mr. Leader, I think you have just about covered my list. I thought there was a Dixon amendment on which he asked for 10 minutes.

Mr. BYRD. One amendment by Mr. DIXON, 10 minutes, equally divided and controlled in the usual form, with no amendment in order thereto.

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

Mr. HELMS. And you have two others. Senator WILSON, I believe, has two amendments. One is on Mexico. There would be 20 minutes equally divided.

Mr. PELL. I understand there is a problem on the one dealing with Mexico.

Mr. BYRD. One amendment by Mr. WILSON dealing with an international peace conference in the Middle East, 20 minutes equally divided and controlled in the usual form, with no amendment in order thereto.

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

Mr. HELMS. The Senator from Massachusetts [Mr. KERRY] is here. I believe he agreed to modify his amendment. We can do that tomorrow.

Mr. BYRD. Very well.

Mr. HELMS. We have enough to handle until the morning.

Mr. BYRD. Mr. President, I want all requests to be under this controlling rubric, that there be no amendments to the amendments and no amendments in order to the language to be stricken if such amendments to strike are included.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, and I shall not object, no unanimous consent has been requested with reference to a Kerry amendment; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HELMS. I thank the Chair. I have no objection.

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

Mr. HELMS. Mr. Leader, I am going to take a shot at it. I am sure Senator MURKOWSKI would agree to no more than 20 minutes equally divided on his amendment.

Mr. BYRD. All right. Mr. President, I make the same request to the amendments and amendments to material stricken in regard to an amendment by Mr. MURKOWSKI, 20 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I thank the managers and all Senators. Now, the managers have indicated they will be here and willing to discuss amendments, accept some amendments hopefully, and it is also understood——

Mr. HATFIELD. Mr. President, before I yield, I believe that I yielded to the majority leader for the activity that just has now been consummated. I would like to make a parliamentary inquiry at this point to ask the Chair to define the unanimous-consent agreement that was entered into concerning those matters which would follow the disposition of the Chafee amendment.

The ACTING PRESIDENT pro tempore. The Chair will say to the Senator from Oregon that the agreement entered into was that following the disposition of the Chafee amendment Senators would be allowed to speak up to 10 minutes.

Mr. HATFIELD. I see. In other words, there was no definitive order for Senators to speak.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HATFIELD. I understand. Now, I understand that there was informal agreement, or at least an informal understanding that the Senator from North Dakota was expected to speak first.

Mr. PELL. Mr. PRESSLER was first to be recognized.

Mr. HATFIELD. After the 1 minute or 2 minutes for the Pressler amendment. Is that correct? I would ask the majority leader.

Mr. BYRD. The agreement was—and I had specifically in mind Mr. CONRAD because he was on the floor and prepared to object to other requests that we were making—that following the vote on the amendment by Mr. CHAFEE and Mr. SIMPSON, Senators would be recognized to speak on the Bork nomination for not to exceed, I thought it was 5 minutes. Was it 10 minutes?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mr. BYRD. Very well. Specifically Mr. CONRAD we had in mind. We had an informal agreement, however, that Mr. PRESSLER would go before Mr. CONRAD. Mr. CONRAD acquiesced in that. That was to be for 2 minutes.

Mr. HATFIELD. Mr. President, I am very happy if the Senator from North Dakota wants to go first. I expect to make a statement on the Bork nomination as well. I have the floor at this point in time to make that statement. But if there has been some informal understanding with the Senator from North Dakota, I would be very happy to yield to the Senator from North Dakota following the amendment of the Senator from South Dakota, but I would also then ask unanimous consent at this point that I be recognized for my statement on Mr. Bork following the Senator from North Dakota.

The ACTING PRESIDENT pro tempore. Is there objection to the request?

The Chair hears none, and it is so ordered.

The text of the unanimous consent request is as follows:

Ordered, That when the Senate resumes consideration of the pending business, S. 1394, a bill to authorize appropriations for fiscal year 1988 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes, the following time agreements apply to the following amendments, with the time to be equally divided and controlled in the usual form:

Roth—20 minutes.

Moynihan—10 minutes.

Symms—message to the Soviet Union, 10 minutes.

Humphrey—2 amendments dealing with Afghanistan, 20 minutes each.

Kennedy—dealing with Cuba, 2 minutes.

Glenn—30 minutes.

Dixon—10 minutes.

Wilson—International peace conference on the Mideast, 20 minutes.

Murkowski—20 minutes.

Cohen—10 minutes.

Ordered further, That no amendments to the above listed amendments, nor to the language proposed to be stricken by these amendments, shall be in order.

Mr. SASSER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that I be recognized to make a statement relative to Mr. Bork following the statement of the distinguished Senator from Oregon.

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

Mr. HATFIELD. I thank the Chair.

AMENDMENT NO. 896

(Purpose: Sense of the Senate that State Department should examine purchasing or entering into long-term leases (rather than entering into short-term leases) of foreign residential properties needed to house the principal diplomatic officers of the United States and require a report to Congress regarding the advantages or disadvantages of purchasing or leasing such properties)

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

The ACTING PRESIDENT pro tempore. The clerk will report the amendment of the Senator from South Dakota, Mr. PRESSLER.

Mr. HATFIELD. Mr. President, parliamentary inquiry. Will the Senator yield for just 1 more minute?

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HATFIELD. Is there a time certain to adjourn tonight, may I ask the Chair? These 10-minute increments, do we pursue them against a timeframe?

The ACTING PRESIDENT pro tempore. The Chair would have to state to the Senator from Oregon there is no agreement on adjournment for this evening.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment of the Senator from South Dakota.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 896.

Mr. PRESSLER. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SEC. . PURCHASING AND LEASING OF OVERSEAS RESIDENCES.

(a) FINDINGS.—1. The Congress finds that annual lease costs to the U.S. Government for leasing the official residences of U.S. Ambassadors, Deputy Chiefs of Missions, or other principal officers of the U.S. Government at the foreign mission posts of the United States exceeded $132 million in Fiscal Year 1987; and

2. This amount represented an increase of 14.8 percent over the previous fiscal year; and

3. Substantial savings to the American taxpayer could result from purchasing rather than leasing such residences where necessary; and

4. Foreign governments prohibit the U.S. Government from purchasing such residences at 26 percent of the locations in which the U.S. maintains an official diplomatic post.

(b) SENSE OF THE CONGRESS—It is the sense of the Congress that:

(1) The U.S. Department of State should make every effort to determine whether the purchasing rather than the leasing of the residences of the principal officers of the U.S. Government's overseas missions is in the best economic interest of the U.S. Government; and

(2) The U.S. Department of State should enforce a policy of fully reciprocal treatment toward foreign governments that prohibit the U.S. Government from purchasing foreign residential properties to house U.S. diplomatic personnel in their countries; and

(3) In its Fiscal Year 1989 budget presentations to the Committee on Foreign Relations of the U.S. Senate and the Committee on Foreign Affairs of the U.S. House of Representatives, the U.S. Department of State shall provide sufficient information on the advantages and disadvantages of purchasing rather than leasing such properties to enable the Congress of the United States to determine the specific amount of savings that would or would not be achieved by purchasing such properties. The Department also shall make recommendations to the Congress on the purchasing and leasing of such properties.

Mr. PRESSLER. Mr. President, this amendment has been agreed to on both sides. I know many Members are waiting to speak. I shall be very brief.

I shall not take long in outlining the amendment as I understand the managers have agreed to accept it.

The purpose of my amendment is twofold: To encourage the State Department to study whether the purchasing or long-term leasing rather than the short-term leasing of residential properties overseas to house the principal diplomatic officers of the United States is in our best economic interest; and to require a State Department report by next spring on the advantages and/or disadvantages of purchasing rather than leasing such properties.

This amendment would apply only to the official residences of U.S. Ambassadors, Deputy Chiefs of Mission, or the other principal post officers at American missions overseas. It is intended to save the taxpayers of this country millions of dollars in excessive leasing costs that now must be paid to house these diplomats. As I indicated in my floor statement on September 11, we are generally better off buying homes for our Ambassadors than renting them.

The problem with short-term leasing is that foreign landlords have us over a barrel. They predictably raise the rent every year or two, and rental costs for such residences have reached astronomical levels in a number of cases. In addition, expensive security equipment often is installed in these buildings by the U.S. Government. This makes it too expensive to move to lower rent residences. The security expense would be too great. The result is that, in the long run, American taxpayers end up paying more under short-term leases than they would if we owned such residences outright.

At the current time—of 5,734 residential properties occupied by American diplomats overseas—less than 20 percent are owned by the U.S. Government. Seventy-five percent are held under short-term leases—the most expensive form of occupancy. My amendment would require the State Department to determine whether and how much money could be saved by purchasing such properties or renting them under long-term leases. It does not advocate going on a diplomatic home-buying spree.

The Department of State and a number of American Ambassadors with whom I have spoken have supplied me with information that indicates it would be preferable to purchase or lease long term such properties. We need more systematic analysis of this matter by the State Department to determine how we might save American taxpayers some of the $132 million spent annually on short-term leases. It may be that purchasing is not advisable in every case.

Mr. President, I ask unanimous consent that at this point in the RECORD there be printed some State Department overseas residential property data. These include tables on annual lease costs by geographic regional bureau, worldwide property count totals by type of ownership, and lease costs of official residences throughout the world organized by regional bureau. I think Members of the Senate will be astounded by some of the very high lease costs we are paying.

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

ANNUAL [1] LEASE COSTS BY REGIONAL BUREAU

Bureau	1986	1987
Inter-American	$27,689,000	$27,466,000
Europe	30,584,000	38,490,000
East Asia/Pacific	15,045,000	18,870,000
Near East/South Asia	20,762,000	21,893,000
Africa	21,409,000	25,759,000
Total	115,489,000	132,478,000

[1] Prior to fiscal year 1986, lease expenditures were included as part of Regional Bureau S & E funds.

WORLDWIDE PROPERTY COUNT TOTALS

	GO	STL	LTL	CWIP	Total
Residential	1,129	4,283	311	11	5,734
Office	267	240	35	6	548
Other	674	506	63	16	1,259
Total	2,070	5,029	409	33	7,541

Note: Abbreviations are as follows:
GO = Government Owned.
STL = Short Term Lease.
LTL = Long Term Lease.
CWIP = Construction Work In Progress.
Other = Warehouses, community centers, garages, lots.

DEPARTMENT OF STATE.—LEASE COSTS OF OFFICIAL RESIDENCES

INTER-AMERICAN

	Ambassador	Deputy Chief of mission residence	Principal officer residence
St. John's, Antigua (E) [2] Charge'	32,400		
Nassau, Bahamas (E)		$37,800	
Bridgetown, Barbados (E)			
Belize City, Belize (E)	$27,000	21,600	
Belo Horizonte, Brazil (CG)			$13,000
Porto Alegre, Brazil (C)			5,600
Recife, Brazil (C)			19,000
Salvador de Bahia, Brazil (C)			8,500
Sao Paulo, Brazil (CG)			[1] 33,600
Barranquilla, Columbia (C)			22,800
Santo Domingo, Dominican Republic (E)		16,170	
San Salvador, El Salvador (E)		36,000	
Martinique, French Caribbean Dept. (CG)			12,857
St. George's, Grenada (E) [2]	36,000	24,000	
Guatemala City, Guatemala (E)		18,600	
Ciudad Juarez, Mexico (CG) [2]			31,200
Guadalajara, Mexico (CG) [2]			36,000
Hermosillo, Mexico (C) [2]			36,000
Matamoros, Mexico (C) [2]			22,800
Mazatlan, Mexico (C) [2]			24,000
Merida, Mexico (C) [2]			30,000
Monterrey, Mexico (CG) [2]			24,000
Nuevo Laredo, Mexico (C) [2]			14,400
Tijuana, Mexico (CG) [2]			27,000
Curacao, Netherlands Antilles (CG)			13,483
Managua, Nicaragua (E)	32,000	18,000	
Panama, Panama (E) [2]		48,788	
Asuncion, Paraguay (E)		30,000	
Port of Spain, Trinidad and Tobago (E)		45,000	
Maracaibo, Venezuela (C) [2]			14,018
EUROPE			
Salzburg, Austria (CG)		94,700	25,710
Brussels, Belgium (USEC)	25,823		
Nicosia, Cyprus (E)		14,400	
East Berlin, German Dem. Rep. (E) [2]	106,155	35,196	
Vatican City, Holy See (E) [2]	65,000	80,000	
Reykjavik, Iceland (E)		16,300	
Genoa, Italy (CG)			39,000
Milan, Italy (CG)			59,985
Palermo, Italy (CG)			30,000
Turin, Italy (C)			45,600
Luxembourg, Luxembourg (E)		18,300	
Valletta, Malta (E)		8,000	
Krakow, Poland (C) [2]			23,569
Oporto, Portugal (C)			16,800
Ponta Delgada, Azores, Portugal (C)			27,600
Bucharest, Romania (E) [2]	96,100	32,170	
Stockholm, Sweden (E)		11,600	
Goteborg, Sweden (CG)			12,345
Bern, Switzerland (E) [2]		43,200	
Geneva, Switzerland (BO) [2]	70,400		
American Branch Office			
US Mission to U.N.			
Zurich, Switzerland (CG) [2]			53,300
Adana, Turkey (C)			10,400
Moscow, U.S.S.R. (E) [2]	189,000		
Leningrad, U.S.S.R. (CG) [2]			23,857
EAST ASIA/PACIFIC			
Bandar Seri Begawan, Brunei (E) [2]	68,500		
Beijing, China (E) [2]	58,666		
Shenyang, China (CG) [2]			26,001
Suva, Fiji (E)		13,565	
Surabaya, Indonesia (C)			10,000
Naha, Japan (CG) [2]			31,418
Manila, Philippines (E)		54,000	
Cebu, Philippines (C)			15,000
Bangkok, Thailand (E)	1,832		
Chiang Mai, Thailand (CG)			6,780
Songkhla, Thailand (C)			12,825
Udorn, Thailand (C) [2]			7,328
NEAR EAST/SOUTH ASIA			
Oran, Algeria (C) [2]			9,500
Manama, Bahrain (E) [2]	42,240	36,800	
Dhaka, Bangladesh (E) [2]	31,746	17,857	
Baghdad, Iraq (E) [2]	91,613	58,065	
Kuwait, Kuwait (E) [2] [3]	8,434	12,335	
Beirut, Lebanon (E) [2]		35,000	
Rabat, Morocco (E) [3]		27,523	
Kathmandu, Nepal (E)		9,186	
Muscat, Oman (E)	102,884		
Doha, Qatar (E) [2]	99,173		
Riyadh, Saudi Arabia (E) [3]	160,000	64,000	
Damascus, Syria (E)		27,500	
Abu Dhabi, United Arab Emirates (E) [2]		64,258	
Sanaa, Yemen Arab Rep. (E) [3]	166,000	43,836	
AFRICA			
Cotonou, Benin (E)	$27,000		
Gaborone, Botswana (E)		$16,400	
Ouagadougou, Burkina-Faso (E)	15,800	13,400	
Yaounde, Cameroon (E)	25,714	20,649	
Douala, Cameroon (CG)			$35,064
Praia, Cape Verde (E)	9,000		
N'Djamena, Chad (E)	101,600	29,500	

DEPARTMENT OF STATE.—LEASE COSTS OF OFFICIAL RESIDENCES—Continued

INTER-AMERICAN

	Ambassador	Deputy Chief of mission residence	Principal officer residence
Brazzaville, Congo (E)	34,000		
Moroni, Cosmoros (E)	24,000		
Djibouti, Djibouti (E) [2]		54,286	
Malabo, Equatorial Guinea (E) [2]	14,000		
Accra, Ghana (E) [2]		18,000	
Conakry, Guinea (E)		42,000	
Monrovia, Liberia (E) [2]		17,500	
Antananarivo, Madagascar (E)		14,800	
Maputo, Mozambigue (E) [2]		28,000	
Niamey, Niger (E)		12,700	
Kaduna, Nigeria (CG)		66,000	
Kigali, Rwanda (E)		17,700	
Dakar, Senegal (E)	27,100	22,000	
Victoria, Seychelles (E)	19,600		
Freetown, Sierra Lione (E)	35,000	21,000	
Mogadishu, Somalia (E)	18,000	24,000	
Khartoum, Sudan (E)	48,000	69,200	
Mbabane, Swaziland (E)	19,200		
Banjul, The Gambia (E)	2,100		
Lome, Togo (E) [1]	6,900	10,400	
Kampala, Uganda (E)		36,000	

[1] Option to purchase.
[2] Posts where U.S. Government can no longer purchase properties.
[3] Construction of new official residence authorized.

Mr. PRESSLER. Finally, Mr. President, the amendment calls for reciprocal treatment of those countries which prohibit the United States from purchasing additional residential properties. Approximately 26 percent of all U.S. overseas diplomatic missions are in countries which prohibit us from buying residences for our diplomats. Those countries should receive the same treatment here, and my amendment moves in that direction.

Mr. President, I urge that the amendment be adopted.

The ACTING PRESIDENT pro tempore. The Senator yields the floor. Is there additional debate? The Senator from Rhode Island.

Mr. PELL. We have examined this amendment, find it acceptable, and urge its passage.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. HELMS. Mr. President, it is a good amendment. We find it acceptable on this side.

The ACTING PRESIDENT pro tempore. The question occurs on the adoption of the amendment of the Senator from South Dakota.

The amendment (No. 896) was agreed to.

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

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

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota, Senator CONRAD.

THE NOMINATION OF JUDGE ROBERT BORK

Mr. CONRAD. Mr. President, I rise to speak on the nomination of Judge Robert Bork to the Supreme Court of the United States.

When the President announced Judge Bork's nomination, I indicated that I would not make a final decision on my vote until the hearings process had been completed. That process was completed yesterday with a vote in the Judiciary Committee. I am now ready to announce my vote and give the reasons for it.

Throughout the confirmation process, I have followed the committee's proceedings with great interest and with an open mind. I have read books on the constitutional debates of our Founding Fathers; reviewed transcripts of the hearings; and read countless articles on the confirmation fight. I have heard from thousands of people in my home State of North Dakota who care deeply about whether of not Judge Bork will be confirmed. Over the past 2 months, I actively sought the viewpoints of my constituents at town meetings in 22 communities; at a debate I sponsored at the University of North Dakota Law School; and by writing to all members of the State bar association. And I was fortunate to have the opportunity to meet privately with Judge Bork last week for more than an hour in my office.

The debate over Judge Bork's nomination has provoked deep divisions in my State as it has in the Nation. This controversy is not just the work of partisan politics, nor is it a simple clash between liberal and conservative ideologies. President Reagan has won Senate confirmation of three conservative Supreme Court Justices; two of them with unanimous support from the Senate.

No, Mr. President, it is not politics which placed this nomination in jeopardy but the record of the man himself. Nor should this nomination be viewed as a simple test of whether the Supreme Court decision allowing abortion should be reconsidered. No judicial nomination can be decided on the basis of a single issue because a judge of the U.S. Supreme Court must rule on hundreds of critical matters in the course of a lifetime appointment to the court. Any nominee must be judged on that broader basis.

Mr. President, I am troubled by a nominee who has argued that the constitutional guarantees of freedom of speech provided for in the first amendment, only applied to political speech. That was his position. Now he has changed.

I am troubled by a nominee who argued that the equal protection provisions of the 14 amendment only applied to race and ethnicity. That was his position. And now he has changed.

I am troubled by a nominee who can find no constitutional justification for the one-man one-vote principle—so

fundamental to our system of representative government. But that is his position.

I am troubled by a nominee who had not met all of his tax obligations until he was nominated for a position on the Supreme Court. Perhaps that is especially sensitive with me as a former State tax commissioner. If he does not show personal respect for the basic tax laws of his jurisdiction, how can he be respected as an interpreter of law on our highest court?

I am troubled by a nominee whose actions as Solicitor General at the height of a constitutional crisis deferred to the wishes of the executive branch and the firing of a special prosecutor.

From the outset I expressed deep reservations about Judge Bork's role in one of our country's most serious chapters: the Watergate Saturday Night Massacre. At the time, our system of government was gravely tested. In my view, Robert Bork did not rise to the challenge of restoring public confidence in the rule of law.

I have found Judge Bork's explanation of his Watergate role inadequate in both his testimony to the Judiciary Committee and in the private meeting he held with me. His decision as Solicitor General to fire Watergate Special Prosecutor Archibald Cox demonstrates to me a serious flaw in judgment.

As a top law enforcement officer, he acted in a way that could have allowed massive abuse of Presidential power to go unchecked.

Instead of providing a satisfactory answer, the confirmation process has raised more questions about this episode than it has answered. Discrepancies exist in Judge Bork's recounting of those events following the firing of Mr. Cox and his testimony was seriously challenged by others involved in the Watergate investigation.

Beyond the implications of his own actions, Judge Bork denounced the law providing for independent special prosecutors as probably unconstitutional. That position would leave the Congress powerless to deal with future questions of illegality in the highest reaches of the executive branch of Government.

But it is not conflicting statements or past deeds alone which give me concern about the pending nomination of Judge Bork to the Supreme Court. It is Judge Bork's narrow vision of the document itself. I am not a constitutional scholar, but I have a vision of the Constitution and its underlying values—values which I have taken an oath to preserve, protect, and defend.

I am deeply troubled by Judge Bork's limited view of the Constitution which has inspired anxiety rather than confidence about whether basic individual rights and freedoms will be protected by him. Judge Bork believes that unless these rights are strictly specified in the Constitution, they do not exist.

Judge Bork, for example, argues that the Constitution does not protect an individual's right to privacy. He states that because privacy is not specifically identified in the Constitution or the Bill or Rights, such a right does not exist.

He calls the ninth amendment, which preserves for the people rights not enumerated elsewhere in the Constitution, "nothing more than a water blot on the document." I disagree. My reading of the debates of the framers of our Constitution and the Bill of Rights indicates that they feared someone would read the rights of the people so narrowly that unless they were specifically listed, they did not exist.

That is precisely why they included the ninth amendment in the Bill of Rights. It was meant to signal to all of us that just because a right is not specifically set out in the Constitution, it is not to be denied to the people. Judge Bork's view would confine the constitutional search for justice to an 18th century world where women could not vote and where slaves were property.

I believe the framers of our Constitution created a more visionary document. Our forefathers could not anticipate all the changes that would shape this country, or all of the issues society would face in the centuries ahead. But their framework endures because it encompasses flexibility, building in a system of interpretation by the court, allowing for the possibility of future amendment, and providing a Government of checks and balances.

I also believe that legal outcomes matter—not just the process of legal reasoning by which decisions are reached. Judge Bork's record and writing show too little concern for their human consequences. His assertion that there is no right to privacy leads him to conclude that the Government could have the right to dictate whether a married couple uses birth control devices in the privacy of their bedroom. I believe that is a profound misreading of the constitutional guarantees of liberty and freedom provided by our forefathers.

Without question, Judge Bork is one of the Nation's foremost legal scholars. Yet the picture that emerged from the hearings process and from the thorough examination of the rulings, writings, and public statements of Judge Bork is disturbingly inconsistent. I am left with an impression of unpredictability. While I do not fault him for revisiting issues and changing his mind, it is hard to believe he's willing to abandon some of his long-held views.

The task of a Justice of the Supreme Court demands not mere strength of intellect but a sensitivity to the core values and aspirations of the Constitution. Because I do not find in the works of Judge Bork these qualities and sensitivities, I cannot consent to his nomination. The Bork nomination is clearly now in jeopardy and I believe that it should be withdrawn. If the nomination proceeds to a vote of the full Senate, I will oppose Judge Bork's appointment to the Supreme Court.

This nomination has deeply divided our State and the Nation. I fervently hope if Judge Bork's nomination is defeated, that the President will send the Senate a nominee who provides this country a spirit of unification and not division.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair now recognizes the Senator from Oregon, Senator HATFIELD, for 10 minutes.

THE BORK NOMINATION

Mr. HATFIELD. Mr. President, David Broder grasped the political dynamic of the current dilemma over the Bork nomination far better than I when he said:

> I have seen enough politics in my life to have lost my squeamishness. But watching these tactics applied to judges is scary. It should send shivers down the spine of anyone who understands the role of the judiciary in this society.

Mr. President, I will not impugn the motive of any Senator, who, after having weighed the evidence, decides to vote for or against Judge Bork. Far be it for me to do that. And I will not suggest here today that any Senator's decision was produced under duress from the runaway politico-technological hate machines that operate as I speak. Nor Mr. President do I believe, as appalled as I may be, that the atmospheric rancor which has descended upon this body can be justly cited by anyone as a basis for a decision on this matter. But I will say this: though our revulsion should not determine the manner in which we should proceed, it most certainly should sound an alarm that this democracy is in poorer health today than it was the day before all this happened.

Yes, we have been here before with Brandeis. We have been here before with Parker. We have been here before with Black. And due to the magnificent resilience of our constitutional democracy we have recovered. And I am sure we will now.

But never before have we seen the type of political visciousness which is unique to the television age threaten the independence and the integrity of the judiciary. It has transformed a good man into an evil symbol. We have watched the political extremes—the fear warriors and the hate war-

riors of the left and the right—each side reinforcing the extremism of the other in a hate concerto.

Mr. President, anyone who observed the Judiciary Committee's vote yesterday knows that Judge Bork's intelligence is not in question; knows that his honor is not in question; knows that his character is not in question; knows that his experience is not in question. And while each of these factors is as pertinent to his fitness to serve as any other, I will lay those matters aside and ask simply: By what standard do we determine whether the ideological portrait of this man lies within reasonable bounds?

The first consideration must be the framework within which we judge him. The viciousness of which I just spoke is something we have come to expect if not condone in the arena of elected office. But its presence in this skirmish is proof of something more profound. We have lost touch with a vital democratic premise: the distinction between legislation and adjudication.

The former demands that the overriding consideration is the ultimate policy which emerges from the thinking and the actions of the legislator. The latter must be dominated by the ultimate quality of the reasoning brought to bear on the interpretation of the law. To suggest otherwise would endorse the view that adjudication is "merely a continuation of legislation by other means"—which it most definitely is not. This does not mean that the result is unimportant, because it is—does not mean that the element of understanding and compassion brought to bear on the decision is not important—because it is. It simply means that there is a different order of priorities which we must apply to the selection of a judge as distinguished from the election of a legislator.

Having established a framework for consideration of this problem, I want to turn to the fundamental accusation around which this matter revolves: is this man an ideologue? We Senators have before us an individual with a long and distinguished career. As that career progressed, a number of transformations in his political orientation occurred. Now we have an obligation to choose the points of reference we will apply. We cannot simply add everything up and honestly say that the whole equals Judge Robert Bork of 1987. Is Judge Bork "the libertarian" the most telling point of reference? Judge Bork the Socialist? Judge Bork the professor? Though they are all relevant, I do not think so. I will say, however, that this very fact of an individual who has undergone such profound changes in political outlook over the course of a lifetime defies the definition of ideologue.

Nevertheless, he has produced during those periods, opinions on the great issues of our day, most particularly in the area of civil rights, which I find profoundly disturbing. But it is my obligation, as one who stands in judgment, to place it in context. Of all the criteria which we have at our disposal to determine the likely quality of his performance on the Supreme Court, the fairest, most complete and I believe the most accurate measurement is provided by Judge Bork's record on the U.S. Court of Appeals, the most recent position he has held.

During this 5-year period, with over 400 decisions and 125 opinions which he authored, spanning a wide range of constitutional and statutory questions. Judge Bork voted with the so-called "liberals" on that court in 75 percent of the cases. Of the 10 race, sex and age discrimination cases involving substantive legal issues as to the scope of the protection of those rights, Judge Bork voted with the plaintiff 7 times. Of the three remaining cases in which Judge Bork voted against the plaintiff, the Supreme Court upheld Judge Bork's position in two of them.

But the most important conclusion is simply this: At no time has the Supreme Court reversed Judge Bork during his tenure as a judge on the U.S. Court of Appeals. At no time. That is not the record of an ideologue.

As Lloyd Cutler, a liberal Democrat, has described it, this is a record of an individual closer to the center than to the right, more in the mainstream than on any fringe, and more in keeping with the status quo of Supreme Court decisions than a disruption of any balance which now exists.

Let me remind the Senate: in 1982 we unanimously confirmed Judge Bork. If anything we have a far more moderate record today upon which to judge him than we did in 1982. At worst, there is absolutely nothing in his record over that 5-year period to indicate that he has suddenly become a danger to the Republic. If you listen to the logic of his detractors, he must have been a danger to the Republic in 1982. Where were they then? We had the same documents—the same opinions—the same writings. There is no escape from the charge: This Senate was either asleep at the wheel and therefore derelict in its duty or there is something very wrong with what is occurring right now. Something very, very wrong. The case against this man is flawed.

I would say this to my fellow liberals: We above all others have a solemn obligation to stand firm against unfounded charges of extremism. We above everyone had better err on the side of tolerance lest we be deemed intolerable ourselves.

If I were to judge this man exclusively on the degree of common political ground we share, then I also forfeit my right to urge tolerance upon my colleagues when a liberal whose views are more fully compatible with my own is nominated by a future President to the Supreme Court. I have said many times that the President, Democratic and Republican alike, deserves to choose his own team unless serious questions of character exist. The Supreme Court, however, is not the President's team any more than we are part of his team. That is precisely what separates us from dictatorship.

But in some ways I do not view this decision in a radically different context from the one I faced regarding the nomination of Kenneth Adelman to the directorship of the Arms Control and Disarmament Agency. There is no cause to which I have been more fervently committed throughout my life than the end of the nuclear arms race. There was probably not one issue with which I found myself in agreement with Mr. Adelman, yet I voted for him. I voted for him because my eye was on Mr. Adelman—but it was also on the future. I voted for him because I had not given up the dream of a future President who would come to the White House unabashedly determined to end this madness and appoint a negotiator who would do just that. If I were to oppose a qualified individual who was not an extremist, I would abandon my right and my credibility to fight for the next individual to come along whose views are more in keeping with my own.

Who will the President send us next if this nomination is defeated or withdrawn? This President is not going to send a liberal up here. In fact, it is my guess that when all is said and done, once the smoke clears; it will be the ideologues on the right who will have the last laugh.

This man has flaws. He has taken positions which concern me deeply. I cannot vote for him without doubts. But I also cannot in good conscience oppose him on the ground that he is an extremist because the record flies in the face of that charge. This nomination debate has been described as a lynching. That imagery should serve as a reminder to all of us. For it is moments such as this when we should remember that the independence and the integrity of this Nation's judiciary is sometimes all we have to protect us from popular hysteria and the tyranny it feeds when there are no cool heads left.

When we politicians cower in fear of an arrogant majority or a potent minority, we had better hope that there are people seated on the bench who are willing to accept the accusation that they are "narrowly legalistic"—as Judge Bork has been accused.

I hope my colleagues also remember those periods in our history when the

ruling majority in Congress held the same party label as the man who sat in the White House—those periods when the Congress played "rubber stamp" to the President. The independence of the Supreme Court and only the independence of the Supreme Court stood between us and what could be described as a voluntary totalitarianism. If I thought for a moment that this man was capable or likely or disposed to turn back the clock on civil rights, on antidiscrimination laws, on privacy—on any form of civil liberty—I would be leading the opposition on this floor today. But that is not the case and I think most of us know that is not the case. With all the legitimate concerns one may have—and there have been many voices of reason opposing Judge Bork struggling to be heard above the shrill catcalls—there is no question in my mind that we will live to regret the course which this body seems intent on pursuing.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 10 minutes.

THE NOMINATION OF ROBERT BORK TO THE SUPREME COURT

Mr. SASSER. Mr. President, I rise today to offer my views on the nomination of Judge Robert Bork to be an Associate Justice of the Supreme Court.

I think I can forgo any further discussion on the importance of this nomination. It has controlled the attention of the American people in recent weeks.

We are all aware that the seat to which Judge Bork aspires is pivotal. The person who takes it may well make decisions that will determine the direction of the body of law in this country for decades to come.

When President Reagan nominated Judge Bork to the Nation's highest court, I stated that I would not make a decision on the nomination until the hearings were completed. The hearing process is now over and the record of Judge Bork has been laid before the Senate and the country in detail.

For good or ill, we have had one of the most intense scrutinies of a Supreme Court nomination in recent history, perhaps in the history of the Republic.

While before the Judiciary Committee, Judge Bork revealed himself to be a complex and brilliant scholar. He has a searching intellect that has resulted in some truly profound inquiries into this Nation's judicial heritage.

After a thorough examination of his academic writings and after scrutiny of the Judiciary hearing record, there can be no doubt, and I have no doubt that Judge Bork is a man of the highest intellectual and moral integrity. I am convinced that this intellectual and political odessey has been absolutely sincere.

But having said that, I am concerned about some of Mr. Bork's personal characteristics—characteristics that may well work to produce excellence in a scholar but which in a Supreme Court Justice may produce deep doubt, distrust, and divisiveness.

Mr. President, the Supreme Court is, as it was called repeatedly by our distinguished colleagues on the Judiciary Committee, a peoples' court. For many of our citizens, who may well have exhausted all other means of redress, it is indeed the court of last resort.

My fears about Judge Bork arise largely from my foreboding that approval of his nomination to the Court will persuade millions of American citizens that the ultimate bar of justice has been closed to them, that the final arbiter in conflicts between personal rights and government rights has been rendered deaf to the voice of the individual.

Frankly, I must confess that I am deeply troubled by the erratic nature of Judge Bork's views. I am troubled by his journey from a youthful Socialist who believes that Government supplies all the answers to a libertarian who believes that government has little or no place in regulating the conduct of human affairs.

I am equally troubled by his more recent journey from a radically conservative judicial belief that majority views are paramount and predominate to the exclusion of minority views, a journey that continues to what we are told now is a quiet, moderate niche in the judicial mainstream.

For anyone who has followed the confirmation process and seen the radical activist Bork, the originalist Bork, then heard about the libertarian Bork and the moderate Bork, the question must be clear and alarming: Who is the real Robert Bork and how can we possibly predict with any reasonable degree of certainty what kind of Justice he will be?

Mr. President, I am not convinced that Judge Bork has abandoned the radical judicial agenda he has charted out very carefully through 25 years of deeply considered scholarship. And if that scholarship is to be our true guide, there is far too much in it that is extreme, inflammatory, and, to quote my distinguished friend from Alabama, Judge HEFLIN, "Bordering on the strange."

I believe these radical views derive from a constricted view of the individual rights upon which this country was founded, a view that we should bind our civil and individual liberties in a straitjacket called original intent.

Mr. President, I practiced law in the courts of this land for 15 years before being elevated to this body by the people of Tennessee and in that time I think I developed some view as to what our Constitution should be, and my view is that the Constitution is a living document whose basic genius is that it lays down a broad mandate for the individual rights and liberties that must evolve in response to changing social and technological circumstances as our country travels through the centuries.

In my judgment, the Constitution is a solid, brilliantly constructed foundation upon which we have built, for 200 years, a superstructure of deeply considered judicial belief.

I submit it would be the opposite of conservatism to tear the roof off that superstructure, rip down the walls and pillars of this carefully crafted hall of justice, in order to declare that we are preserving the pure foundation of original intent that undergirds it all.

Quite frankly, Mr. President, that is the very definition of a "foolish consistency," and it results in precisely the kind of judicial thinking that is represented in a careful reading of Judge Bork's Indiana Law Review article of 1971.

It results in a denial of any right to privacy, a view that privacy is not implicit in our Constitution or a right to privacy is not implicit. It results in the view that there are no real rights outside of those that are explicitly enumerated in the language of the Constitution itself.

It results in challenges to the Public Accommodations Act—title II of the Civil Rights Act of 1964. It results in the most narrow and miserly possible interpretation of the 14th amendment "equal justice under the law" clause.

Finally, it results in statements like these from Judge Bork's 1971 "neutral principles" piece.

And I quote from that piece, Mr. President. Judge Bork wrote that:

> Constitutional protection should be accorded only to speech that is explicitly political. There is no basis for judicial intervention to protect any other form of expression, be it scientific or literary.

That is too narrow a reading of what American citizens have come to construe now for almost 200 years as freedom of speech.

What about the principle of one man, one vote? Here is what Judge Bork wrote about it.

> The principle of one man, one vote was not neutrally derived: It runs counter to the text of the Fourteenth Amendment, the history surrounding its adoption and ratification and the political practice of Americans from colonial times up to the day the court invented the new formula.
>
> That is one man, one vote.

And the new formula that he says the Court invented out of thin air was one man, one vote.

Now, to be fair about it, Judge Bork has subsequently recanted these radical views. And if we are to believe his testimony before the Judiciary Committee, he would not shred the very

fabric of our culture in order to preserve the purity of the theories that he so carefully crafted over the past 20 years.

But I submit, Mr. President, the Bork nomination was sent to this body basically on the strength of the judge's ideological purity. The Robert Bork who has been proposed for the High Court was proposed precisely because of his strictly held originalist beliefs and because of the promise implicit in them that he would roll back the clock on issues like civil rights, privacy, and equal justice under the law.

So the question occurs once again, Mr. President, Who is the real Judge Bork? And can we afford to send him to the Highest Court in the land, the pivotal seat, before we know for sure?

My answer, like the answer of so many of my colleagues from the southeastern region of the United States, must be no.

Mr. President, the Southland that I love has been down a long and difficult road in pursuit of equal rights for people of all races and all sexes. We have fought a bloody war over this issue that pitted brother against brother.

I know that the citizens of my State, and the citizens of the South in general, do not want to retraverse that painful journey.

I believe we want rigorous jurisprudence in accordance with the guidelines established by the Constitution, but consistent with the 200 years of constitutional experience that have enshrined in our canon of ethics the simple principle of "equal justice under the law."

In conclusion, Mr. President, I would urge the President to send to this body the name of one of the many highly qualified candidates for the Court from the Southern States.

I called upon the President to select a southerner when Justice Powell announced his resignation from the Court.

I would remind my distinguished colleagues that Justice Powell of Virginia succeeded Justice Hugo Black, of Alabama, who was also a Southerner. We have always had a Southerner on the Supreme Court.

I would urge that the principle of regional balance is well worth preserving. There are numerous Southern judges who exemplify the qualities we need on the Court—scrupulous adherence to the values inherent in the Constitution—tempered by a broad understanding of the struggle for individual liberty that has been our heritage for 200 years.

So, Mr. President, in conclusion, I urge the President of the United States to send to the Senate another nominee for the Supreme Court.

The PRESIDING OFFICER (Mr. REID). The Senator's time has expired.

Mr. MOYNIHAN. Mr. President, before proceeding with the amendment which has been scheduled, may I take a moment to express my great appreciation and admiration for the statements of the Senator from Tennessee which were so cogent, thoughtful, and modulated. May this Yankee express his agreement with the thought that, of course, there ought to be a Southern member of the Supreme Court. There has always been. I hope that he is heard carefully in the executive branch.

Mr. SASSER. Mr. President, I wish to thank my distinguished friend from New York for his remarks.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

The Senate resumed consideration of the bill.

AMENDMENT NO. 898

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 898.

At the appropriate place, insert:

It is the sense of the Senate that the Department of State, in arranging visits of foreign dignitaries to the Capitol, shall have in mind that ours is a republican institution which by long established practice, and as a matter of principle, conducts its affairs with a minimum of display. Individual Senators do not have official cars, do not have motorcycle escorts, do not have praetorian guards. The recurrent spectacle of screeching, self-important, heavily armed caravans of limousiness, some "decoys," bearing foreign visitors is discordant, disruptive, and scarcely a service to the visitors themselves. The Department of State is urged to consider that two unadorned automobiles and no motorcycles would ensure foreign visitors a warm welcome, and make clear to them that they are visiting the representative body of a democratic state, and not some besieged citadel of a fearful tyranny.

Mr. MOYNIHAN. Mr. President, I will be brief.

I make two observations. It has long been the observation of historians that organizations in conflict become like one another. And anyone who has been in and out of of our Nation's Capital for some near three decades, as is the case with the Senator from New York, will have observed the ever-rising degree of spectacle with which we encounter executive branch performances; the heightened security, the outriders, the decoy limousines, the stationwagons filled with armed men and women, which are scarcely appropriate to a republic.

We here in this Capitol are representatives of a free people. We are freely elected. If anything befalls us, misfortune of any kind, we will be replaced by other equally free representatives.

I do not like, and I cannot think others do, the impression that we are somehow emulating the manner of other nations where rulers roar down the streets, traffic is cleared, and passers-by are scrutinized for whatever unhappy intent they might well indeed have.

We are not that kind of a nation, but much more the kind of a nation, may I say, where the previous President walked down Pennsylvania Avenue in his inaugural parade.

I just hope that the State Department would understand that they are likely giving a very wrong impression to others when they bring them to us in this manner.

Yesterday afternoon, the President of Mozambique arrived here in a manner which Mr. Duvalier would have found excessive as he roared through Port-au-Prince. Indeed, that President enjoyed such treatment as any dozens of tyrants or dictators in the world are accustomed to. That is not our practice. This is not their place.

I would hope that the State Department would hear us saying: Bring them up, but have them arrive the way we arrive.

Mr. President, the distinguished Senator from North Carolina has asked that he might be a cosponsor of this measure and I am very happy that he should be.

Mr. PELL. I would like to be added, as well.

Mr. MOYNIHAN. Mr. President, my day is now fully filled with joy that our beloved and distinguished chairman of the Committee on Foreign Relations joins in this matter.

Mr. BYRD. Mr. President, I would like to be added as a cosponsor.

Mr. MOYNIHAN. I think I will mark this day as one of permanent happiness. The distinguished majority leader as a cosponsor: A man who represents everything we are talking about, a plain Democratic representative in a Republican institution.

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

Mr. MOYNIHAN. Mr. President, if there are no further comments, I move the adoption of the amendments, encouraging the Secretary of State to pay heed.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. With full support for this amendment on this side of the aisle, I trust the amendment will pass.

Mr. HELMS. And the unbridled and enthusiastic support on this side.

The PRESIDING OFFICER. Senators have yielded back their time?

Mr. MOYNIHAN. Yes.

Mr. PELL. Yes.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

The amendment (No. 898) was agreed to.

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

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

The motion to lay on the table was agreed to.

EMPLOYEE OWNERSHIP WEEK

Mr. BYRD. Mr. President, there is one measure on the calendar which I believe has been cleared on the other side, Calendar Order No. 369.

Mr. KARNES. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of that resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 295) to express the sense of the Senate that the period commencing October 5, 1987, and ending October 11, 1987, should be recognized as "Employee Ownership Week."

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

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

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

Mr. SANFORD. Mr. President, I rise to speak in recognition of Employee Ownership Week. It is a special pleasure for me that such a week has been named and we are able to observe it across the country this week. As you know, I have been an ardent supporter of the adoption of employee stock ownership plans, and I believe that the special designation of an Employee Ownership Week acknowledges overall congressional support of ESOP's. The week is a sign that employees and companies alike are now encouraged to participate in employee stock ownership plans.

Why do we encourage employee stock ownership plans? The answer is that they are one of the best ways to promote a wider sharing in the ownership benefits of capitalism. In 1987, a GAO report revealed that 90 percent of corporate stock is owned by just 10 percent of the households in America. Employee ownership plans are one of the most effective ways to broaden that ownership. And that is what our great country is built upon, and we should do everything possible to make all the people participants and beneficiaries of the fruits of that system.

Why should we encourage expanded capital ownership? There are a myriad of good, specific reasons. I will list only a few here. It enhances motivation, dedication, quality, creativity and competitiveness throughout the economy. It improves productivity—from both people and physical assets. It lowers job absenteeism, turnover and grievances. It promotes a better understanding by all employees of company's goals and what is needed to achieve those goals. It improves the quality of working life. It facilitates a new style of management—giving the manager more time for planning. It can save time and costs by flattening the organizational pyramid. It enhances cooperation and teamwork. It promotes a sense of shared values, the most powerful factor underlying the superior performance of the most excellent firms. It encourages a focus on the needs of customers. It enhances personal dignity. It empowers people.

Just this week the Bureau of National Affairs released the results of a comprehensive study of employee ownership plans at 8,000 companies. The study found that workers at employee-owned companies work harder and pay more attention to quality than workers at nonemployee owned firms. The study also found that 57 percent of those surveyed would trade their next wage increase for a share of ownership in the firm.

I was particularly pleased to hear the testimony at hearing this year before the Banking Committee from Bob Strickland, chairman of the board of one of North Carolina's finest companies—Lowe's. This company has been included in the book "The Hundred Best Companies To Work For In America," largely because of its employee stock ownership plan. Currently, employees own over 22 percent of Lowe's outstanding shares. In commenting on the tremendous growth and profitability of Lowe's, Mr. Strickland stated that successes were created by: First, employee stock ownership; second, the motivation and productivity created by the employee ownership; third, the growth in profitability which thereby ensued; and fourth, the increase in the price of Lowe's stock as Lowe's incentives and growth pattern were recognized by the stock market and financial community.

In connection with the marking of Employee Ownership Week, I would note two recent developments regarding employee ownership. Last week the Banking Committee passed in its markup of legislation on corporate takeovers a very significant provision that would give employee ownership groups additional time to arrange financing if they wish to match the bid that a raider makes as part of a takeover.

Time and time again the committee heard testimony from a wide variety of employee groups who were cut out of the takeover process, despite the fact that it is their labor that will be essential to paying off the debt accumulated as a result of the takeover. The main problem was that employee groups simply could not put together multimillion or even billion dollar financing packages in the 20 day time period currently allowed for tender offers. This important amendment would provide employee stock ownership groups an additional 60 days to finance their own offer for the company.

Second, I was pleased that an amendment I encouraged was added to the omnibus trade bill passed by the Senate. This provision promotes ESOP's as part of debt-equity swaps used to retire debt in Third World countries.

Again, the arguments for promoting employee stock ownership, particularly in developing countries, are many. Sharing ownership benefits will counter the reluctance of nations to allow extensive foreign ownership of domestic companies and refute the Marxist claim that private enterprise only benefits the few. It also provides a much needed third road between the extremes of complete government ownership and concentrated private ownership that has led to instability in so many lesser developed countries.

The encouragement of expanded capital ownership through employee stock ownership plans provides a vision that serves as a challenge for our democracy. It provides a national strategy that fosters a true national unity—a unity that can command respect, nationally and internationally, over a long period of time. And marking this week as Employee Ownership Week is an important symbol of the support we should give to expanded capital ownership at home and abroad. Mr. President, I wish to urge all my colleagues to give special recognition to the importance of this Employee Ownership Week and to support legislation as it comes before the Congress that promotes and encourages employee stock ownership. Expanded capital ownership is something we can all support. As Bob Stickland commented, "What is more Republican than making people capitalists? And what is more democratic than sharing the wealth?" I hope we can all support Employee Ownership Week.

Thank you, Mr. President.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 295

Whereas employee ownership is instrumental in helping more Americans share in our Nation's growth and prosperity by enabling them to accumulate significant amounts of capital stock in their companies:

Whereas employee ownership is a powerful incentive for workers to make the best use of their talents and energies in the work

place, thus strengthening the competitive potential of our Nation's enterprises;

Whereas employee ownership is a viable tool for creating and retaining jobs in our Nation's communities;

Whereas the growing number of firms with employee owners deserve special praise for their participation in the positive economic trend of employee ownership; and

Whereas the United States Congress, as a matter of sound economic policy, supports the further adoption and expansion of employee ownership in American business: Now, therefore, be it

Resolved, that it is the sense of the Senate that the period commencing October 5, 1987, and ending October 11, 1987, should be recognized as "Employee Ownership Week".

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is also agreed to.

ORDERS FOR THURSDAY

RECESS UNTIL 8:45 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent when the Senate complete its business today it stand in recess until the hour of 8:45 a.m. tomorrow.

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

The foregoing order was changed later to provide for a recess until 8:30 a.m.

LEADERSHIP TIME WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that time for the two leaders be waived on tomorrow.

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

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent immediately following the prayer Mr. PROXMIRE be recognized for not to exceed 5 minutes; and immediately following Mr. REID a quorum call begin.

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

Mr. BYRD. Mr. President, that will be a live quorum. It will be a 30-minute quorum call.

CALL FOR THE REGULAR ORDER TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the call for the regular order be automatic after the conclusion of 30 minutes on that rollcall.

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

PROGRAM

Mr. BYRD. Immediately following that rollcall the two managers are prepared to proceed with the business that we have been on for the last 2 days. Amendments hopefully will be ready for action. I urge all Senators who have amendments to be prepared to call up their amendments tomorrow. It is hoped that action can be completed on this measure by 2 o'clock tomorrow afternoon. Obviously there will be some rollcall votes in connection therewith.

I compliment the two managers on their handling of this bill. They have disposed of a good many amendments today and yesterday and on Friday last. They have been at their posts of duty, ready to take on all amendments. I wish them well on the morrow.

I hope that we can finish this measure, as I say, by 2 o'clock tomorrow. It would be my expectation then to go to the nomination of Mr. Verity. It is also possible that tomorrow afternoon we could do the prompt payment act. The order, of course, is for going to catastrophic illness, but I am thinking of changing this order for good reasons.

It would be my plan, then, on Friday, to take up catastrophic illness, in the event that matters work out as I hope they will and as I have tentatively set them forward here.

PROPOSED UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF MR. VERITY

Mr. BYRD. Mr. President, I will put this in the form of a consent. I ask unanimous consent that upon the disposition of the State Department authorization bill on tomorrow, the Senate go into executive session and proceed to the consideration of Mr. Verity. I am sure there will be a vote on that nomination. I ask unanimous consent that the vote on the nomination of Mr. Verity occur on Friday at the hour of 9 a.m. and that upon the disposition of that nomination, the Senate then proceed to the consideration of the catastrophic illness legislation, if the State Department authorization bill has been completed prior thereto.

Mr. DOLE. Mr. President, reserving the right to object, I needed to make one phone call on this. I had someone indicate they could not give consent to move to the Verity nomination. I know you could get it——

Mr. BYRD. Mr. President, at the moment I withdraw the unanimous consent and thank the Senator from Nebraska for his courtesy for yielding.

THE NOMINATION OF JUDGE ROBERT BORK

Mr. KARNES. Mr. President, I rise at this time to speak on the nomination of Judge Robert H. Bork to serve as Associate Justice of the Highest Court in our country—a nomination which surely will go down in history for the unprecedented level of attention and degree of scrutiny it has received.

I believe this particular issue is the most significant of my short Senate career. Indeed, it is one of the most important of our constitutional responsibilities as U.S. Senators, thus, I have given great care, attention and study to my decision to support the President's nomination of Judge Bork.

Of greatest importance in making a decision of this nature is the recognition of qualities which must be present for the confirmation of a nominee to the Supreme Court. Drawing upon the collective wisdom and experience of colleagues like Senator THURMOND, and my personal beliefs as to the measure of responsibility demanded of an individual sitting in judgment of the will of the people as expressed through their elected representatives and found through the acts of citizens, I note the following as important factors:

First, unquestioned integrity as evidenced through courage to render decisions in accordance with the Constitution and the will of the people as expressed in the laws of Congress;

Next, knowledge and understanding of the law, in other words, professional competency;

Next, understanding to recognize both the rights of the individual and the rights of society in the quest for equal justice under law;

Next, appropriate judicial temperament; the ability to prevent the pressures of the moment from overpowering the composure and self-discipline of a well-ordered mind;

Lastly, an appreciation for the greatness of our system of government—in its separation of powers between the branches of our Federal Government and its division of powers between the Federal and State Governments.

Certainly no one look at the career of Judge Bork and not be singularly impressed with his extraordinary credentials, nor doubt that Judge Bork meets these qualifications. At this point, I think it serves to reiterate what many have already emphasized about Judge Bork's record.

A graduate of the University of Chicago Law School, a Phi Beta Kappa and managing editor of that institution's Law Review, Robert Bork has twice served on the faculty of Yale Law School and was a professor at that prestigious institution for 15 years. In his private practice of law, Mr. Bork earned a national reputation as an outstanding litigator. In his 4 years as Solicitor General of the United States, Robert Bork fulfilled his role in a job that is universally recognized as one requiring the talents of a "lawyer's lawyer".

Robert Bork has, in my opinion, since 1982, accumulated a remarkable record as judge on the Circuit Court of

Appeals for the District of Columbia. This record should be most relevant to this Senate's consideration. Of the 426 cases, in which he has participated, Judge Bork has been the author of the majority opinion in 106 instances. With respect to those 106 majority opinions, it is deserving of emphasis that he never has been reversed by the Supreme Court. Furthermore, of the 401 cases in which Judge Bork joined with the majority, none have been reversed by the U.S. Supreme Court.

In addition, Judge Bork authored dissenting opinions in 25 remaining cases, and the Supreme Court adopted the viewpoint expressed by Judge Bork in those dissents on six different occasions. Many have offered the observation that Judge Bork may well have the most remarkable record on appeal of any currently sitting U.S. Federal judge. I, too, think that it is a fair conclusion from these statistics that Judge Bork's judicial rulings during these 5 years have not been at variance with the prevailing views of the current Supreme Court.

I also must add that twice before, Judge Bork has passed confirmation of this U.S. Senate for positions on the Federal Bench, each time unanimously.

Mr. President, a great deal has been said during these hearings concerning judicial philosophy and/or ideology. As the Senate looks at a nominee's record in its duty to advise and consent, it is reasonable to look at other aspects of the person and his record. Broadly put, the "ideology" of the nominee is a factor among numerous factors that I previously cited which are within the discretion of Senators to consider. However, I believe that many of my colleagues are making the grave mistake of declaring ideology the dispositive factor—a first among equals as a criterion for confirmation. Of course, reality is that the ideology question is rarely based on an objective weighing of the lofty ideals of freedom and democracy, but rather a subjective examination of the nominee's views and how his views square with the prevailing ideological beliefs of the questioner—in other words, "does the nominee think the same way I do?" As one witness noted, "the critics bless their own views as the mainstream and damn everyone else as outside of it."

Mr. President, I feel that the overly great importance on matters related to individual ideology found in the Bork nomination works a disservice to the people and to the system of Government that serves them. There are many levels on which Supreme Court nominees are examined, investigated, questioned and judged; in this case, the life of Robert Bork has been completed dissected. I believe so much so, that the Bork confirmation process itself is legitimately subject to criticism.

In this regard, I feel obligated to publicly state my tremendous frustration and disgust with the scope of any apparent disinformation campaign created by opponents of Judge Bork. I have read a number of his opinions and find the distortions of his record in the media, in advertisements, and in the hearings designed to create the public image of a man very different from the one I met with on Monday of this week, and very different from the one that emerges from a fair reading of his record.

I have previously cited Judge Bork's outstanding judicial record. In my mind, judicial experience and one's judicial record, if available, should provide the principal basis for one's determination and conclusions on judicial philosophy. Clearly, the law school writings of 15-20 years past should be considered but not predominate. The selected culling and frequent unrepresentative sampling of cases cited by the opponents of Judge Bork created in my view a highly misleading account of his judicial philosophy or ideology, if you will. Unfortunately, I believe this orchestrated effort at disinformation apparently will achieve nonconfirmation. As well, it establishes an extremely threatening scenario for the future politicizing of Presidential nominees to the Court. If such media hype and public hysteria continues, it will inevitably discourage vigorous advocates of the Constitution and the rule of law, such as Judge Bork, from seeking high judicial positions in this country. Again, I have no objection to full, fair and comprehensive hearings and inquiries into the nominee. However, the pattern of unrelenting disinformation is unsuitable and unjustified.

Mr. President, in reaching my decision to support the nomination of Judge Bork, I have reviewed carefully the confirmation hearing record on his views concerning criminal law, civil rights, the right of privacy, equal protection, the first amendment, the Watergate circumstances, his view of judicial precedent/stare decisis, the separation of powers, and judicial restraint and judicial standing issues. In certain instances, I must admit that the outcome or the final decisions in these areas may not have been to my complete liking or agreement, but the fact is Judge Bork has consistently applied a reasoned and principled standard of judicial restraint in deciding cases that underscore his oft-stated, long-held belief that people—we the people—make the laws—not judges.

It seems to this Senator that the fundamental focus of Judge Bork's detractors in his criticism of judicial activism, and his strong objection to the role of courts on occasion creating "judge-made" law equal to the system of laws passed by legislatures.

As Judge Bork put it 3 weeks ago: "the judge must be every bit as governed by law as is the Congress, the President, the State Governor and legislatures, and the American people. No one, including a judge, can be above the law".

To say that judges must follow the law rather than their personal bias is not to say that individual liberty or freedoms are not without full scope or vitality in the mind of Judge Bork. To the contrary, when deciding constitutional cases in the "grey area", Judge Bork testified that the judge's responsibility is to discover the framers' values, defined in the world they knew, and apply them to the world we know. I don't suggest that this formula always yields an easy result—or even a result I always agree with—but it is a reasoned and principled approach to cases and disputes. Simply stated, his view is that the Court's role is to interpret the Constitution, interpret the laws passed by Congress, and rule on the administration of those laws when appropriately presented to the Court. He objects to the concept of the super legislature made up of lifetime appointees who are beyond the review of the people or of the other branches of Government. Are these views not what the framers had in mind when they divided the authority of Government between three separate and distinct branches in order to avoid the dangerous accumulation of autonomy in any one branch or power within the governmental framework? I believe that they are what the Constitution requires and the framers, given a fair interpretation of intent, sought. Thus, I believe in Judge Bork's justifiable concern for an unrestrained, nonreviewable role of the Court. To do otherwise would do violence to the concept of the separation of powers and what has come to be known as the system of checks and balances—that indefeasible guarantee that the people will never become isolated from the mechanism that governs them.

At this point, I ask if this judicial philosophy is one that may be labeled—and has been labeled by opponents of Judge Bork—as an extremist judicial philosophy? I think not. As Chief Justice Warren Burger declared during the confirmation hearings, "It would astonish me to think that he is an extremist any more than I am an extremist * * *. Senator, if Judge Bork is not in the mainstream—of American judicial thought—neither am I, and neither have I been."

Thus, in the mind of this Senator, Judge Bork's belief of judicial restraint results not in a Constitution that is static, worthless, wholly lacking in interpretative flexibility to deal with a rapidly changing environment,

but instead, the Bork constitution is indeed dynamic and vital. Consider the expansion of the first amendment protection to the electronic media and the fourth amendment to electronic surveillance, as examples.

Judge Bork has clearly stated throughout the hearings that when social change is mandated by a principle within the Constitution or a statute, then the Court has a legitimate warrant to bring about expanded liberty and freedoms. As Judge Bork explained, "Brown versus Board of Education" brought about enormous social change, and properly so.

Mr. President, I believe after much review and thought that Judge Bork represents a judicial philosophy not of the minority, but indeed the majority of the American citizenry. I sincerely hope that he will have a chance to show the nay sayers and the skeptics that the wisdom, courage and foresight reflected so clearly and vividly in our Constitution can be placed in the hands of a man who respects this great document so much and is eminently qualified to serve as a member of the Supreme Court. I am confident that he possesses the qualities, character, integrity, and intellect of the finest of our country's Supreme Court Justices and that with his strong personal commitment to justice, the Constitution will continue to be the solid anchor holding our Nation in place through trial and tribulation, storm and crisis, opportunity and achievements, now and in the future.

In conclusion, I must acknowledge and thank the many citizens of Nebraska who took the time to communicate with my offices in Nebraska and Washington and with me personally as I traveled the State on this most important subject.

Such input was not a referendum on the nominee and the decision I have just made is mine and mine alone considering many factors as I have stated. However, I sincerely appreciate each citizen's active participation by sharing with me their thoughts and questions. I am proud to represent the great people of the State of Nebraska. I will always encourage such communication on any issue of concern.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me. I commend the distinguished Senator from Nebraska for his excellent remarks.

Mr. KARNES. I thank the Senator.

Mr. HELMS. Senator KARNES is the newest Member of the Senate, but he hit the ground running when he arrived here. His eloquence was apparent in that statement, and I thank him.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

The Senate continued with the consideration of the bill.

Mr. HELMS. What is the pending business, Mr. President?

The PRESIDING OFFICER. Senate bill 1394.

Mr. HELMS. I judge that it is open to amendment?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Mr. President, I have several amendments on behalf of a number of Senators. These have been cleared on both sides, I might add.

AMENDMENT NO. 899

Mr. HELMS. I send an amendment to the desk on behalf of the distinguished Senator from Wisconsin, Mr. KASTEN, and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for Mr. KASTEN, proposes an amendment numbered 899.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . REPORT ON POLICIES PURSUED BY OTHER COUNTRIES IN INTERNATIONAL ORGANIZATIONS.

The last sentence of section 117 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 is amended by inserting before the period the following: "together with the amount and type of foreign assistance (if any) made available by the United States for the preceding fiscal year to each such country under the Foreign Assistance Act of 1961, the Arms Export Control Act, the Export-Import Bank Act of 1945, and the Peace Corps Act".

Mr. KASTEN. Mr. President, I have two amendments to this legislation which I am certain are noncontroversial and which have been accepted in the House relating first to the voting practices report which is required yearly and second, the problem of the use of secondment by the Soviet Union in order to circumvent the United Nations' hiring freeze.

FOREIGN AID AND UNITED NATIONS VOTING PATTERNS

The first amendment would change the current law so that in addition to requiring voting reports each year, that report would also contain the amount of foreign assistance, if any, which is made available by the United States for each country enumerated in that report.

The voting report has become a very useful tool in trying to determine the support or nonsupport of countries in the United Nations, and I believe it would be of even more use and interest if it included U.S. foreign assistance which goes to those countries. Mr. President, this amendment is identical to section 183 of H.R. 1777.

SOVIET USE OF SECONDMENT TO CIRCUMVENT U.N. HIRING FREEZE

Mr. President, my second amendment, which is also identical to a provision of the House passed bill, section 199(g) of H.R. 1777, addresses the problem which I raised early last summer relative to the use of secondment by the Soviet Union and Eastern bloc countries in the United Nations to circumvent the hiring freeze. This amendment addresses these concerns in three fashions. First of all, it criticizes the Soviets for failing to adhere to the personnel practices spelled out in the United Nations Charter, second, it calls upon the president to take all necessary steps to ensure compliance with the United Nations hiring freeze, and third, it requires the Secretary of State to annually report to the United States Congress on the status of secondment by the Soviet Union and Soviet bloc nations in the United Nations. It also asks for a report on actions taken by the United States and the United Nations to enforce the provisions of the charter which governs the activities of U.N. employees.

Mr. President, I believe that both of these amendments are acceptable and would urge my colleagues to support them.

Mr. HELMS. I support the amendment of Senator KASTEN, and it has been cleared on this side.

For the record, Mr. President, let me summarize the provisions of the amendment.

The amendment expressed the sense of Congress that:

The President should take any action necessary to ensuring compliance with the hiring freeze, including withholding all United States assessed contributions to the United Nations and denying visas to new Soviet-bloc officials.

The President convey to the United Nations that the hiring freeze continue indefinitely, or until the United Nations complies with group of 18 recommended reductions in U.S. personnel.

The Secretary General should revoke all exceptions to the hiring freeze.

Violations of articles 100 and 101 of the U.N. charter and abuse of secondment by Soviets and Soviet-bloc are reprehensible.

The United Nations should adopt the G-18 recommendation that no member-nation be allowed to second more than 50 percent of its nationals.

The Soviet Union be condemned for its refusal to adhere to the principles of the U.N. charter calling for an international civil service and its abuse of secondment.

The amendment also requires the State Department to annually report on:

Number of Soviet and Soviet-bloc personnel seconded to the U.N.

Number of Soviet and Soviet-bloc personnel employed by the United Nations.

Measures taken by the United States to persuade the U.N. Secretariat to enforce articles 100 and 101 of U.N. Charter.

Measures taken by the United States to end Soviet/Soviet-bloc abuse of secondment.

Measures taken by the United States to verify credentials of Soviet-bloc nationals and deny them entry visas, based on their intelligence threat to the United States.

AMENDMENT NO. 900

Mr. HELMS. Mr. President, I send an amendment to the desk on behalf of Senator KASTEN, and I ask that it be stated, and that it be in order for it to be offered. It is not a second-degree amendment, it is just a second amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] for Mr. KASTEN, proposes an amendment numbered 900.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE.

(a) FINDINGS.—The Congress makes the following findings:

(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the hiring of personnel within the United Nations Secretariat.

(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the "Group of 18 Experts").

(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze.

(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

(6) According to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance.

(7) Other United States intelligence authorities estimate that as many as one-half of the Soviets and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus in the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the Soviet Consulate in San Francisco, California.

(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(12) As of Septmber 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are "seconded," that is, serve on short, fixed-term contracts.

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

(b) REPORT TO CONGRESS.—(1) The Secretary of State shall report to the Congress not later than 90 days after the date of enactment of this Act and annually thereafter as to the status of secondment within the United Nations by the Soviet Union and Soviet-bloc member-nations.

(2) Such report shall contain as a minimum, a thorough analysis of the following issues:

(A) The number of Soviet and Soviet-bloc nationals who are currently seconded to the United Nations system on short, fixed-term contracts in New York, Geneva, Vienna, and Nairobi, and the percentage such number is to the total number of Soviet and Soviet-bloc nationals so seconded.

(C) The number of Soviet and Soviet-bloc nationals who are currently employed in the United Nations system on long-term contracts.

(D) The measures undertaken by the United States to persuade the United Nations Secretariat to enforce the provisions of the United Nations Charter which specifically govern the behavior and activities of United Nations employees, especially Articles 100 and 101.

(E) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union and other members of the Soviet-bloc to end their abuse of secondment.

(F) The measures undertaken by the United States to challenge Soviet and Soviet-bloc nationals credentials and to deny them entry visas, in order to keep Soviet and Soviet-bloc intelligence operatives out of the United States and United Nations.

(G) The counterintelligence efforts undertaken by the United States to protect United States national security from hostile intelligence activities directed against the United States by Soviet and Soviet-bloc intelligence operatives employed by the United Nations.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretariat;

(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistence of the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 or fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical representation, such as those of the general service category;

(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

(6) the Soviet Union is hereby condemned for—

(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

(B) its abuse of secondment, and

(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Articles 100, 101, and all other principles of the

United Nations Charter to which every other member-nation must adhere.

(d) DEFINITION.—For the purposes of this section, the term "Soviet-bloc" means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.

Mr. HELMS. Mr. President, this is a very useful amendment. It will provide additional information with regard to how much of each type of foreign aid is received by member nations of the United Nations. Earlier this year I had the staff make a less sophisticated comparison of the A.I.D. budget request for each country compared with that country's voting record from the most recent report on U.N. voting. I ask unanimous consent that the table be printed at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1)

This amendment will help illustrate the great disparity between the amount of money we give to foreign countries and their often shallow level of support for U.S. positions at the U.N.

While a country's U.N. voting record should not be the sole criteria for receiving American aid, we cannot and should not give millions of American tax dollars to assist foreign countries which demonstrate an outward hostility toward American values.

For example, Mr. President, Mozambique last year received $10.5 million in American assistance, despite supporting the United States only 7.2 percent of the time at the U.N.

During fiscal year 1985, we gave 42 African nations an average of $29 million in foreign aid, even though they voted against the U.S. positions at the U.N. 84 percent of the time. Latin American nations received an average of $73 million from us, while opposing us 74 percent of the time in the U.N., and finally, Mr. President, Eurasian countries received an average of $247 million in U.S. foreign aid, despite voting against us 75 percent of the time at the U.N.

In my judgment, such figures call attention to the need to reevaluate our foreign aid program. In the meantime, the American people will be more informed on how these countries are voting and how much of their tax dollars go to these countries.

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

EXHIBIT 1

BY-COUNTRY COMPARISON OF THE 1986 U.N. VOTING RECORD WITH PROPOSED FISCAL YEAR 1988 U.S. ASSISTANCE

[Dollars in thousands]

Country	1986 10 key U.S. votes: agree, disagree, or abstain/absent [1]	1986 plenary votes, percent agreeing with United States [1]	Fiscal year 1988 proposed U.S. assistance [2]
Africa:			
Angola	0–8–2	6.8	0
Benin	0–5–5	9.8	$2,978
Botswana	4–5–1	17.6	19,663
Burkina Faso (Upper Volta)	1–8–1	11.8	7,432
Burundi	4–5–1	14.2	3,265
Cameroon	3–1–6	20.9	26,602
Cape Verde	1–3–6	16.0	2,909
Central African Republic	4–1–5	19.7	6,091
Chad	7–1–2	29.0	21,048
Comoros	3–3–4	17.1	1,531
Congo	0–6–4	12.3	680
Djibouti	4–4–2	15.8	5,135
Equatorial Guinea	3–1–6	23.4	2,407
Ethiopia	1–8–1	11.8	3,389
Gabon	4–2–4	19.4	4,976
Gambia	3–1–6	11.1	6,408
Ghana	4–5–1	16.1	18,216
Guinea	4–2–4	14.9	13,331
Guinea-Bissau	2–3–5	16.2	3,366
Ivory Coast	6–1–3	32.2	399
Kenya	5–5–0	17.2	67,324
Lesotho	3–5–2	17.6	17,602
Liberia	5–1–4	30.1	46,601
Madagascar	1–6–2	10.0	11,449
Malawi	5–3–2	36.8	12,868
Mali	3–3–4	13.1	16,441
Mauritania	3–4–3	16.0	10,272
Mauritius	7–1–3	27.4	2,014
Mozambique	0–5–5	7.2	11,618
Niger	4–1–5	18.2	22,463
Nigeria	3–4–3	14.1	100
Rwanda	4–2–4	17.4	9,986
Sao Tome and Principe	4–2–4	18.2	607
Senegal	4–2–4	18.4	46,007
Seychelles	2–3–5	10.6	3,436
Sierra Leone	5–1–4	17.1	8,939
Somalia	4–4–2	15.3	67,957
Sudan	4–6–0	15.7	89,739
Swaziland	4–3–3	21.7	7,854
Tanzania	2–5–3	12.4	6,576
Togo	5–2–3	21.7	8,077
Uganda	1–5–4	13.6	7,669
Zaire	6–2–2	30.3	62,688
Zambia	3–5–2	13.8	25,089
Zimbabwe	2–5–3	13.0	175
East Asia and Pacific:			
Burma	4–3–3	16.8	21,260
Fiji	6–1–3	35.5	4,078
Indonesia	3–6–1	13.2	81,411
Malaysia	4–5–1	15.8	5,000
Papua New Guinea	5–1–4	20.8	1,349
Philippines	5–2–3	19.0	266,172
Singapore	5–1–4	20.9	50
Solomon Islands	5–4–1	16.5	1,023
Thailand	5–1–4	23.5	92,573
American republics:			
Argentina	4–3–3	16.4	50
Bahamas	4–1–5	23.1	100
Belize	6–0–4	28.3	12,419
Bolivia	4–2–4	18.3	98,436
Brazil	4–2–4	18.5	2,550
Chile	7–1–2	38.3	50
Colombia	7–2–1	32.4	22,800
Costa Rico	8–1–1	42.2	123,484
Dominican Republic	8–1–1	35.7	81,800
Ecuador	6–2–2	28.7	48,081
El Salvador	8–0–2	43.7	439,203
Guatemala	7–1–2	32.2	149,702
Guyana	2–5–3	13.1	4,050
Haiti	5–1–4	19.7	94,366
Honduras	7–1–2	36.4	242,016
Jamaica	5–2–3	24.4	104,833
Mexico	4–2–4	17.6	17,175
Panama	5–2–3	22.5	32,990
Paraguay	5–1–4	26.5	2,511
Peru	5–4–1	18.4	56,454
St. Kitts	8–1–1	38.4	2
St. Lucia	8–0–2	35.4	3
Suriname	3–3–4	17.1	50
Trinidad and Tobago	4–3–3	16.2	50
Uruguay	5–2–3	21.7	1,625
Venezuela	5–2–3	19.0	200
Near East and South Asia:			
Algeria	0–7–3	7.4	100
Bangladesh	4–4–2	18.6	140,695
Egypt	5–1–4	17.3	2,299,204
India	0–6–4	9.5	143,795
Israel	10–0–0	89.9	3,000,000
Jordan	4–4–2	13.3	71,800
Lebanon	2–4–4	16.1	775
Maldives	3–4–3	11.3	30

BY-COUNTRY COMPARISON OF THE 1986 U.N. VOTING RECORD WITH PROPOSED FISCAL YEAR 1988 U.S. ASSISTANCE—Continued

[Dollars in thousands]

Country	1986 10 key U.S. votes: agree, disagree, or abstain/absent [1]	1986 plenary votes, percent agreeing with United States [1]	Fiscal year 1988 proposed U.S. assistance [2]
Morocco	5–4–1	24.5	133,280
Nepal	4–3–3	16.7	17,498
Oman	4–3–3	15.4	25,300
Pakistan	4–5–1	16.4	684,161
Sri Lanka	4–3–3	14.5	36,217
Tunisia	4–3–3	17.4	68,190
Western Samoa	7–1–2	36.5	978
Yemen	1–6–3	7.5	32,065
Europe:			
Austria	6–2–2	48.1	60
Cyprus	2–5–3	13.8	10,000
Finland	3–2–5	46.3	60
Greece	7–2–1	42.7	436,250
Iceland	8–2–0	66.0	40
Ireland	7–2–1	55.1	35,030
Luxembourg	8–0–2	79.2	30
Poland	2–7–1	12.0	0
Portugal	8–0–2	74.3	207,550
Spain	8–1–1	57.8	280,000
Turkey	5–1–4	37.1	914,900
Yugoslavia	4–5–1	13.1	100
Non-U.N. members receiving assistance:			
Cambodian Resistance			3,350
Gaza			543
Kiribati			274
South Africa			15,700
South Korea			2,000
Tonga			639
Tuvalu			127
West Bank			1,022

[1] President's 1987 report on U.N. voting.
[2] AID fiscal year 1988 congressional presentation.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me for a parliamentary inquiry, and for a unanimous-consent request?

Mr. HELMS. Yes.

Mr. BYRD. Are the two amendments pending before the Senate at the same time?

The PRESIDING OFFICER. Two amendments are now pending.

Mr. BYRD. Mr. President, I was going to ask that they be considered en bloc to save time.

Mr. BYRD. If the manager has no objection to consider the two amendments en bloc, I have no objection.

Mr. HELMS. Mr. President, I ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the amendments being considered en bloc? Hearing none, it is so ordered.

Mr. BYRD. Will the distinguished Senator yield to me?

Mr. HELMS. I yield.

(Orders for tomorrow are printed later in the RECORD.)

AMENDMENTS NOS. 899 AND 900

Mr. HELMS. Mr. President, I am ready to vote on the two amendments en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, the question is on agreeing to the amendments of the Senator.

The amendments (Nos. 899 and 900) were agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, Senator HUMPHREY, I believe, has an amendment. We welcome that.

AMENDMENT NO. 901

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 901.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . AMBASSADOR AT LARGE ON AFGHANISTAN.

(a) FINDINGS.—The Congress finds that the Administration has failed to make Afghanistan a sufficient priority in the conduct of the foreign policy of the United States.

(b) ESTABLISHMENT OF POSITION.—There is established in the Department of State the position of Ambassador at Large on Afghanistan who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES.—The Ambassador at Large on Afghanistan shall coordinate the activities of the United States Government with respect to Afghanistan, shall be the point of contact for Congress on the Afghanistan issue, shall represent the United States in public diplomacy meetings and conferences abroad on the Afghanistan issue, shall maintain contact with the Afghan Resistance Alliance, shall serve as liaison with foreign governments and international organizations on issues and programs regarding the war in Afghanistan.

(d) DURATION OF POSITION.—The Department of State shall retain an Ambassador at Large on Afghanistan until the President certifies to Congress that the following conditions have been met:

(1) the complete withdrawal of all Soviet troops from Afghanistan;

(2) the independent and nonaligned status of Afghanistan;

(3) the self-determination of the people of Afghanistan;

(4) the return of Afghan refugees in safety and honor.

The PRESIDING OFFICER. The Chair notifies the Chamber that this amendment by unanimous consent has 20 mintues to be equally divided.

Mr. HUMPHREY. The offeror would notify the Senate that it has been agreed to by the two sides, and I would expect it to be disposed of swiftly.

Mr. President, today I am offering an amendment that provides a means to more effectively focus State Department efforts on Afghanistan. The amendment would establish an Ambassadaor at Large for Afghanistan. The intent is to create a position, with appropriate stature and resources, to enable more effective implementation of the Department's stated goal of steadily increasing pressure on the Soviet Union to withdraw its army from Afghanistan.

Two years ago, asked to rate the administration's implementation of Afghanistan policy, former National Security Adviser Zbigniew Brzezinski, charged the administration with "managerial neglect." Having immersed myself in the Afghanistan issue for 3 years, I come to the same conclusion. Our stated goal is to bring about the end of Soviet occupation and the restoration of a free and independent Afghanistan. But our deeds fall far short of our rhetoric.

Richard Pipes, professor of history at Harvard University, who served in this administration as Director of East European and Soviet Affairs at the National Security Council, agrees. In testimony before the congressional task force on Afghanistan, Dr Pipes was asked to rate the performance of the administration in dealing with the Afghanistan situation. He replied: "Oh, very poorly, I think. It's really on the back burner, quite neglected. All the motions are perfunctory."

Mr. President, last December Deputy Secretary of State Whitehead articulated what United States policy on Afghanistan is supposed to be. In the Department's annual statement, he said: "it is clear that only steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces."

Those are fine words. Unfortunately, the State Department bureaucracy has failed to implement such policy. Except for the military pressure, which is not the responsibility of the State Department, pressures have actually been reduced, not increased. Repeatedly, I have asked the State Department to list specific instances in which they have brought "steadily increasing pressure" to bear—politically or diplomatically—on the Soviet Union over past years. They have been unable to cite any substantive pressures.

Mr. President, this administration has failed to implement an effective policy on Afghanistan because our effort is, in the words of Drs. Brzezinski and Pipes, "neglected." The State Department has been unwilling to assign Afghanistan its due priority. The neglect has bred mismanagement of existing programs and an abdication of executive branch leadership on an important foreign policy issue. The neglect has rendered Secretary Whitehead's strong words into empty platitudes.

Here is the crux of the problem: There is not one single high-ranking official in the United States Government assigned to devote full time attention to Afghanistan. At the State Department—the Department charged with conducting United States foreign policy—there is not a single ranking official working full time on Afghanistan. While there is a position of "special assistant of Afghanistan", that position is tucked far away in the recesses of the Near East Bureau. The special assistant has no staff and must report to a Deputy Assistant Secretary.

So, at present, this relatively obscure position is the only one in the entire Department of State for coordinating policy on Afghanistan. However, even this meager effort has been threatened. Earlier this year, there was an attempt to eliminate this position.

Because of Foggy Bottom's vacuous efforts on Afghanistan, the Congress has been forced to take the lead. Virtually every major overt program that assists the Afghans was initiated here in Congress, not in the executive branch. I must add, they were initiated with the overwhelming bipartisan support of Congress.

I would like to list just a few of the programs that have been forced on the administration by the Congress:

Cross Border Humanitarian Assistance program: One-third of the Afghan people have been driven from their homeland or internally displaced as a result of the war. Yet, this administration only began a Cross Border Humanitarian Assistance Program last year, after it was unanimously mandated by Congress. Funding levels for the program have been forced on the administration by Congress. In fact, just last August the House Appropriations Committee increased the fiscal year 1988 request by $15 million.

Mr. President, this program has been spectacularly successful. Food, medical supplies, educational materials, and other humanitarian needs are finally making their way inside Afghanistan. It is astonishing to this Senator that the administration continues to begrudgingly request funding levels equal only to those that were forced upon them by Congress the previous year.

The Department of Defense Airlift Program: This is a humanitarian program that provides excess medical and personal equipment from the Department of Defense. The program also provides for the transport of wounded Afghans to the United States, where they receive medical treatment on a

pro-bono basis. In fact, several Members of Congress have sponsored patients under this program.

Radio Free Afghanistan: This program was implemented by Congress, and now provides daily broadcasts of information inside Afghanistan, as part of Radio Free Europe/Radio Liberty.

The Afghan media project: This program that was initiated by Congress provides for the training of Afghans in reporting skills so that they travel inside Afghanistan—and report to the world on what is truly happening inside their country. It was almost 18 months after the Congress appropriated moneys for this program before any training began on the media project.

USIA Country Program: USIA lists Afghanistan as one of "the most significant international political/security interests expected to be confronting the United States during the program year of 1988." Yet, until just 2 months ago, USIA did not even have a country program on Afghanistan. I note that section 214 of this bill specifically mandates that USIA create a country plan on Afghanistan. So, it was only after the prodding of Members of Congress, and specifically the Senate Foreign Relations Committee, that USIA devoted appropriate resources toward creating a formal country plan on Afghanistan.

Human rights in Afghanistan: The Congress, in Public Law 99-399, called upon the Secretary of State to determine whether Soviet policies in Afghanistan constitute the crime of genocide. To my knowledge, no review was ever conducted. Earlier this year, Senators BYRD and DOLE joined me in a letter to the Secretary of State, asking again for action in this important matter. We still await a reply from the administration.

Most-favored-nation trading status: MFN was not withdrawn from Afghanistan until January 1986. Even the administration agreed that the extension of MFN to Afghanistan was inconsistent with United States policy. Nonetheless, it was not withdrawn until the Congress took action and unanimously granted the President specific authority to suspend MFN—6 years after Soviet troops rolled into Afghanistan.

Trade with Afghanistan: The United States continues to trade with the area of Afghanistan under the direct control of the genocidal puppet regime in Kabul. In fact, a substantial portion of that trade directly benefits the regime itself. This Senator has seen a number of United States manufactured cigarettes, for example, that are specifically marked "Afghan Government monopoly."

Once again, the Congress was forced to take action. Last June, this body unanimously adopted an amendment providing the President with specific authority to suspend all trade with Afghanistan.

Mr. President, the sorry State Department performance will continue, unless Congress once again takes action.

The amendment I am offering is very modest. It calls for the creation of a position at the Department of State of Ambassador at Large for Afghanistan. The Ambassador at Large would be appointed by the President, with the advice and consent of the U.S. Senate. The Ambassador would be responsible for coordinating United States policy on Afghanistan, and giving that policy the full-time, high-level, aggressive attention that it badly deserves. In short, he or she would have the stature and resources to turn neglect into effective policy.

We presently have Ambassadors at Large for cultural affairs, nonproliferation, arms control, refugee affairs, and counterterrorism. We are long overdue in appointing an Ambassador at Large for Afghanistan.

Such a position would not cause bureaucratic upheaval at the Department of State. I would note that there is a corresponding bureau for virtually all of the other Ambassador at Large positions. However, these are issues in which the administration has decided that higher level, full-time attention is needed. I would add that it is the intention of the author of this language, that the President appoint an Ambassador at Large on Afghanistan within 60 days of the enactment of this act.

This is an effort that is long, long years and years overdue. It is unfortunate that it takes an act of Congress to get the Executive to undertake this kind of public diplomacy effort. It is one more indication that the administration fails abjectly to implement deeds commensurate with its lofty rhetoric on Afghanistan.

The second provision which I commend and for which I am grateful to the chairman and ranking member is section 509 of title V of the bill. This section contains a statement by Congress on United States policy toward Afghanistan. It declares it to be the policy of the United States to "support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a timeframe based solely on logistical criteria."

We have heard a lot in recent months, most of it propaganda, I fear, from the Soviets, about their wish to withdraw from Afghanistan. If they were sincere about their statement of wishing to withdraw, they could do so in the space of a very few months, based on logistical criteria. Instead, they insist on something upward of 1 year, which makes it perfectly clear that they are not at all anxious to withdraw unless they can leave behind a puppet government they can control. That is unacceptable to the United States, as it is to the people of Afghanistan.

So I commend and thank the ranking member and staffs for these two important and signal provisions of this bill which is before us.

Mr. President, as to the amendment, the amendment would establish a position within the Department of State—the position of Ambassador at Large on Afghanistan, who shall be appointed by the President, by and with the advice of the Senate. The Ambassador at Large shall coordinate the activities of the United States Government with respect to Afghanistan, shall be the point of contact for Congress on the Afghanistan issue, shall represent the United States in public diplomacy meetings and conferences abroad on the Afghanistan issue, shall maintain contact with the Afghan resistance alliance, shall serve as a liaison with foreign governments and international organizations on issues and programs regarding the war in Afghanistan.

Mr. President, this is a major step forward, far more significant than perhaps might seem on first hearing. As Senators may know, this Senator has been deeply involved in the Afghanistan issue for over 2 years, and the essential bottom line finding, I have to report, is that with respect to our efforts, now very costly, there is no one in charge in the Executive.

Most of these programs were started by Congress, over the opposition of the Executive. Many of these programs are diffusely managed. That is to say, responsibility for management of these programs is diffuse and very ineffective and uncoordinated.

This measure, creating the post of Ambassador at Large for Afghanistan, will go a long way toward rectifying that sorry situation.

I recall that about 2 years ago, the former National Security Adviser to President Carter appeared before the Congressional Task Force on Afghanistan. This was, of course, former National Security Adviser Brzezinski, who accused the administration of "managerial neglect" in dealing with the situation in Afghanistan.

I am sorry to say that it is my observation, given with certainty and all the assurance I possess, that the situation has not changed in those 2 years. We still suffer. This cause still suffers from managerial neglect. I believe that the creation and filling of this position will go a long way toward correcting that sorry and costly deficiency in our effort.

First, the program is costing us a great deal in money. But, more important, I believe that this managerial neglect has had the result of failing to bring to bear all the kinds of pressures we could reasonably bring on the Sovi-

ets to withdraw, which, in turn, has had the effect, in my opinion, of prolonging the war and the suffering and the dying.

So I commend this amendment to my colleagues. I am pleased to observe the amendment has been agreed to on both sides of the aisle.

Mr. PELL. Mr. President, I think this amendment has merit. I think the idea of having an ambassador at large to exercise overall responsibility with respect to our policies in Afghanistan is a good idea, and I support it.

Mr. HELMS. Mr. President, I concur.

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

The amendment (No. 901) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I would like to commend the Foreign Relations Committee, and particularly the chairman of the committee, for including two important provisions in this bill pertaining to Afghanistan. I have comments that I would like to address to both important provisions.

Mr. President, section 214 of title II of this bill, contains a provision requiring the Director of USIA to develop a comprehensive country plan on Afghanistan, and report back to Congress within 60 days. I commend the committee for including this language, and indicate that this initiative is long overdue.

The human rights situation in Afghanistan today is deplorable and shows no signs of improving. Soviet policies in Afghanistan have resulted in the deaths of more than 1 million people, and have driven more than one-third of the Afghan people into exile. These policies have gone largely unnoticed by the vast majority of the world. This is no accident. The Soviet Union has succeeded in bringing down a dark curtain which masks their barbarities from the rest of the world.

The Soviet Union has employed every tactic to conceal the facts of their policies in Afghanistan from the world. The Soviet Ambassador to Pakistan has gone so far as to warn journalists:

> Stop trying to penetrate Afghanistan with the so-called Mujahideen. From now on, the bandits and the so-called journalists—French, American, Britain, and others—accompanying them will be killed.

The Soviets have followed through with these threats. Two years ago, American journalist Charles Thornton was brutally murdered in Afghanistan.

The Congress, for its part, has been far ahead of USIA, and this administration in encouraging a more vigorous public information on Afghanistan. Public Law 99-399, expresses the sense of the Congress that:

> The United States, so long as Soviet military forces occupy Afghanistan, should support the efforts of the people of Afghanistan to regain the sovereignty and territorial integrity of their nation through * * * a continuous and vigorous public information campaign to bring the facts of the situation in Afghanistan to the attention of the world.

The Congress also appropriated funding for the establishment of an Afghan news agency to train Afghans with basic journalism skills, so they can broadcast their story to the world.

Mr. President, I would note that a document distributed by USIA entitled "Country Plan Themes for FY 1988," cites Afghanistan as one of the "most significant international political/security interests expected to be confronting the United States during the program year of 1988." Therefore, it was astonishing to this Senator, that at the time that document was circulated, USIA did not have a formal country plan on Afghanistan.

This year, following extensive prodding from Congress, USIA has finally begun to devote the necessary resources and staffing toward developing a formal country program on Afghanistan.

Mr. President, in recent months I have held extensive meetings with USIA officials to discuss USIA's plans to finally begin developing an Afghanistan country program. I have been assured that USIA has identified $1,579,000 within its fiscal year 1988 budget for new programming on Afghanistan. This action by USIA is long overdue. It is tragic that this war is now in its eighth year, and USIA is only beginning to develop a formal program on Afghanistan. I am confident that if the Foreign Relations Committee had not taken action on this matter, there would be no effort at USIA to begin developing a country program.

I would hope that given the strong congressional support for the Afghanistan Country Program, the chairman of the Foreign Relations Committee would join me in calling upon USIA to send a specific request for the Afghan Country Program, as part of their overall request for fiscal year 1989. I hope that the committee will closely scrutinize the report that is required to be reported under this bill.

Mr. President, section 509 of Title V of this bill contains another important provision on Afghanistan.

That section contains a statement by the Congress on U.S. policy toward Afghanistan. In particular, it declares it to be the policy of the United States to:

> Support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time-frame based solely on logistical criteria.

Mr. President, that section reflects what both the Secretary of State and the President of the United States have declared to be United States policy with regard to a Soviet withdrawal from Afghanistan. In a statement on Afghanistan issued on March 21, 1987, the President stated:

> Such a timetable must be based solely on logistical criteria and be expressed in terms of months, a very few months, not years.

Recently, however, I have received indications that there are those in the Department of State who no longer advocate a Soviet withdrawal timetable that is based solely on logistics. In fact, there are indications that some in the administration may be willing to advocate that the United States serve as an "appropriate guarantor" to a settlement providing for a Soviet withdrawal timetable of 1 year or more.

Such a policy decision by the Department of State, would constitute a massive shift in United States policy toward Afghanistan. It would also seriously jeopardize the fate of the Afghan people who under the terms already agreed upon would be cut off from all outside assistance for a year or more.

I hope that the chairman and ranking minority member would join me in expressing to the Department of State, that any settlement that does not include the criteria set forth in this bill, would face strong opposition from the Congress.

AMENDMENT NO. 902

(Purpose: To have an audience survey of Worldnet)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 902.

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

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

The amendment is as follows:

> On page 75 between lines 12 and 13, add the following new section:
>
> Section 218 Audience Survey of USIA Worldnet Program.
>
> (a) Of the funds authorized to be appropriated for USIA's Worldnet program by section 201(b), not less than $500,000 shall be available only for the purpose of conducting a survey of the number of viewers in Europe who watch the daily passive (noninteractive) shows of USIA's Worldnet program.
>
> (b) Such survey shall be conducted by a company, such as the A.C. Nielson Company, which has a long established reputation for objective estimates of audience size and which has not less than 15 years of substantial experience in estimating audience size.

(c) Not later than 9 months after the date of enactment, the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the House Committee on Foreign Affairs containing:

(1) the best estimate by the company performing the audience survey of the number of persons in Europe who watch, on a daily basis, the passive (non-interactive) shows of USIA's Worldnet program. Such estimate shall include an estimate of the number of persons who watch a part of the daily passive (non-interactive) shows of USIA's Worldnet program and the number of persons who watch such programs in their entirety;

(2) a description of the demographic composition and nationality of the persons watching such programs;

(3) the entire report prepared by the company conducting the survey.

(d) At least 30 days prior to the approval by the Director of the United States Information Agency of a contract with a company conducting the survey required by this section, the Director shall provide the Chairman of the Senate Committee on Foreign Relations and the Chairman of the House Foreign Affairs Committee of the name of the company selected to conduct the survey together with a copy of the proposed contract.

Mr. PELL. Mr. President, this amendment calls for a survey of the effectiveness of Worldnet, USIA's television program. It provides that there be a survey taken, somewhat along the lines of the Nielson Co., to see what the audience participation is.

We have to go into eight or nine different countries. It would be around $500,000, which is what is permitted in the amendment as offered. It is an amendment that would help us a great deal in the future in determining whether Worldnet is doing its job, in which case its authorization and appropriation should be increased, or whether we should keep it at the level we have in the bill.

Mr. HELMS. Mr. President, it is an excellent amendment, and I congratulate the distinguished Senator for offering it.

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

The amendment (No. 902) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 903

Mr. HELMS. Mr. President, on behalf of the distinguished Senator from Minnesota [Mr. BOSCHWITZ] I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. BOSCHWITZ, proposes an amendment numbered 903.

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

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

The amendment is as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD LEBANON.

(a) Findings.

(1) After nearly 13 years of civil conflict and foreign intervention, the situation in Lebanon appears no closer to resolution.

(2) Through most of the last dozen years, the Lebanese have managed to continue economic activity sufficient to stave off economic collapse and provide its citizens with basic necessities.

(3) During the past year, however, the collapse in the value of the Lebanese pound from less than 40 to the dollar to nearly 300 has made the importation of wheat, rice and other basic commodities prohibitively expensive.

(4) As a result, for the first time, the Lebanese are faced with the prospect of starvation.

(5) Hizballah and other radical elements are taking advantage of the current economic crisis by providing foreign supplied food. In so doing, they are winning converts to their cause and radicalizing the youth.

(6) It is in the interest of the United States to support the traditional Lebanese free enterprise system of distribution of food which until now has been able to compete successfully with these radical movements.

(b) It is the sense of the Congress that the United States should base its policy toward Lebanon on the following principles:

(1) Preservation of the unity of Lebanon.

(2) Withdrawal of all foreign forces from Lebanon.

(3) Recognition of and respect for the territorial integrity of Lebanon.

(4) Reassertion of Lebanese sovereignty throughout the nation and recognition that it is the responsibility of the Government of Lebanon for its safekeeping.

(5) Reestablishment of the authority of the Government of Lebanon throughout the nation is a prerequisite for a lasting solution to the problem of international terrorism emanating from Lebanon.

(c) It is the further sense of Congress that the provision of at least 200,000 tons of wheat and 30,000 tons of rice through PL-480, Title I and Section 416 of the Agriculture Act of 1949 to the Government of Lebanon is in the interest of the United States. Provision of this assistance will meet the United States policy objective of strengthening the Central Government as well as helping alleviate a serious hunger problem.

Mr. BOSCHWITZ. Mr. President, this amendment concerns United States policy toward Lebanon. This amendment describes the current economic situation in Lebanon, restates existing United States policy toward Lebanon, and then states that it is the sense of Congress that provision of wheat and rice to the Government of Lebanon will meet our policy objectives of strengthening the central Government of Lebanon as well as helping alleviate a serious hunger problem.

As one who has been disturbed and disillusioned with the course of events in Lebanon, I do not believe it wise or in our interest to abandon totally the Lebanese. At the same time, I do not believe a high investment in capital would be prudent.

Our policy, as stated by Secretary Shultz and President Reagan, seems to be correct: We must support Lebanon's unity, sovereignty and independence, and the withdrawal of all foreign forces. In addition, we should support the restoration of a political dialog and the strengthening of Lebanon's legally constituted central Government.

While no course offers an assured solution to the Lebanese morass, it is clear that nothing we have done in the past has succeeded.

Through the provision of food aid, America can take a step to alleviate the economic disorder in Lebanon which threatens the democratic government of Amine Gemayel, and upon which the expansionistic Syria forces and the Islamic fundamentalist Iranian forces prey. Furthermore, such food aid will be distributed by the central Government through the private market system which is currently threatened with collapse. The downfall of the free enterprise system would all but seal the success of the antidemocratic forces now embattling Lebanon. Democracy and freedom both require watchful support. Without American support now, the democratic and free enterprise system in Lebanon will be that much closer to defeat by hostile foreign forces.

Mr. PELL. Mr. President, I rise to express support for the amendment offered by the honorable Senator from Minnesota. The provision of food aid to Lebanon is a positive, peaceful step America can take to promote our expressed policy of support for the Lebanese Central Government, the restoration of political dialog among Lebanese factions, and the withdrawal of foreign forces from that nation. Surely no people have suffered more over the past decade than the Lebanese. War, terrorism, and foreign intervention have resulted in over 100,000 casualties over that period. America has committed itself to promote the restoration of democracy and order in Lebanon. Providing Public Law 480, title I food aid or section 416 would be a positive step in this direction.

Lebanon is today faced with the horrible prospect of starvation of its population. Until now, that prospect has been avoided because the government was able to maintain the value of the Lebanese pound and, therefore, continue the traditional importation of food upon which Lebanon depends. Last year Lebanon imported 400,000 tons of wheat and 25,000 tons of rice. Since that time, however, the value of the Lebanese pound has plummeted. This fact has made the purchase of

necessary food problematic. The vast majority of Lebanese will soon not be able to afford basic foodstuffs. To help overcome this deficiency, Lebanon has requested 200,000 tons of wheat and 25,000 tons of rice from the United States. America's commitment for stability in Lebanon must include a commitment to assure that the Lebanese people are adequately fed. Without this basic need fulfilled, any hope for order is folly.

The provision of food aid in this manner is made even more attractive by the fact that proceeds resulting to the Lebanese Government from the sale of Public Law 480 grain will be used to pay the salaries of educational and medical personnel. Without funding from somewhere, these services are also threatened in Lebanon. So, in effect, by supplying grain, America will help assure that three basic necessities are available in Lebanon: food, medicine, and education.

American policy must continue to support efforts to restore democratic institutions to the war ravaged country of Lebanon. America has had little opportunity to effectively support the Lebanese Government since 1984. Through the provision of food aid, America has that opportunity. This measure will allow us to actively pursue our stated policy, and strengthen the democratic institutions inside Lebanon. Without this, there will be no peace in Lebanon.

Mr. HELMS. Mr. President, I rise in support of the amendment offered by the Senator from Minnesota. As you know, I have been deeply concerned over developments in Lebanon and about the lack of coherent and forceful American policy in support of President Amine Gemayel and Lebanese democracy. The United States should support, through efforts such as that offered here, the continuation of Lebanese democratic institutions in the face of a brutal occupation by Syrian and Iranian forces. The United States has voiced support for the Lebanese Central Government since the beginning of hostilities there 7 years ago. However, since the withdrawal of American marines from Beirut in 1984, we have refused or been unable to muster any truly effective action in support of Lebanese democracy. Today we are faced with an opportunity to do so.

Economic chaos is an inevitable outcome of political upheaval. Lebanon has certainly seen plenty of political upheaval but had, until this past year, been able to avoid economic chaos. In the past year, however, the Lebanese pound has suffered a depreciation of over 400 percent. Consequently, the importation of food upon which Lebanon has traditionally depended is now extremely difficult. Foreign forces occupying Lebanon, unfortunately, are taking great advantage of this situation by garnering support through the provision of food. Economic chaos plays right into the hands of those foreign forces, in this instance Syria and Iran.

The slow process of strengthening the Lebanese Central Government and encouraging all Lebanese to participate in the governing process appears to be the only hope of ending Lebanon's turmoil.

I am well aware of the difficulties in assisting a weak central government. However, providing wheat under title I of Public Law 480 or under section 416 of the Agriculture Act of 1949 appears to be one way to do so. The Lebanese Ambassador has told me that they have requested a minimum of 200,000 tons of wheat and 30,000 tons of rice.

Only the Lebanese can resolve the situation in their country. Wheat and rice will give them tools to begin the process. The risk one takes in such an endeavor is that our bureaucratic oversight would be less than perfect because of the lack of security in Lebanon. I believe this is a risk worth taking. Moreover, we reduce the danger of mismanagement by providing wheat and allowing the Government of Lebanon to use generated local currencies for budget support. Under such conditions the need for our thorough accounting procedures would be reduced. Given the political and humanitarian benefits that could accrue from such a program, it should be undertaken.

Mr. President, I support this amendment to support a constructive and humanitarian policy toward Lebanon.

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

The amendment (No. 903) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 904

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 904.

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

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

The amendment is as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. . U.S. DEPARTMENT OF STATE FREEDOM OF EXPRESSION ACT OF 1987.

(a) This section may be cited as the "United States Department of State Freedom of Expression Act of 1987."

(b) Finding. Congress finds that the United States Department of State on September 15, 1987, declared itself to be a temporary foreign diplomatic mission for the purpose of denying free speech to American citizens who planned to protest the tyranny of the Soviet regime.

(c) Prohibition. It is not in the national security interest of the United States for the Department of State to declare, and it shall not declare, itself to be a foreign diplomatic mission.

Mr. HELMS. Mr. President, the pending amendment is identical to an amendment offered by this Senator, and adopted by the Senate, on September 29, by a vote of 90 to 7. That vote occurred, as the distinguished occupant of the Chair knows, on the Department of Defense authorization bill, which, in the judgment of this Senator, is going nowhere, because it is going to be vetoed.

The pending amendment requires that the Department of State not ever again be declared a foreign mission. The Senate has already spoken on this matter previously, and it seems to me that the previous overwhelming vote of the Senate speaks for itself on the Senate's rather strong views on the subject.

Inasmuch as the amendment was originally offered to the defense authorization bill, I figured it would be better to put it on something that has a chance of being enacted and signed into law by the President.

Mr. PELL. Mr. President, I have had a chance to study the amendment. I think it is excellent. It has been adopted by the Senate already and we should adopt it now.

Mr. HELMS. I thank the distinguished chairman.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question occurs on the amendment of the Senator from North Carolina.

The amendment (No. 904) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS. Would the Chair give us just one moment?

Mr. President, as I said last night, I believe, as the song does, we have gone about as far as we can go.

BITTER OVER THE SWEET

Mr. MATSUNAGA. Mr. President, I rise to rectify an appalling amount of misinformation and distortion inserted

into the CONGRESSIONAL RECORD of August 7 this year by the reproduction of an article that appeared in the August Reader's Digest magazine.

The article—a scurrilous polemic—was entitled "The Unsweetened Truth About Sugar Subsidies," but truth is no where to be found in its reading. Quite to the contrary, it sets a new low in journalistic standards for a once proud publication whose founding editors and publishers in their day accepted no advertising lest their editorial independence be called into question. This is no longer the case, however, and apparently no longer a matter of editorial concern.

Ordinarily, Mr. President, I would not take the floor to condemn such an outrageous example of prostituted reportage, for to do so would only extend its circulation. But because a member of the other body has seen fit to have the entire article inserted into the RECORD and commend it to his colleagues, I believe his colleagues and others are entitled to the benefit of a rebuttal sent to the editor of Reader's Digest by the president of Hamakua Sugar Co., Francis S. Morgan, who is also the current president of the Hawaiian Sugar Planters Association. Not only does this letter refute the claims of the article; it also sets the record straight on a matter which is very much misunderstood here in Washington—the U.S. Sugar Program. Mr. President, I ask unanimous consent that the text of Mr. Morgan's letter be printed in the RECORD.

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

HAMAKUA SUGAR CO., INC.,
Honolulu, HI, August 10, 1987.

The EDITOR,
Reader's Digest,
Pleasantville, NY.

GENTLEMEN: I wish to register my profound disgust at the article entitled "The Unsweetened Truth About Sugar Subsidies," authored by Thomas K. Billington, which appeared in the August 1987 issue of Reader's Digest. Heretofore, I had considered The Digest to be a reputable magazine which presented issues in an even handed manner providing a balanced view. This article, being completely one sided and replete with misinformation, distortions, and outright fabrication, has completely destroyed your credibility with me. Being fully knowledgeable of all the issues covered in this article, I am acutely aware of the gross deception that you have perpetrated on your readers, and I have, therefore, lost confidence in any information that may appear on subjects which I am not familiar. This article is yellow journalism at its worst and reduces the caliber of your magazine to a scurrilous rag.

The impression that the author of this article is trying to create is that all the rest of the world outside of the United States is able to buy sugar at the "world" price, which is currently about 5½ cents per pound of raw sugar; foreign producers are able to survive at this price and that only in the United States are consumers forced to pay substantially higher prices. Furthermore, were it not for the U.S. sugar program, U.S. consumers could also satisfy all their sugar and sweetener requirements at the "world" price, which would continue at about its present level on into the future. In other words, the American consumer is being ripped off unmercifully by an inefficient and greedy domestic sugar industry.

Nothing is further from the truth. Actually, the "world" price is an anomaly which has no relationship with the actual prices at which the vast majority of sugar is traded or with the cost of producing sugar. Between 65 percent and 70 percent of the sugar that is produced in the world is consumed in the country of origin, and all of these countries have some mechanism to insulate their producers from the "world" price, which is very substantially lower than the very lowest cost producer in the world. Most of the remaining sugar is exported in accordance with bilateral trade agreements between countries which provide for prices far in excess of "world" prices.

Examples of such agreements are those between Russia and Cuba, the EEC and its former colonies under the Lomé convention, and under the U.S. sugar program. Sugar is also often sold under long-term private agreements. Only about ten percent of the world's production is actually sold on the "world" market, which is a small dumping ground for surplus sugar which does not have a home. This market cannot sustain even the lowest cost sugar producers in the world and is, therefore, not a realistic price to use for economic purposes. Much of the open interest held and trading done in the "world" futures market is by speculators who never own any sugar and who close their positions before physical exchange is required. Their only interest is in price movement, and they are not concerned if prices have no relationship to the true economic value of sugar.

Actually, the present price of raw sugar in the United States is lower than the average price that sugar is actually traded at throughout the world, including U.S. prices. In addition, a recent tabulation of retail prices of refined sugar in a large number of capital cities throughout the world showed that the price of sugar in retail stores in Washington, D.C. was lower than in most of the other capitals and was also lower than the average price. Furthermore, a recent study by Landell Mills, a very reputable sugar consulting firm who have a good knowledge of world production costs concluded that if all government trade barriers were eliminated and all world producers had to survive on competitive prices, the "world" price would average out of a level which is higher than the current U.S. price. This would be necessary in order to sustain production at current world consumption levels.

If the United States were to unilaterally eliminate its sugar program, or substantially dismantle it as proposed by the Reagan Administration, which the author infers it should do, the immediate effect would be to reduce U.S. prices drastically while our farmers harvested their crops in the ground and domestic production was being phased out. Foreign sugar producers, particularly in the EEC, would continue to receive their subsidies so they could continue planting new crops. After that, the small "world" market could not possibly supply the entire nutrative sweetener demand in the U.S. after domestic production had terminated. The price would then rise to levels much higher than those presently prevailing, and most of our sugar would be supplied by foreign producers whose costs are higher than those of domestic producers. It is unrealistic to think that foreign countries or their producers would continue to subsidize American consumers when there was no need to do so, and therefore, prices would continue at high levels. The interest of American consumers is best served by continuing to support a viable domestic sugar producing industry, as every other sugar producing country does.

It is completely false to imply that the U.S. sugar program has perpetrated a fraud upon the American public as described in the article which appeared in your magazine. In order to expound such drivel a person would have to be either abysmally stupid, totally ignorant of the facts, or have some ulterior motive which they prefer not to divulge. I do not know which of these apply to the author of the article, but it would be interesting to find out.

I would now like to comment on several statements in the article and refute the points made or the meaning inferred.

In the first paragraph, the inference is that the "world" price is a realistic price which should be available to U.S. consumers. The $3 billion a year figure is derived from multiplying the difference between the fictitious "world" price and the domestic raw sugar price by the total sugar and high fructose corn syrup (HFCS) consumption in the country. This is a completely erroneous assumption, and the conclusion is invalid.

In the second paragraph, mention is made of the "mountains" of raw sugar sold to communist China at a loss of $45 million, inferring that this deplorable situation was caused by the sugar program. We agree that the situation is deplorable, but was caused by the administration which deliberately and knowingly set the import quota at a level much higher than needed for domestic consumption, thereby causing a surplus and driving the price below the established loan rate. Therefore, the problem lies, not with the program, but with its deliberate misadministration by the executive branch of the government.

In the third paragraph, the blame for the closing of the Revere Sugar Refinery in Brooklyn was placed on the sugar program. It was the growth of HFCS which caused sugar consumption and imports to drop. The program did not cause the drop but merely reacted to it. Furthermore, the Revere Refinery was an antiquated, inefficient operation which had been allowed to deteriorate, and this no doubt contributed to its demise. The article conveniently omitted any mention of the closing of many sugar beet and cane processing factories over the last decade or two which caused far greater unemployment, and this occurred in rural areas where alternate employment was more difficult to find. It is an obvious desire to distort the situation and mislead the public.

The fourth paragraph contains more one sided and exaggerated editorializing and makes no mention of the havoc that would be wreaked on American farmers if the sugar program were to be scuttled. The impact on my state, Hawaii, particularly the islands of Hawaii, Maui, and Kauai, would be devastating. Why is this important reality covered up? Also, the statement that the benefits of the program are limited primarily to 12,000 to 15,000 farmers is another effort to distort and mislead. Do you consider that the hundreds of thousands of em-

ployees of these farmers and the processing plants are second-class citizens who are unfit for the consideration you are so anxious to bestow on foreigners?

I take complete exception to the statement in the fifth paragraph that American consumers would be outraged at the sugar program if they understood the full picture. You are trying to deliberately foment this outrage by purposefully withholding information in distorting what you do present. This paragraph also assumes that the Administration's foreign policy has a special priority above all other considerations and relegates domestic interests far below that of foreigners. I wonder why you espouse this concept with such enthusiasm.

At the end of the seventh paragraph, you state that the quotas and tariffs keep domestic prices high. High in comparison to what? I submit that domestic prices are not high in relation to actual prices paid for sugar in other countries and to average worldwide cost of production. Here again, you are attempting to perpetuate a lie merely by repeating it.

In the eighth paragraph, you state that processors are guaranteed against loss. There is no such guarantee, and I am sure that the author is not so ignorant that he is unaware of it. Did he suppose that the processors who went out of business did so for fun? Further on in that paragraph, much is made of the forfeiture of sugar to the Commodity Credit Corporation. Why did you conveniently neglect to say that this forfeiture was the result of deliberate misadministration of the sugar program, through excessive imports of foreign sugar, in direct opposition to the intent of Congress when it enacted the law.

The tenth paragraph again repeats the fallacy that domestic sugar prices are unduly high.

In the eleventh and twelfth paragraphs, you imply that the sugar program caused the decline in sugar consumption in the U.S., which resulted in a reduction in refining capacity. Again, you neglect to say that the decline really resulted from the replacement of sugar by HFCS in many industrial uses, particularly in beverages. This replacement would have occurred regardless of the sugar program, and inevitably, under such circumstances, something has to give. HFCS production got its start and established its major growth record from 1974 through 1980 when there was no sugar program, stimulated by high world prices. Therefore, it was not the sugar program which nurtured HFCS since it was well established when sugar was first included in the General Farm Act in 1981.

In the fifteenth paragraph, you seem to conclude that the Dominican Republic is liable to go communist because it concluded a three-year agreement to sell sugar to the Soviet Union at a substantial loss, thus aggravating its economic woes, notwithstanding the fact that it has frequently sold sugar to the Soviets in the past through trade houses. I do not see how you come to this conclusion.

In paragraphs seventeen through twenty-four, you attempt to create the impression that the "sugar lobby" has been able to perpetuate a great fraud upon the public through graft and corruption and by overwhelming Congress with lavish doses of money. This is such a distortion that it is ludicrous. I am familiar with the contributions to PAC's by individuals in the Hawaiian sugar industry, and they are meager indeed. The concept that these contributions could sway anything at the National level in Congress is a joke. Also, a joke is your inference the 12,000 to 15,000 struggling farmers, through their PAC's, could overwhelm the contributions of the well-heeled sugar user and cane refining industries. I have personally spent much time talking to many congressmen and their staffs and have obtained their support, not because of any contributions made, but by presenting the full picture so that they could determine for themselves the justice of the position I was supporting.

In your last two paragraphs, you clearly join forces with those whose special interests would be served by the destruction of the domestic sugar industry. Contrary to your misstatements, this is an efficient industry in world terms, and it would be sheer folly to wipe it out and subject American consumers to the avarice of high cost foreign producers. The domestic industry is continuing to improve its efficiency and reduce its costs so that if the subsidies and other supportive measures of foreign producing countries are ever relaxed, we will be able to successfully compete with them on an even basis. It is critical, however, not to jettison our industry before the "level playing field" has been achieved.

I strongly urge that you counteract the gross misrepresentations of this article by issuing another one which presents a balanced picture. The media loves to say that it has the obligation and duty to present the truth to the public. You have prostituted this sacred trust with this article, and you owe it to the public to correct it.

If you need any help in documenting the statements I have made, please let me know, and I will provide what assistance I can.

Sincerely,

FRANCIS S. MORGAN,
President and Chief Executive Officer.

INVESTIGATION ON CONTINUED PRODUCTION OF THE NAVAL PETROLEUM RESERVES—MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with section 201(3) of the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7422(c)), I wish to inform you of my decision to extend the period of maximum efficient rate production of the naval petroleum reserves for a period of 3 years from April 5, 1988, the expiration of the currently authorized period of production.

I am transmitting herewith a copy of the report investigating the necessity of continued production of the reserves as required by section 7422(c)(2)(B) of the Naval Petroleum Reserves Production Act of 1976. In light of the findings contained in that report, I hereby certify that continued production from the naval petroleum reserves is in the national interest.

RONALD REAGAN.

THE WHITE HOUSE, *October 7, 1987.*

MESSAGES FROM THE HOUSE

At 3:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1388. An act for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, and Kurt Olofsson;

H.R. 1490. An act for the relief of Jean DeYoung;

H.R. 1539. An act for the relief of Meals on Wheels of the Monterey Peninsula;

H.R. 1578. An act for the relief of Ray A. Bonney;

H.R. 1579. An act for the relief of Richard W. Ireland;

H.R. 2139. An act for the relief of John H. Teele; and

H.R. 2293. An act for the relief of William A. Cassity.

The message also announced that pursuant to the provisions of section 276a-1, of title 22, United States Code, the Speaker appoints Mr. DE LUGO as an additional member of the delegation to attend the Conference of the Interparliamentary Union, to be held in Bangkok, Thailand, on October 12, through October 17, 1987.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1388. An act for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, and Kurt Olofsson; to the Committee on the Judiciary.

H.R. 1490. An act for the relief of Jean DeYoung; to the Committee on the Judiciary.

H.R. 1539. An act for the relief of Meals on Wheels of the Monterey Peninsula; to the Committee on Finance.

H.R. 1578. An act for the relief of Ray A. Bonney; to the Committee on Armed Services.

H.R. 1579. An act for the relief of Richard W. Ireland; to the Committee on the Judiciary.

H.R. 2139. An act for the relief of John H. Teele; to the Committee on Governmental Affairs.

H.R. 2293. An act for the relief of William A. Cassity; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-332. A resolution adopted by the Five-State Legislative Conference relating to oil and gas exploration and production wastes; to the Committee on Environment and Public Works.

POM-333. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 37

"Whereas, The boundaries of the State of Alaska are of vital concern to the state government of Alaska; and

"Whereas, The essence of sovereignty of a state within America's federal system requires that a state government have complete and unambiguous jurisdiction over well-defined geographical boundary lines; and

"Whereas, Any time that boundaries of a state are to be altered in any way, that state has an essential and overriding interest in the determination of the boundary; and

"Whereas, Alaska is unique among all American states in that it is the only state with the potential for having boundaries with more than one foreign country (i.e. Canada and the Soviet Union); and

"Whereas, Boundaries with foreign countries and a state are, and ought to be, coterminous with America's national boundaries with those foreign countries; and

"Whereas, Negotiations are underway between the United States Department of State and government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and there have been at least seven rounds of negotiations on this issue since 1981; and

"Whereas, The economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity; and

"Whereas, At no time has the United States Department of State allowed, or even offered to invite, a representative of the state government of Alaska to be on any negotiating delegation, nor has it formally solicited the input or advice of the state government of Alaska over the content or form of these negotiations; and

"Whereas, These negotiating delegations, which the United States Department of State has assembled, have included representatives of various other agencies of the federal government; and

"Whereas, It is settled procedure for negotiation of boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine); and

"Whereas, A usurpation of one state's rights and sovereignty is an attack on the entire federal system of the United States of America; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California supports the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries are consented to by the State of Alaska, and that any such boundary agreement is drafted in the form of a treaty for ratification by the United States Senate; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of Alaska."

POM-334. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION NO. 53

"Whereas, Californians for Drug Free Youth, Inc., a statewide parent/community organization, and the California Department of Alcohol and Drug Programs are cosponsoring "Red Ribbon Week" October 25-31, 1987; and

"Whereas, schools, businesses, law enforcement, churches, hospitals, service clubs, government agencies, and individuals in the State of California will demonstrate their commitment for a drug-free society by wearing and displaying red ribbons during this weeklong campaign; and

"Whereas, The community of Sacramento has further committed its resources to ensure the success of the Red Ribbon Campaign; now, therefore, be it

"Resolved, by the Assembly and Senate of the State of California, jointly, That the California State Legislature does hereby support the Red Ribbon Campaign, and the proclamation of October 25-31, 1987, as "Red Ribbon Week," and encourages the citizens of California to participate in drug awareness activities, making a visible statement that we are strongly committed to live a healthy life; and be it further

"Resolved, That the Legislature respectfully memorializes the President and the Congress of the United States to support the Red Ribbon Campaign and to proclaim October 25-31, 1987, as "Red Ribbon Week," and to encourage all citizens of the United States to participate in this drug awareness activity; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 574: A bill entitled the "Battle Mountain Pasture Restoration Act of 1987" (Rept. No. 100-194).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 575: A bill to convey public land to the Catholic Diocese of Reno/Las Vegas, Nevada (Rept. No. 100-195).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1366: A bill to provide for the transfer of certain lands in the State of Arizona, and for other purposes (Rept. No. 100-196).

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

H.R. 2741: A bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic Games (Rept. No. 100-197).

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. SANFORD:

S. 1760. A bill to authorize the Secretary of the Army and the Secretary of the Navy to convey certain real property to the State of North Carolina; to the Committee on Armed Services.

By Mr. DURENBERGER (for himself and Mr. DOLE):

S. 1761. A bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property; to the Committee on Finance.

By Mr. HEINZ:

S. 1762. A bill to amend title XVIII of the Social Security Act to require certain procedures to be followed by fiscal intermediaries in denying certain claims for home health services, to provide for notification of beneficiary rights with respect to home health services, post-hospital extended care services, and extended care services furnished under such title, and for other purposes; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. HEINZ, Mr. STAFFORD, and Mr. BOSCHWITZ):

S. 1763. A bill to direct the Secretary of Health and Human Services to promulgate fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1764. A bill to amend title 39 of the United States Code, to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Governmental Affairs.

By Mr. MITCHELL:

S. 1765. A bill to amend title XVIII of the Social Security Act to provide payment for direct graduate medical costs related to nurse clinical training, to establish demonstration projects to provide payment on a prepaid capitated basis for community nursing and ambulatory care furnished to medicare beneficiaries, to amend titles XVIII and XIX of such Act to provide coverage for certain nursing services, and for other purposes; to the Committee on Finance.

By Mr. SARBANES:

S. 1766. A bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia; to the Committee on Rules and Administration.

By Mr. BURDICK (for himself, Mr. LEAHY, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. BAUCUS, Mr. SHELBY, Mr. PRYOR, Mr. HEFLIN, Mr. MCCLURE, Mr. COCHRAN, Mr. GRASSLEY, Mr. MELCHER, Mr. CONRAD, Mr. KARNES, Mr. WEICKER, Mr. BOND, Mr. DASCHLE, Mr. EXON, Mr. LUGAR, Mr. SYMMS, Mr. BOSCHWITZ, and Mr. WALLOP):

S. 1767. A bill to protect the environment and public health by reducing the levels of agricultural nitrogen in ground water and surface water; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE (for himself, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr.

ROCKEFELLER, Mr. MCCAIN, Mr. INOUYE, and Mr. DANFORTH):

S. 1768. A bill to amend title XVIII of the Social Security Act to ensure that medicare-dependent, small rural hospitals receive for a three-year period at least their reasonable costs for inpatient hospital services furnished under the medicare program; to the Committee on Finance.

By Mr. HECHT (for himself, Mr. NUNN, and Mr. LEVIN):

S.J. Res. 195. Joint resolution to designate the period commencing October 11, 1987, and ending October 17, 1987, as "National Angel Plane Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANFORD:

S. 1760. A bill to authorize the Secretary of the Army and the Secretary of the Navy to convey certain real property to the State of North Carolina; to the Committee on Armed Services.

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE STATE OF NORTH CAROLINA

Mr. SANFORD. Mr. President, I rise to introduce legislation, authorizing the Secretary of the Army and the Secretary of the Navy to convey certain real property to the State of North Carolina. The property will be used for the creation of new State-operated veterans' cemeteries.

More than a half million veterans reside in the State of North Carolina. These men and women, like veterans everywhere, have earned the right to be buried in a veterans' cemetery. Unfortunately, the four existing national cemeteries in North Carolina are projected to be filled by 1992. Any veteran in the State wishing to be buried in a veterans' cemetery after that year would have to be buried in Alabama, the State closest to North Carolina with available space.

The effort to create three new cemeteries in North Carolina has broad support in the North Carolina House delegation and the State legislature. The work needed to create the cemeteries has almost been completed. The only step remaining to be taken is for the Senate to pass this bill to make the land available.

Mr. President, I respectfully request the support of my colleagues on behalf of North Carolina's veterans and all veterans across the country. The timely passage of this bill serves the Nation by honoring those who have given so much in her defense.

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. 1760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCES, FORT BRAGG AND CAMP LEJEUNE, NORTH CAROLINA

(a) AUTHORITY TO CONVEY.—Subject to subsection (b)—

(1) the Secretary of the Army may convey, without consideration, to the State of North Carolina all right, title, and interest of the United States in and to approximately 51 acres of real property, with improvements thereon, located in the FARTC area of Ft. Bragg, North Carolina; and

(2) the Secretary of the Navy may convey, without consideration, to the State of North Carolina all right, title, and interest of the United States in and to approximately 50 acres of real property, with improvements thereon, located in the Montford Point/Camp Johnson area of Camp Lejeune, North Carolina.

(b) CONDITIONS.—(1) The conveyances authorized by subsection (a) shall be subject to the condition that the property conveyed by the Secretary of the Army and the property conveyed by the Secretary of the Navy be used by the State to establish State veterans' cemeteries.

(2) If either of the properties conveyed pursuant to subsection (a) is not used for the purpose described in paragraph (1), all right, title, and interest in and to such property shall revert at no cost to the United States, which shall have the right of immediate entry thereon.

(c) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of each of the properties to be conveyed under subsection (a) shall be determined by a survey that, in the case of the property referred to in clause (1) of such subsection, is satisfactory to the Secretary of the Army and, in the case of the property referred to in clause (2) of such subsection, is satisfactory to the Secretary of the Navy. The cost of such surveys shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army, with respect to the conveyance authorized by subsection (a)(1), and the Secretary of the Navy, with respect to the conveyance authorized by subsection (a)(2), may require such other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

By Mr. DURENBERGER (for himself and Mr. DOLE):

S. 1761. A bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still quality for the special estate tax valuation of the property; referred to the Committee on Finance.

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986

Mr. DURENBERGER. Mr. President, I rise to introduce legislation that will redress an unfair estate tax penalty that is unwarranted and illogical, and is making it impossible for some families to hang on to their family farm.

I am pleased that the distinguished republican leader, Senator BOB DOLE, is cosponsoring this remedial legislation.

Mr. President, in the Tax Reform Act of 1976, Congress recognized that if farm property is being used by family members before and after the death of the owner, it would be inappropriate to impose estate taxes based on a market value that does not reflect its value in its current use. In fact, to do so could result in forced liquidation of many family farms in order to pay Federal estate taxes.

Unfortunately, changes made in the law since 1976 haven't cleared up all the problems that remain.

For example, a family operating a farm in Jackson County, MN, face tax and penalties of several tens of thousands of dollars, which could mean the end of generations of ownership of that land. Because this widow rents the land to her son-in-law on a cash basis, rather than a share-rent lease as the law requires, they are disqualified for relief intended in section 2032A of the law.

Mr. President, It's unwarranted and illogical to require a widow in her seventies, who has never been involved with the actual farming operation while her husband was alive, to now become involved in the farming operation through a share-rent lease in order to qualify for the benefits intended by the law. A cash rent between a widow and one of her children should be all that is necessary to qualify.

I know for a fact that in Minnesota, when a widow cash rents her farm to one of her children, she is, in fact, taking just as much risk on crop prospects as if she had entered into a share rent lease.

I think we can be certain that if the crop fails in Minnesota, or Kansas, or Iowa or anywere else in the United States, the widow who is owed that rent is not going to exact every nickel of the rent due from her child. She is just as much at risk as if she entered into a share-rent agreement.

Mr. President, I hope we will include this legislation in our upcoming reconciliation bill. It is desperately needed relief for many farm families throughout the country who now face unwarranted recapture taxes and penalties simply for maintaining the cash rental agreements which existed prior to the death of the father or mother.

I ask unanimous consent that the text of the bill be inserted in the RECORD.

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

S. 1761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 2032A(c) of the Internal Revenue Code of 1954 (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (B), a spouse who acquired (or was passed) qualified real property from a decedent shall not

be treated as ceasing to use such property for a qualified use solely by reason of entering into a cash lease of such property with a member of the spouse's family."

(b) The amendment made by subsection (a) shall apply to leases for periods after December 31, 1976, of qualified real property of decedents dying after December 31, 1976.

Mr. DOLE. Mr. President, I am pleased to join with the distinguished Senator from Minnesota [Mr. DURENBERGER] in introducing a technical correction to the estate tax rules which will help keep family farms in the family.

Back in 1976, Congress recognized that too many family farms had to be sold to pay estate taxes. The reason for this was that the estate tax laws required that a family farm had to be valued at its "highest and best use," which, in some cases greatly exceeded its value as an ongoing farm. For that reason, we enacted legislation to allow family farms to be valued as such for the purpose of calculating estate taxes.

We soon recognized that often a farmer would, as he got older, be forced to take a less active role in the farming operation and would rent the farm to one or more of his children. We, therefore, modified the rules in 1981 to make certain that a cash rent lease of this sort would not disqualify a farm from the special valuation rules.

This created a problem that we did not foresee at the time. We took care of the farmer who rented the farm out to a family member before he died. But we did nothing to help the situation where the farmer's widow was forced to enter into a similar lease after he died.

It does not take much imagination to think of a situation where a widow, who worked side by side on the farm with her husband for years, comes to a point where she needs the help of her children to run the farm and enters into a cash rent lease. I can see no reason to treat this situation less favorably than the situation we corrected in 1981. The farm is still in the immediate family and the widow is as dependent on its fortunes as she was when she operated the farm herself.

I hope that our colleagues will carefully review this remedial legislation. I am sure that they will come to the same conclusion as Senator DURENBERGER and I did. This measure should have been included in the original legislation and deserves to be enacted now.

By Mr. HEINZ:

S. 1762. A bill to amend title XVIII of the Social Security Act to require certain procedures to be followed by fiscal intermediaries in denying certain claims for home health services, to provide for notification of beneficiary rights with respect to home health services, posthospital extended care services, and extended care services furnished under such title, and for other purposes; to the Committee on Finance.

MEDICARE ACCESS PROTECTION ACT

Mr. HEINZ. Mr. President, today my colleague in the House, Congressman CLAUDE PEPPER and I are introducing legislation to vaccinate the Medicare home health industry against unwarranted "medical denials."

For the past year I've seen a disease infect the Medicare home health program—the disease of pennypinching over pound prudence. Home health agencies have had reimbursements for critical services denied on the grounds that a patient was not "homebound" or that the care was not "intermittent."

Mr. President, the issue here is more than hair splitting over a definition of terms. At issue here is the health and well-being of 31 million aged and disabled Americans under Medicare.

The new Medicare payment system for hospitals—the DRG's—have added a whole new dimension to the already traditionally significant role of home health care providers. These care givers have become the front line M-A-S-H teams, nursing thousand of casualties in both the Congress and the administration's war against escalating hospital expenses. The home health industry has geared up to treat the growing volume of sicker patients. And for their efforts have experienced the frustrations of what I see as arbitrary, confusing and even illegal decisions by the administration to deny payments for these increasingly critical services.

There is something wrong with the way the home care system is operating when payment is denied for cases like Harvey Sims. Harvey is a 71-year-old constitutent of mine who has undergone a total larngectomy for cancer. Legally blind and deaf, living alone, Mr. Sims received home health services to help him learn to care for his stoma. His care was denied because his brother assisted him to his doctor's office for treatments and thus he was declared not to be "homebound."

Congress saw through this type of denial, saw them as an attempt to defy the spirit of the law in an effort to scimp on spending. And we have acted to do something about it.

First, legislation I introduced this spring, the Home Care Protection Act, S. 961, will improve access and reimbursements by clarifying the definition of intermittent to include care provided up to 7 days a week, for more than one visit per day. The bill also expands the number of days of care covered from 21 to 60. A modified version of the proposal is included in the catastrophic bill before the Senate.

Second, Senator BRADLEY and I, have cosponsored the Medicare Home Services Improvement Act of 1987, S. 1076. Among its many access and quality provisions, this bill clearly defines "homebound" as a condition which restricts an individual's ability to leave home without substantial support.

But in the face of congressional action to cure the disease of denial, the Health Care Financing Administration has introduced a mutant strain of the virus. So-called Medical denials have replaced technical denials as a reason to cut costs.

Another constituent of mine, Ruth Gillespe, was a victim of this new variation of denials. Ms. Gillespe suffers from a number of painful and debilitating conditions, including osteoathritis, Parkinson's disease, hypertension, and reoccurring urinary tract infections. She has been hospitalized at least six times in the past year. Her regime of medications is complex. Her personal care needs are demanding. Her dependency on skilled medical assistance to just maintain her fragile health is blatently evident even to the untrained eye. Yet reimbursement for Ms. Gillespe's care was denied on the basis of the unsupported and undocument allegations that it was not "medically necessary."

Mr. President, the bill I am introducing today would call the administration's bluff on medical denials. The key provisions of the bill would require full disclosure of the reasons for a claim denial and that a physician review appealed claims that were denied for reasons of medical necessity. Under current regulation, nurses employed by the fiscal intermediary evaluate claims to determine whether or not they are appropriate.

Prompt notification—within 45 days—of the results of an appealed claim would also be required under this bill, as would a biannual consultation between the fiscal intermediaries and providers, consumers and personnel from the Health Care Financing Administration. These consultations hopefully would eliminate some of the confusion over interpretation of regulations and provide a forum for airing gripes and suggestions for program improvement.

Finally, Mr. President, the home care denial bill would require the fiscal intermediaries and home health agencies to distribute a notice of beneficiary coverage under the Medicare Home Health Program and an explanation of the appeals rights and procedure.

Congress must take every appropriate action to assure Medicare beneficiaries access to the high quality home health care they have paid for and deserve. Our challenge is clear and I ask for my colleages' support with passage of this legislation.

By Mr. CRANSTON (for himself, Mr. HEINZ, Mr. STAFFORD, and Mr. BOSCHWITZ):

S. 1763. A bill to direct the Secretary of Health and Human Services to promulgate fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REDUCING FIRES CAUSED BY CIGARETTES

Mr. CRANSTON. Mr. President, most people do not realize that year after year cigarette fires are the No. 1 cause of residential fire deaths in the United States. This growing tragedy lies hidden for a very simple reason: Cigarette fires cause death and destruction without fanfare, without making the headlines in our daily newspapers. Because large numbers of lives usually are not lost in any one location at any one time, it is difficult to grasp fully the widespread devastation in terms of lost family members and damaged property that these fires cause.

In 1985, the most recent year for which the U.S. Fire Administration has compiled data, there were a total of 48,300 residential structural fires associated with cigarettes. These fires resulted in 1,640 civilian deaths, 3,980 civilian injuries, and $319.2 million of destroyed property. There were also thousands of nonresidential fires associated with cigarettes during that year.

More and more people are recognizing that cigarette fires pose a serious safety hazard and are an unacceptable risk, especially insofar as a solution is clearly within reach. I commend the many state efforts, including my home State of California, to grapple with the problem. However, cigarette fires are not confined to any region of this country. It is a national problem that demands a national solution.

Mr. President, in order to address the problem of cigarette-ignited residential fires, I sponsored legislation in the 96th, 97th, and 98th Congresses that would direct the Consumer Product Safety Commission [CPSC] to establish performance standards ensuring that cigarettes and little cigars have a minimum capacity for igniting upholstered furniture and mattresses. That legislation was never enacted.

However, in order to address the Tobacco Institute's claim that a less fire-prone cigarette was infeasible, I joined Senator HEINZ in introducing legislation, S. 1935, in the 98th Congress that established an Interagency Cigarette Safety Task Force to conduct studies and make recommendations concerning the technical and economic feasibility of developing less fire-prone cigarettes and little cigars. The bill specified that representatives of the Tobacco Institute, as well as private individuals, were to participate in the feasibility studies. S. 1935 passed both Houses and was enacted in 1984.

Mr. President, I have recently received a draft of the final report of the technical study group established by S. 1935. According to that report, it is technically feasible to develop cigarettes that will have a significantly reduced propensity to ignite upholstered furniture or mattresses. The report notes that the characteristics which reduce the ignition propensity of the cigarette included: reduced circumference, lower density tobacco, less porous paper, and the reduction of certain chemicals in the paper. The report also delineates the further technical research which is necessary to develop performance standards for less fire-prone cigarettes.

Mr. President, now that we know that a less fire-prone cigarette is feasible, I am reintroducing legislation that will mandate the development of performance standards for less fire-prone cigarettes and will require cigarette manufacturers to comply with such standards. I am pleased to be joined by the Senator from Pennsylvania [Mr. HEINZ], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Vermont [Mr. STAFFORD], in introducing this legislation which is being introduced in the House today by Representative MOAKLEY.

Mr. President, this is not an anti-smoking bill. It is legislation directed at a proven safety hazard.

This legislation which I am introducing today is substantially similar to that which I have introduced previously. It differs from my earlier bills in that the authority to develop the standards is given to the Department of Health and Human Services [HHS], Food and Drug Administration [FDA], rather than the CPSC. This change was made because the FDA appears to have the necessary resources to complete the technical research and develop the standard for fire safe cigarettes.

In sum, Mr. President, the time has come for Congress to take a simple step to address the leading cause of residential fires. My bill directs the Secretary of HHS to seek the advice and expertise of the National Bureau of Standards and other Federal and State agencies engaged in fire safety in developing standards for less fire-prone cigarettes, and to take into account the results of the feasibility study. The bill further stipulates that the Secretary shall issue the standards for fire safe cigarettes within 1 year of the date of enactment, and shall set an effective date for the standards not later than 2 years after the date of enactment. In addition, Mr. President, my bill states that the standards shall be developed in accordance with the Administrative Procedures Act, provides for judicial review, and clarifies that the standards developed pursuant to this bill shall not preempt any State law that prescribes more stringent standards for fire safe cigarettes.

Mr. President, this is a reasonable measure in light of the lives that may be saved and the property damage that can be avoided if cigarette manufacturers are required to produce less fire-prone cigarettes. This time is long overdue for Congress to turn the spotlight on this unpublicized killer and to get the tobacco industry to halt this needless loss of life and property. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "An Act to Reduce Fires Caused by Cigarettes".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(2) CIGARETTE.—The term "cigarette" has the meaning prescribed by section 3 of the Federal Cigarette Labeling and Advertising Act.

SEC. 3. FIRE SAFETY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall by rule issue a fire safety standard for cigarettes to reduce the risk of ignition presented by cigarettes.

(b) CRITERIA.—In establishing the standard the Secretary shall—

(1) consult with the National Bureau of Standards and seek the advice and expertise of other Federal and State agencies engaged in fire safety; and

(2) take into account the findings in the report of the Technical Study Group on Cigarette and Little Cigar Fire Safety under the Cigarette Safety Act of 1974 (15 U.S.C. 2054 note).

(c) PROCEDURE.—The rule under subsection (a) shall be issued—

(1) in accordance with section 553 of title 5, United States Code, except that if the rule is significantly different from the recommendations of the Technical Study Group on Cigarette and Little Cigar Fire Safety pursuant to the Cigarette Safety Act of 1984 (15 U.S.C. 2054 note), the Secretary shall include in the statement required under subsection (c) of section 553, an explanation of the reasons for the difference; and

(2) without regard for the requirements of Executive Order 12291.

(d) EFFECTIVE DATE.—The Secretary shall prescribe the effective date of the standard issued under subsection (a), except that such date may not be later than 2 years after the date of the enactment of this Act.

(e) STOCKPILING.—

(1) IN GENERAL.—The Secretary shall prohibit a manufacturer of cigarettes from stockpiling cigarettes that are subject to the standards issued under subsection (a).

(2) DEFINITION.—For purposes of this subsection, the term "stockpile" means the

manufacturing or importing of a cigarette between the date a standard is issued under subsection (a) and the date the standard is to take effect, at a rate greater than the rate the cigarettes were manufactured or imported for the 1 year period ending on the date the standard was issued.

(f) JUDICIAL REVIEW.—

(1) COURT OF APPEALS.—

(A) IN GENERAL.—Any person who is adversely affected by the standard issued under subsection (a) may, at any time before the 60th day after the Secretary issues the standard, file a petition with the United States Court of Appeals for the District of Columbia Circuit, or for any other circuit in which such person resides or has its principal place of business, to obtain judicial review of the standard.

(B) NOTIFICATION OF SECRETARY.—A copy of the petition filed under subparagraph (A) shall be promptly transmitted by the clerk of the court to the Secretary.

(C) RECORD OF PROCEEDINGS.—The Secretary shall file in the court the record of the proceedings on which the Secretary based the standard as provided in section 2112 of title 28, United States Code.

(2) ADDITIONAL EVIDENCE.—

(A) HEARING.—If the petitioner applies to the court for leave to discover additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to discover such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and on such terms and conditions, as the court deems proper.

(B) MODIFICATION OF FINDINGS.—The Secretary may modify the prior findings as to the facts, or make new findings, by reason of the additional evidence so taken, and the Secretary shall file such modified or new findings, and the recommendations of the Secretary, if any, for the modification of the standard.

(3) REVIEW OF STANDARDS.—On the filing of a petition under paragraph (1), the court shall have jurisdiction to review the standard of the Secretary, as modified, in accordance with chapter 7 of title 5, United States Code.

(g) IMPLEMENTATION.—The Secretary carry out this Act through the Food and Drug Administration.

SEC. 4. ENFORCEMENT.

(a) PROHIBITION.—No person may manufacture or import a cigarette unless the cigarette is in compliance with a fire safety standard issued under section 3(a).

(b) PENALTY.—A violation of subsection (a) shall be considered a violation of section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331).

SEC. 5. PREEMPTION.

This Act does not preempt any law of a State or political subdivision of a State that prescribes a fire safety standard for cigarettes that are more stringent than the standard prescribed under section 3(a).

SEC. 6. DEFENSES.

In any civil action for damages, compliance with the fire safety standard promulgated under section 3(a) may not be admitted as a defense.

● Mr. HEINZ. Mr. President, I rise today with my colleague Senator CRANSTON to introduce legislation to create a fire-safe cigarette.

Four years ago Senator CRANSTON, Representative MOAKLEY, and I asked our colleagues in the Congress to move forward with legislation which could save thousands of lives and millions of dollars each year. We wanted a bill to develop and enforce manufacturing specifications for tobacco companies to reduce the risk of a cigarette igniting fabric.

As chairman of the Senate Special Committee on Aging, I had learned at a committee hearing that cigarettes are the number one cause of fire deaths in this country. In 1984, 67,000 cigarette-ignited fires resulted in 1,570 deaths, 7,000 serious injuries and $390 million in property damage. I am particularly concerned that older Americans are two to three times more likely than other age groups to die in home fires.

For over two decades, fire safety efforts have focused on making mattresses and upholstery more flame-retardant. Both of these industries are to be applauded for their dedication to developing and applying life-saving standards. But until we make the cigarette itself less likely to start a fire, we've broken the match but not extinguished the flame.

Our efforts in 1983 and early 1984 met with stiff opposition from the tobacco industry and its lobbying groups. Tobacco companies argued that having at least two fire-safe cigarettes on the market did not prove that all cigarettes could be reasonably produced to meet safety standards.

So we engineered a compromise and in October 1980 mandated an interagency committee to study the technical and commercial feasibility of fire-safe cigarettes. That study is now complete. The Government, industry, and consumer experts who participated in this effort conclude that a fire-safe cigarette is indeed technologically feasible and can be produced at minimal additional costs.

Mr. President, I think we've paid a high price to prove the obvious. We've invested 3 years, lost almost 5,000 lives, and over $1 billion in property for official confirmation that a fire-safe cigarette can be manufactured and marketed at a cost that is certainly less than the potential benefit to society.

The legislation Senator CRANSTON and I are introducing today—and the companion bill to be introduced by Congressman MOAKLEY, is long overdue. All that now stands between the public and a fire-safe cigarette is the willingness of Congress to act. It is possible, profitable and prudent for the tobacco industry to support this effort and I would urge its full cooperation.

Mr. President, the "act to reduce fires caused by cigarettes" will require the Food and Drug Administration to issue and enforce a fire safety standard for cigarettes within 2 years from the date of enactment.

We've mandated seat belts and safety standards for cribs and highchairs. We require inspections for food purity and declarations for potential carcinogens. America is a health- and safety-conscious nation. It is unconscionable that we continue to ignore one of the greatest public threats of all—a lit cigarette with the potential to maim, kill, and destroy.●

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1764. A bill to amend title 39 of the United States Code to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Governmental Affairs.

LOCATABLE ADDRESS LEGISLATION

● Mr. BRADLEY. Mr. President, I rise today to introduce the locatable address bill, which would enable municipalities to designate addresses for all the sites within their jurisdictions. Joining me in introducing the legislation is my colleague from New Jersey, Mr. LAUTENBERG. Identical legislation has been introduced in the House by Congressman SAXTON. I believe this legislation will improve emergency services in many small townships in my State and around the country.

Mr. President, under current law, the Postal Service has the responsibility for determining addresses. The postal address, which is based on postal delivery routes, is often vague and confusing. This creates many problems for communities, particularly those in rural areas. One problem occurs when regional emergency services try to respond to a crisis. There have been cases where emergency personnel were delayed in arriving on the scene of a serious accident because an insufficient home address—such as a road with no house number or a rural delivery address that cuts across municipal lines—was the only address available to the rescue squad. For example, a constituent of mine in Southampton Township, NJ, who was badly burned in an accident did not receive prompt medical attention because emergency personnel had trouble finding the man's home. The postal address was insufficient for the rescue squad to rapidly respond to the call for help.

Mr. President, another problem is that the current system sacrifices community identity for the sake of the bureaucratic efficiency of ZIP Codes. In areas where a small town is located near and served by a larger municipality's post office, the name of the larger municipality may serve as the smaller town's "town name" on its mailing address.

I have been contacted by many municipalities in New Jersey suffering

from this identity crisis. An example, Mr. President, is Little Egg Harbor Township, which is losing its identity because the entire township has a mailing address of Tuckerton—simply because they are served by a post office in Tuckerton Borough. Another example is the growing township of Branchburg, where there is constant frustration because mail must be addressed to the borough of Somerville. Along with mail delivery problems, township officials in Branchburg have explained to me their difficulties in communicating to outsiders that they are not part of Somerville, as their postal address implies.

Other examples abound. The South Jersey community of Westhampton is served by five larger neighboring towns; imagine, a town of 6,000 has five different town names for mail delivery purposes. Need I tell you that confusion abounds? The township of Aberdeen has no ZIP Code and mail is handled by three neighboring towns; local officials have discussed their concerns with me, including the difficulty in planning township-wide events because, not surprisingly, there is little sense of community.

Mr. President, some have argued that this legislation would wreak havoc with the Nation's post offices. I disagree. This legislation does not require the establishment of separate post offices or changes in mail delivery routes. It only gives local political units the authority to designate local street and town addresses. We need to give municipalities the right to exercise greater home rule—for the sake of the community and for the safety of its residents. I believe this legislation does just that, and I urge my colleagues to give consideration to this small but important piece of legislation.●

By Mr. MITCHELL:

S. 1765. A bill to amend title XVIII of the Social Security Act to provide payment for direct graduate medical costs related to nurse clinical training, to establish demonstration projects to provide payment on a prepaid capitated basis for community nursing and ambulatory care furnished to medicare beneficiaries, to amend titles XVIII and XIX of such act to provide coverage for certain nursing services, and for other purposes; to the Committee on Finance.

NURSING MANPOWER SHORTAGE ACT

● Mr. MITCHELL. Mr. President, today I introduce a bill that would address the growing shortage of registered nurses in this Nation's hospitals, nursing homes and other health care facilities. This shortage has an especially great effect on the elderly and disabled because of their high need for nursing care and the critical shortage of nurses with special training and competency in geriatrics and rehabilitation.

There have been several occasions in the past 20 years that there was an anticipated or actual shortage of nurses. In each of those instances, the apparent shortage was resolved with little or no Federal intervention. Unfortunately the current situation is different, both qualitatively and quantitatively. It is very unlikely that the situation will be significantly improved without fundamental changes in both the pay and status of professional nurses.

The facts are disconcerting. The number of hospitals reporting vacancies in nursing more than doubled between 1985 and 1986. More than a quarter of all hospitals had nursing vacancy rates exceeding 15 percent. Further the shortage appears to widespread in terms of geography and of both specialty and basic nursing. Nursing home, emergency rooms, and outpatient facilities are also feeling the effects of the shortage.

Unfortunately the shortage appears to be growing and the future looks even worse. The decline in both the length of stay and admission rate to hospitals appears to have reached a plateau. Further changing demographics will result in a significant increase in the number of elderly, especially in the oldest age group who are also the highest users of nursing services. As a result the Bureau of Labor statistics has predicted a 33-percent increase in the number of positions for registered nurses in the next decade.

In the face of this increased demand, the supply of nurses is, paradoxically, undergoing a steep decline. Admissions to all types of professional nursing programs fell in 1986, with baccalaureate programs declining 7 percent, associate degree programs by 10 percent and diploma programs by nearly 20 percent. These rates for 1986 represent an acceleration of the rate of decline that has existed for 5 years.

Even more disturbing are surveys that reveal that a decreasing number of women in high schools and colleges see nursing as a likely or desirable career choice. And this decrease in the proportion interested in nursing is occuring during a period in which the absolute number of students entering high schools and college is, and will continue to, decline.

There are those who feel there is no real shortage, that women trained in nursing do not fully participate in the labor force. However a recent study revealed that nearly 80 percent of all nurses were active in the labor force, as compared to 55 percent of all women. While there is some room for attempts to increase the participation of nurses in the labor force, such efforts, even if successful, will not solve the problem.

The reasons for the growing shortage are many. They will not yield to quick fixes. Nursing is almost exclusively a profession of women. As barriers to women in many areas of employment are removed, there has been a major increase in other careers open to women. The relatively low pay and status of nurses in our health care system has resulted in women choosing careers in medicine, business, or law, rather than nursing.

It is likely that market forces will result in at least a partial resolution of the problem of relatively low pay. This adjustment will be difficult, coming as it does at a time of fiscal restraint in reimbursement for health care services. However, higher income is only a part of the solution. We must take other steps to enhance the status of the nurse.

It is toward that end that I introduce legislation to provide reimbursement and encouragement for nurses to use the full range of skills and knowledge that they gain in their professional training. In addition, the legislation provides incentives to enhance opportunities for nurses to receive advanced clinical training.

Before discussing the specifics of the proposed legislation, I would like to note that this legislation is meant to complement the legislation introduced earlier in the year by Senator KENNEDY, myself, and other Members of the Senate. The earlier legislation was directed at the recruitment of nurses at the entry level and the creation of innovative hospital nursing practices. The intent of this legislation is to assist in the process of creating a clinically related career ladder for nurses, and to enhance the attractiveness of nursing as a career especially in relation to the care of the elderly and disabled.

I. MEDICARE SUPPORT FOR NURSING CLINICAL TRAINING

One of the most difficult problems in the provision of adequate clinical education for nurses is the lack of reimbursement for advanced clinical education equivalent to that available to physician trainees. A significant number of persons, both in and out of nursing feel that one result of this lack of reimbursement has been an underemphasis on clinical training in nursing education. In addition, the lack of a defined and appropriately supported clinical career path for nurses has resulted in a loss of attractiveness of nursing as a career.

The provisions in this legislation would establish for nursing education an opportunity similar to that extended to medical education.

First, expenses for the clinical training of nursing students for a master's degree or higher level degree would be recognized as an allowable cost in the graduate medical education pass through in the Medicare hospital payment system. This would be in addi-

tion to the current Medicare reimbursement for nursing education.

Second, only time spent in the clinical setting in the direct care of patients would be recognized for purposes of reimbursement.

Third, the number of such positions would be limited to no more than one full-time equivalent [FTE] student per 10 hospital beds in any institution.

Fourth, as with the training of physicians, time spent in ambulatory care facilities, including nursing homes, would be recognized for purposes of reimbursement.

Fifth, reimbursent for students in programs leading to a degree or certification as a geriatric nurse practitioner or gerontological nurse specialist would be reimbursed at 1.5 FTE, while other trainees would be recognized at 1.0 FTE for the first year of such training, and 0.50 for the second. No one individual could receive more than 2 years—or 24 months—of clinical training under these provisions.

Sixth, each hospital seeking reimbursement under this provision would be required to have a contract with one or more schools of nursing or other entity accredited to provide a master's or doctoral degree in nursing.

Seventh, costs related to the direct clinical teaching may be included as direct costs of education.

Eighth, the total cost per FTE may not exceed $20,000 per year in 1988, adjusted in future years by the CPI.

II. HOME AND COMMUNITY BASED NURSING ORGANIZATIONS

BACKGROUND

One of the issues raised by those concerned about the future of nursing is the lack of opportunities for nurses to practice nursing in an environment of cooperation and equality, rather than as an adjunct to the physician. This provision is a refinement of a concept first introduced by Senators INOUYE, PACKWOOD, and DECONCINI in 1983 and more recently by Senator CHAFEE.

The Secretary shall designate at least seven sites as demonstration projects for community nursing centers. Such centers would provide services under the supervision of a registered nurse, including at least those services provided by certified home health care agencies, as well as case management. Reimbursement for these services would be on a capitated basis.

III. NURSING HOME SERVICES BY CERTIFIED NURSE PRACTITIONERS

First. Certified Nurse Practitioners would be eligible, as consistent with State law, to provide nursing and medical services in Medicare Certified Nursing Homes. Nurses providing those services must have a written agreement with a physician to provide those services that are restricted by State law to physicians.

Second. Reimbursement would be at a rate of 85 percent of that provided to a physician for the same service code. However, the Secretary of Health and Human Services would conduct a study of the relative complexity of services provided by nurses and physicians in the same setting. Such services would be subject to the same regulations as for currently defined physician services.

Third. The Secretary shall specify that each State plan for participation in Medicaid must contain a provision specifying the eligibility of CNP's to participate in medical care in nursing homes. Such plans shall be consistent with State law, but may not be more restrictive than provisions in relevant State law dealing with nursing practice in nursing homes—or if not specifically mentioned than in general or in hospitals.

Fourth. For both Medicare and Medicaid certified nursing homes, certified nurse practitioners shall be eligible to certify, or recertify, the need for nursing home services.

IV. DIRECT REIMBURSEMENT FOR CERTAIN MEDICARE SERVICES

In order to provide less costly services and at the same time enhance the career pathway of nurses, Senator INOUYE has introduced similar legislation in the past which provides for direct reimbursement for nurse midwives and pediatric nurse practitioners. While the number of children or pregnancies under Medicare is small, the principle is important since a number of other insurors follow the lead of Medicare—although in this regard, a number of insurors and HMO's already use and/or provide for reimbursement of NP's.

Services for certified pediatric nurse practitioners and nurse midwives, as permissible under the appropriate State laws, would be directly reimbursed, under a fee schedule set at 85 percent of the applicable prevailing fee for the same services provided by a physician.

V. STUDY OF THE EFFECTS OF CURRENT MEDICARE REIMBURSEMENT AND MEDICAID/MEDICARE REGULATION OF HOSPITALS AND NURSING HOMES

BACKGROUND

One of the limits on an expanded role for nurses may be, in part, the result of Medicare or Medicaid rules for staffing in hospitals or nursing homes. Current Medicare policies of reimbursement for nursing services under PPS or part B of Medicare may be retarding development of the field. We propose a study of the issue by a private not-for-profit entity to review what further changes might be made in Medicare or Medicaid to enhance nursing recruitment and retention.

The Secretary is directed to issue a request for proposal for a grant or contract with a private not-for-profit entity, with funds appropriated as needed from the Hospital Insurance Trust Fund, to study and make recommendations identifying existing barriers or specifying new policies that should be instituted, in Medicare or Medicaid regulations or reimbursement policies. The Secretary will issue the RFP by January 1, 1988 with a study completion date of October 1, 1989.●

By Mr. SARBANES:

S. 1766. A bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia; to the Committee on Rules and Administration.

ESTABLISHMENT OF A MEMORIAL TO MAHATMA GANDHI

● Mr. SARBANES. Mr. President, I am introducing legislation today to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia. The Indian American Forum, a nonpartisan educational organization, was established in 1982 and is the only national organization solely designed for the political education of American citizens and residents of Asian-Indian origin. The forum has now taken on the responsibility of placing a statue of Mahatma Gandhi in Washington, DC. The project will be entirely funded by private contributions and will be a simple but powerful statement about the extraordinary life and achievements of Gandhi.

Forty years after his tragic death, Mahatma Gandhi remains one of the most revered world leaders of this century. He spent his life as a relentless champion of human rights and human dignity everywhere. He helped sow the seeds of freedom following World War II. Through his unshakeable faith in the power of nonviolent struggle, he inspired the civil rights movement in this country under the leadership of Dr. Martin Luther King, Jr.

Gandhi's intellectual relationship with this country is well documented. During his second imprisonment in South Africa in 1907, he read Henry David Thoreau's "Civil Disobedience" and studied the works of Ralph Waldo Emerson. These readings provided the basis for the formulation of his philosophy of creative nonviolence. In 1949, the 81st Congress passed a resolution memorializing Gandhi which cited his "selfless devotion to peace" and stated that Gandhi's life should "awaken and keep alive in people everywhere the sense of their individual dignity and independence, as well as an abhorrence for civil, religious, and communal strife anywhere."

The Indian American Forum for Political Education is dedicated to spearheading the effort to raise funds for the Gandhi memorial. Gandhi's princi-

ples guide and direct the forum in its goal of providing opportunities for learning various aspects of issues affecting individuals of Indian origin residing in the United States. I commend the forum for its dedication to building the Gandhi memorial, and I urge my colleagues in the Senate to join in this effort to provide an appropriate memorial to one of the great leaders of the 20th century.●

By Mr. BURDICK (for himself, Mr. LEAHY, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. BAUCUS, Mr. SHELBY, Mr. PRYOR, Mr. HEFLIN, Mr. MCCLURE, Mr. COCHRAN, Mr. GRASSLEY, Mr. MELCHER, Mr. CONRAD, Mr. KARNES, Mr. WEICKER, Mr. BOND, Mr. DASCHLE, Mr. EXON, Mr. LUGAR, Mr. SYMMS, Mr. BOSCHWITZ, and Mr. WALLOP):

S. 1767. A bill to protect the environment and public health by reducing the levels of agricultural nitrogen in ground water and surface water; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL NITROGEN MANAGEMENT ACT

● Mr. BURDICK. Mr. President, today I am introducing the Agricultural Nitrogen Management Act of 1987.

I am very pleased that Senator LEAHY, the chairman of the Agriculture Committee, is joining me in introducing this important legislation.

Other cosponsors of the bill include Senators MOYNIHAN, DURENBERGER, BAUCUS, SHELBY, PRYOR, HEFLIN, MCCLURE, COCHRAN, GRASSLEY, MELCHER, CONRAD, KARNES, WEICKER, BOND, DASCHLE, EXON, LUGAR, SYMMS, BOSCHWITZ, and WALLOP.

I am also introducing this legislation as an amendment to S. 1105, the Ground Water Research Act of 1987.

The Agricultural Nitrogen Management Act is intended to protect public health and the environment by reducing the levels of agricultural nitrogen in surface water and ground water.

The bill would establish an Agricultural Nitrogen Best Management Practices Task Force. The task force will develop best management practices for agricultural nitrogen utilization in crop production and for protection of public health and surface and ground water quality. The task force will also develop educational and training materials and disseminate these materials to farmers.

The Agricultural Nitrogen Best Management Practices Task Force would include representatives of the Department of Agriculture including the Administrators of the Agriculture Research Service, the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, and the Extension Service.

In addition, the task force would include representatives from the Environmental Protection Agency, the National Fertilizer Development Center of TVA, fertilizer retailers, the U.S. Geological Survey, and National Academy of Sciences.

Because we must rely on our farmers to implement agricultural nitrogen best management practices, the bill provides that the task force include a farmer-representative. The farmer-representative is to be selected by the Secretary of Agriculture.

This legislation asks our Nation's agricultural producers, the fertilizer industry, scientists, and others to work together to develop methods of reducing the levels of agricultural nitrogen in surface water and ground water.

I am convinced that many of the water quality problems associated with agricultural nitrogen can be prevented right from the start through increased education, public information, and the adoption of agricultural best management practices. This legislation is an important step toward an effective prevention program.

I am very pleased to report that my bill is endorsed by the Fertilizer Institute.

I urge my colleagues to give this important legislation their full support.●

● Mr. LEAHY. Mr. President, I am pleased to join Senator BURDICK as a cosponsor of the Agricultural Nitrogen Management Act of 1987.

The ultimate goal of this legislation is to promote "best management practices" that minimize the impact of agricultural nitrogen, such as commercial fertilizer, on ground and surface water. An Agricultural Nitrogen Best Management Practices Task Force would be created and charged with researching and developing these practices for crop production and disseminating their findings to farmers. The task force would report the results to Congress in 12 months.

The rising level of nitrogen/nitrates in the water supply of some areas of the United States is caused in part by the methods farmers use to produce crops. One source of contamination is inorganic nitrogen fertilizers use, which doubled on a per-acre basis between 1965 and 1984. Studies have shown that a significant percentage of nitrogen applied on certain soil types is not taken up by plants and is leaching into ground water. Tillage and irrigation practices may also contribute to increased nitrate levels.

Last year farmers spent $7 billion on fertilizer. The purpose of this legislation is to educate our producers about the most efficient use of agricultural nitrogen, which will save them money and help protect the quality of our water supply.

The U.S. Department of Agriculture, using data compiled by the U.S. Geological Survey, estimates that over 7 million people are using water from sources potentially contaminated by nitrates. Approximately 5 percent of the counties surveyed had wells showing nitrogen/nitrate concentration in excess of the Federal drinking water standard. While a few documented human health risks have been directly attributed to nitrates, some proportion of nitrates is converted to nitrites once ingested. Nitrites can then combine with other substances to produce nitrosamine, a potent carcinogen. The key to minimizing this risk is preventing nitrates from leaching into ground water.

The research and education on best management practices that would be conducted under this measure are a significant first step toward preventing contamination of our water resources. I believe that the best management practices in S. 1419, the Ground Water Safety Act, will be equally effective in preventing pesticide contamination of ground water. We must provide our producers with up-to-date information to help them make wiser production decisions that protect the quality of our Nation's water resources.

I urge my colleagues to support the Agricultural Nitrogen Management Act.●

By Mr. DOLE (for himself, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. INOUYE, and Mr. DANFORTH):

S. 1768. A bill to amend title XVIII of the Social Security Act to ensure that medicare-dependent, small rural hospitals receive for a 3-year period at least their reasonable costs for inpatient hospital services furnished under the Medicare Program; to the Committee on Finance.

REASONABLE SUPPORT FOR MEDICARE SERVICES PROVIDED BY RURAL HOSPITALS

Mr. DOLE. Mr. President, today, joined by a number of my colleagues, I am introducing legislation which will provide a measure of support to some of our small rural hospitals. A similar bill has been introduced on the House side by my colleague from Kansas, Congressman PAT ROBERTS.

When we first put the Medicare prospective payment system into place we acknowledged that this new system might well have a negative impact on certain institutions, including rural hospitals. These hospitals tend to be smaller, have fewer patients, lower costs, fewer specialized areas, and often serve a population older than average.

A payment system like the DRG system which is based on averages just doesn't work for these hospitals. They face the combined problem of having too few patients most of which are costly.

We have in years since the enactment of the DRG system agreed to a number of changes designed to assist

these hospitals, but for some, it just hasn't been enough. And as those of you from rural areas know, many of our communities cannot afford to lose their hospitals as they provide the only reasonably accessible health services.

Our legislation simply helps those hospitals of 50 beds or less, in which medicare patients comprise at least 70 percent of their discharges. We would, for a period of 3 years, ensure that these institutions receive in payment at least their reasonable costs.

The solution we propose, which arguably moves us away from the prospective payment system, is not a perfect answer to the problem. It is for this reason that we have provided for a sunset of the provision. The 3 years the provision is in place will give us an opportunity to examine more carefully how we might do away with the current payment bias against rural institutions thereby insuring that our citizens in rural communities will have access to services in the future.

Mr. President, the bill has a very small cost associated with it of $5 million per year. Compared to the entire Medicare budget this is a small amount, but critical to those few hospitals, approximately 100 nationwide, who might qualify. We cannot allow our rural health care system to decline. This is a small step in an effort to prevent that from occurring.

Mr. President, 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. 1768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ENSURING ADEQUATE PAYMENTS FOR INPATIENT HOSPITAL SERVICES FURNISHED BY MEDICARE-DEPENDENT, SMALL, RURAL HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraph:

"(G)(i) For cost reporting periods beginning after September 30, 1987, and ending before October 1, 1990, the Secretary shall provide for an additional payment amount for each medicare-dependent, small, rural hospital (as defined in clause (ii)) to ensure that the total of the payments made to the hospital under this section (including this clause) for any such cost reporting period is at least equal to the reasonable costs associated with the hospital's operating costs of inpatient hospital services for that period. In determining the reasonable costs of a hospital under the previous sentence, limitations under section 1861(v) on such cost shall not apply. In the case of a hospital receiving payments on a periodic interim basis under section 1815(e)(1) and entitled to additional payment amounts under this subparagraph, such additional payment amounts shall be included in the payments made under section 1815(e)(1).

"(ii) In clause (i), the term 'medicare-dependent, small, rural hospital' means, for a cost reporting period with respect to which such clause applies, a subsection (d) hospital—

"(I) that is located in a rural area (as defined in subsection (d)(2)(D)) and has no more than 50 beds; and

"(II) for which period at least 70 percent of inpatient hospital services (determined, at the hospital's option, on a per diem basis or on a discharge basis) are attributable to inpatients who are entitled to benefits under part A.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of enactment of this Act.

● Mr. DURENBERGER. Mr. President, I am pleased and honored to join the distinguished Republican leader in sponsoring this vitally important legislation.

Senator DOLE has called attention to the precarious financial position of many of our smallest rural hospitals which results from their service to Medicare beneficiaries and their dependency upon the Medicare prospective payment system. That system continues to discriminate against rural hospitals by paying lower rates for an inpatient service in a rural hospital than paid for the same service in an urban hospital. Because of their small size and the large number of Medicare beneficiaries, these hospitals are unable to compensate adequately for the low Medicare payment provided for each case. They cannot take advantage of the "law of large numbers" so crucial to the implementation of a fair payment system.

This bill, as well as proposals which I and others have introduced during this session, provide important, concrete solutions to problems faced by a few hospitals in desperate need. For the next 3 years, this bill provides that rural hospitals with no more than 50 beds and with at least 70 percent of its inpatients being Medicare beneficiaries, would be paid at least the reasonable costs of care rendered. This measure is necessary to assure that these hospitals, so critical to the health of the communities which they serve, will not face financial disaster due to unfair Medicare payment policies.

I view this bill as providing necessary, short term relief. It will enable us to work toward the overall objective of eliminating the payment bias toward rural hospitals. There are numerous other rural hospitals which will not obtain assistance through this legislation yet will continue to feel the effects of inequitable Medicare payments. Many of these hospitals may be forced to close their doors unless we move quickly to correct Medicare payment problems.

The financial viability of our rural hospitals is directly tied to the equity of the Medicare system. We must continue to push for reducing the gap between urban and rural payments. This year, for example, I am calling for a Medicare rural hospital update of at least 4 percent above the urban update. And I have proposed that the entire differential in the rural/urban standardized payment rate be eliminated completely over the next 3 years.

Time is running out. We must act quickly to assure Medicare beneficiaries and other residents of rural areas that unfair policies will not decrease the quality and availability of health care. I urge my colleagues to join Senator DOLE and me in supporting this legislation which is so important to the health of rural America.●

By Mr. HECHT (for himself, Mr. NUNN, and Mr. LEVIN):

S.J. Res. 195. Joint resolution to designate the period commencing October 11, 1987, and ending October 17, 1987, as "National Angel Plane Week"; to the Committee on the Judiciary.

NATIONAL ANGEL PLANE WEEK

Mr. HECHT. Mr. President, today, I am introducing a joint resolution to proclaim the week of October 11-17, 1987 "National Angel Plane Week." I am pleased to be joined by my colleagues, Senators NUNN and LEVIN, in honoring this very worthwhile and admirable organization.

Mr. President, Angel Planes is a national group of individual airline pilots who provide transportation, at no cost, to people living in rural America who are in need of urgent medical attention. In many instances, emergency assistance is impossible to find, yet, the Angel Planes are there to provide transport when none is available. And, while their efforts are aimed at transporting those in need of medical care, Angel Plane pilots also carry blood supplies and donor organs to hospitals for patients in need.

Inasmuch as the State of Nevada is the home of the founding chapter, as well as Angel Plane's national headquarters, I am greatly honored to bring attention to the worthwhile and charitable activities of a truly outstanding group of individual pilots.

Mr. President, in conjunction with the upcoming national convention of the Angel Planes, which will be held in Nevada on October 18, 1987, it is fitting that Congress acknowledge the tremendous contribution that the members of this organization have made, and are making, to help their fellow Americans.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. MOYNIHAN, the names of the Senator from Illinois [Mr. SIMON], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 27, a bill to establish the American Conservation Corps, and for other purposes.

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 567

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 567, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1075

At the request of Mr. LAUTENBERG, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1075, a bill to require the processing of applications from Cuban nationals for refugee status and immigrant visas.

S. 1199

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1199, a bill to prevent suicide by youth.

S. 1676

At the request of Mr. DECONCINI, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1676, a bill to amend the Comprehensive Crime Control Act of 1984 to provide for an orderly transition into sentencing with guidelines and for other purposes.

S. 1686

At the request of Mr. GRASSLEY, the names of the Senator from Idaho [Mr. MCCLURE], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1686, a bill to amend the Internal Revenue Code of 1986 to defer the tax consequences of the repayment of a Commodity Credit Corporation loan with a generic commodity certificate.

S. 1713

At the request of Mr. DASCHLE, the names of the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1713, a bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make advance deficiency payment for the 1988 through 1990 crop years for certain crops.

SENATE JOINT RESOLUTION 105

At the request of Mr. LAUTENBERG, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from Texas [Mr. GRAMM], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 105, a joint resolution to designate December 7, 1987, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 125

At the request of Mr. ROTH, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 125, a joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week."

SENATE JOINT RESOLUTION 170

At the request of Mr. ROTH, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 170, a joint resolution designating the month of September 1988 as "National Ceramic Arts Month."

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. STEVENS, the names of the Senator from California [Mr. CRANSTON], the Senator from Delaware [Mr. ROTH], the Senator from Illinois [Mr. SIMON], the Senator from Oregon [Mr. PACKWOOD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Carolina [Mr. SANFORD], the Senator from Connecticut [Mr. DODD], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution to encourage State and local governments and local educational agencies to provide quality daily physical education programs for all children from kindergarten through grade 12.

SENATE RESOLUTION 246

At the request of Mr. MOYNIHAN, the names of the Senator from Utah [Mr. GARN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 246, a resolution to honor Irving Berlin for the pleasure he has given to the American people through almost a century of his music.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

GRASSLEY (AND OTHERS) AMENDMENT NO. 883

Mr. GRASSLEY (for himself, Mr. SIMON, and Mr. MOYNIHAN) proposed an amendment to the bill (S. 1394) to authorize appropriations for fiscal year 1988 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

On page 111, after line 21, add the following new title:

TITLE VII—UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

SEC. 701. FINDINGS.

The Congress finds that—

(1) on December 19, 1986, the Forty-first Session of the United Nations General Assembly approved major reforms in the budget decisionmaking process, the administration, and the management of the United Nations;

(2) President Reagan characterized this achievement as "an historic step to adopt sweeping reforms of its organization and methods of operation";

(3) the United States Permanent Representative to the United Nations, Ambassador Vernon Walters, has stated that the adoption of these reforms is "the beginning, not the end, of a process of reforming and improving the United Nations in the interests of all its members";

(4) the cooperation of many other member states of the United Nations as well as the United Nations Secretary General was indispensable to this historic accomplishment;

(5) the United Nations (of which the United States is a member by treaty) was established for the purposes, as enunciated in the Charter, of maintaining international peace and security, developing friendly relations among nations based on respect to equal rights and self-determinations, achieving international cooperation in solving economic, social, cultural, and humanitarian problems, and promoting respect for human rights;

(6) the United Nations has also, on occasion, strayed from its original purposes and has served as a forum for irresponsible rhetoric and politicization, such as the adoption by the General Assembly in 1975 of Resolution 3379 equating Zionism with racism;

(7) in spite of such grave lapses, the United States remains committed to the United Nations and the purposes of the Charter, not only as a member of the United Nations and one of its earliest leaders and supporters, but also as host to the United Nations headquarters;

(8) testament to the continued relevance of the United Nation's purposes and principles can be found in the President's addresses to the United Nations General Assembly, in which he declared that "the vision of the United Nations Charter—to spare succeeding generations this scourge of war—remains real" and that the United States, "which has always given the United Nations generous support, will continue to play a leading role in the effort to achieve its noble purposes"; and

(9) this is an appropriate time for the United States public and its representatives in Congress to participate in the ongoing United Nations reform process and to recommend means of making that institution more effective and responsible, consistent with the national interests of the United States.

SEC. 702. ESTABLISHMENT OF COMMISSION.

The United States Commission on Improving the Effectiveness of the United Nations (hereafter in this title referred to as the "Commission") is hereby established.

SEC. 703. PURPOSES OF THE COMMISSION.

(a) PURPOSES.—The purposes of the Commission shall be to—

(1) examine the United Nations system as a whole and identify and evaluate its strengths and weaknesses; and

(2) prepare and submit to the President and to the Congress recommendations on ways to improve the effectiveness of the United Nations system and the role of the United States in the United Nations system, including the feasibility of and means for implementing such recommendations.

(b) SPECIAL ATTENTION.—In carrying out its responsibilities under subsection (a), the Commission shall pay special attention to the following:

(1) The mechanisms and procedures within the United Nations system for peacekeeping and conflict-resolution and ways in which they may be expanded or improved, examining in particular the functions of the Secretary General, the role of the Security Council, the use of the International Court of Justice, potential third-party dispute-solving mechanisms (as in the establishment of a United Nations Mediation and Conciliation Service), the possible creation of standing United Nations peacekeeping forces or antiterrorism units, the role of United Nations institutions in factfinding, and potential verification and inspection services to assist in enforcing compliance with international arms control agreements.

(2) Formal and informal decisionmaking procedures in the United Nations system and recommendations to modify those procedures which have emerged from various interested parties, examining in particular the role of consensus decisionmaking, the feasibility and advisability of weighted voting (including the so-called "binding triad" formula requiring multiple concurrent majorities based on one-nation-one-vote along with population and contributions), the possible modification of the Security Council veto, and the relationship of the principles of universality and democracy to decisionmaking procedures.

(3) The cost-effectiveness and administrative efficiency of the United Nations system, examining in particular the recently adopted budgetary, management, and administrative reforms, the role of the major donors in budget decisionmaking, the prioritization of programs, adjustments in assessments, potential alternative nongovernmental sources of revenue, salaries, benefits, hiring of consultants, contracts for goods and services, and appointment of staff in the Secretariat.

(4) The economic, social, humanitarian role of the United Nations system, examining in particular the optimum coordination of economic development programs, short-term and long-term response to crises and natural disasters, population health issues, refugee relief, the protection of the environment, narcotics control, the implementation of international human rights law, and the potential creation of a United Nations High Commissioner for Human Rights.

(5) United States participation in the United Nations system, examining in particular the strengths and weaknesses of United States performance, United States policy toward the International Court of Justice and international law, provisions in United States law relating to the United Nations system, ways in which the United States can better use the United Nations system to advance its national interests, the state of public opinion with regard to the United States role in the United Nations system, United States voluntary and assessed contributions, and the hiring of United States citizens in the United Nations system.

(6) Strategies and actions for promoting the implementation of recommended reforms in the United Nations system and the United States role in the United Nations system.

(c) CONSULTATION REGARDING OTHER UNITED NATIONS REFORM EFFORTS.—In carrying out this section, the Commission shall make every effort to consult, where appropriate, with other public and private institutions and organizations engaged in efforts to reform the United Nations system, including efforts being made directly under the auspices of the United Nations.

SEC. 704. MEMBERSHIP OF THE COMMISSION.

(a) MEMBERS.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 18 members, appointed as follows:

(A) Two Members of the Senate, one appointed by the President pro tempore of the Senate and one appointed by the minority leader of the Senate.

(B) Two Members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the minority leader of the House.

(C) Eight individuals from the private sector, two appointed by the President pro tempore of the Senate, two appointed by the minority leader of the Senate, two appointed by the Speaker of the House, and two appointed by the minority leader of the House.

(D) Six individuals appointed by the President, not more than three of whom may be from the same political party.

(2) CRITERION FOR APPOINTMENTS.—Individuals appointed pursuant to subparagraphs (C) and (D) of paragraph (1) shall be representative, to the maximum extent possible, of the full range of American society.

(3) APPOINTMENTS TO BE MADE PROMPTLY.—All appointments pursuant to paragraph (1) shall be made not later than sixty days after the date of enactment of this Act.

(4) VACANCIES.—Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment was made.

(b) ADVISORS.—Former United States Permanent Representatives to the United Nations who are not appointed to the Commission shall be invited by the Commission to serve as advisors to the Commission.

(c) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION IN GENERAL.—Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) GOVERNMENT PERSONNEL.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission, and Advisors serving pursuant to subsection (b), shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(d) CHAIRMAN AND VICE CHAIRMAN.—The Chairman and Vice Chairman shall be elected by the Commission from among members of the Commission.

(e) QUORUM.—Ten members of the Commission shall constitute a quorum for purposes of transacting business, except that four members shall constitute a quorum for holding public hearings.

SEC. 705. POWERS OF THE COMMISSION.

(a) IN GENERAL.—For the purpose of carrying out this title, the Commission may hold such hearings (subject to the requirements of subsection (b)) and sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to fulfill the purposes specified in section 703. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) MEETINGS.—

(1) MINIMUM NUMBER OF PUBLIC HEARINGS.—The Commission shall hold a minimum of five public hearings.

(2) OPEN MEETINGS.—Section 552b of title 5 of the United States Code shall apply with respect to the Commission.

(3) CALLING MEETINGS.—The Commission shall meet at the call of the Chairman of a majority of its members.

(c) DELEGATION OF AUTHORITY.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of any such Federal agency shall furnish such information to the Commission, to the extent authorized by law.

SEC. 706. STAFF.

(a) STAFF MEMBERS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Chairman of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, may—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for Level V of the Executive Schedule under section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such other staff personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) DETAILING OF GOVERNMENT PERSONNEL.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist it in carrying out this title.

SEC. 707. REPORT.

The Commission shall transmit to the President and to the Congress a report containing a detailed statement of the findings, conclusions, and recommendations of the Commission, including minority views. This report shall be transmitted not later than eighteen months after the date on which all members of the Commission have been appointed.

SEC. 708. FUNDING FOR THE COMMISSION.

(a) COMMISSION TO BE PRIVATELY FUNDED.—The Commission may accept and use contributions from private United States sources to carry out this title. No

Federal funds may be made available to the Commission for use in carrying out this title.

(b) LIMITATION ON SIZE OF CONTRIBUTIONS.—The Commission may not accept contributions from any single source which have a value of more than—

(1) $100,000, or

(2) 20 percent of the total of all contributions accepted by the Commission.

(c) COMMISSION APPROVAL OF CERTAIN CONTRIBUTIONS.—The Commission may accept contributions having a value of $1,000 or more from a single source only if more than two-thirds of the members of the Commission have approved the acceptance of those contributions.

(d) DISCLOSURE OF CONTRIBUTIONS.—

(1) PERIODIC REPORTS TO CONGRESS.—Every thirty days, the Commission shall submit to the chairman of the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, a list of the source and amount of each contribution accepted by the Commission during the preceding thirty days.

(2) FINAL REPORT.—The source and amount of each contribution accepted by the Commission shall be listed in the report submitted pursuant to section 707.

SEC. 709. GENERAL ACCOUNTING OFFICE AUDITS OF THE COMMISSION.

The provisions of subchapter II of chapter 7 of title 31 of the United States Code (relating to the general duties and powers of the General Accounting Office) shall apply with respect to the programs and activities of the Commission, including the receipt, disbursement, and use of funds contributed to the Commission, to the same extent as those provisions apply with respect to other agencies of the United States Government.

SEC. 710. TERMINATION OF THE COMMISSION.

The Commission shall cease to exist sixty days after submitting its report pursuant to section 707.

HEINZ (AND OTHERS) AMENDMENT NO. 884

Mr. HEINZ (for himself, Mr. COHEN, Mr. BOREN, Mr. KASTEN, Mr. QUAYLE, Mr. MCCAIN, Mr. NICKLES, Mr. SYMMS, and Mr. HELMS) proposed an amendment to the bill S. 1394, supra; as follows:

At the end of the bill, add the following new section:

SEC. . (a) The Congress finds that the use of salary remission arrangements whereunder the nationals of member states of the United Nations serving as employees of the United Nations Secretariat or its specialized agencies are required to turn over their salaries to their national governments and retain only a portion of the salary paid to them by the United Nations violates the United Nations Charter and seriously compromises the independence of the United Nations' international civil service.

(b) The elimination of salary remission arrangements that compromise the independence of the international civil service should be a high priority of the United States in its efforts to reform the personnel practices of the United Nations system.

(c) Fifty percent of the funds made available for the fiscal year 1988 by any provision of law to meet the obligations of the United States for assessed contributions to the United Nations and its specialized agencies may not be obligated until the President certifies to the Congress that significant progress has been made within the United Nations Secretariat and the United Nations specialized agencies in eliminating—

(1) the excessive use of secondment by member states whereunder nationals of the member states serving as employees of the United Nations Secretariat are seconded to such employment on fixed-term contracts and not allowed to become regular career employees of the United Nations, with a view to implementing the recommendations of the Group of 18 with respect to limits on the use of secondment; and

(2) the blatant control of nationals of member states serving as employees of the United Nations Secretariat or the specialized agencies through regular supervision, consultation, and evaluation of such nationals of member states by their permanent missions to the United Nations or to the specialized agencies of the United Nations.

ROTH (AND DOLE) AMENDMENT NO. 885

Mr. ROTH (for himself and Mr. DOLE) proposed an amendment to the bill S. 1394, supra; as follows:

At the end of title V, add the following:

SEC. . The Foreign Missions Act (22 U.S.C. 4301 et seq.) is amended by adding at the end thereof the following new section:

"APPLICATION TO CERTAIN COMMUNIST COUNTRIES

"SEC. 215. (a) Notwithstanding any other provision of this title, the Secretary shall apply to each foreign mission in the United States of the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba the same terms, limitations, restrictions, and conditions which are applied under this title to the foreign mission in the United States of the Soviet Union unless the President determines and so reports in a classified document to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that national security and foreign policy circumstances require that this section be waived in specific circumstances with respect to such country or particular agency of such country.

"(b) The Secretary shall prepare and transmit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report describing—

"(1) not later than thirty days after the date of the enactment of this section, the plans of the Secretary for implementing this section; and

"(2) not later than six months thereafter, the actions taken pursuant to these plans.".

HATFIELD (AND OTHERS) AMENDMENT NO. 886

Mr. HATFIELD (for himself, Mr. PELL, Mr. BOSCHWITZ, Mr. EVANS, Mr. STAFFORD, Mr. KASTEN, Mr. HELMS, Ms. MIKULSKI, Mr. DODD, and Mr. GLENN) proposed an amendment to the bill S. 1394, supra; as follows:

On page 111, after line 21, add the following title:

TITLE VII—INDOCHINESE REFUGEE RESETTLEMENT AND PROTECTION ACT OF 1987

SHORT TITLE

SEC. 701. This Title may be cited as the "Indochinese Refugee Resettlement and Protection Act of 1987".

CONGRESSIONAL FINDINGS

SEC. 702. The Congress finds that—

(1) the continued occupation of Cambodia by Vietnam and the instability of the governments of Vietnam, Cambodia, and Laos have led to a steady flight of refugees from those countries, and the likelihood for the safe repatriation of the hundreds of thousands of refugees in the region's camps is negligible for the foreseeable future;

(2) because of our past military and political involvement in the region, the United States has a continued, special responsibility to the persons who have fled and continue to flee the countries of Cambodia, Laos, and Vietnam;

(3) in view of this special responsibility, the United States has placed a special priority on the resettlement and protection needs of the Indochinese refugees;

(4) Hong Kong, Indonesia, Malaysia, Singapore, the Philippines, and Thailand, have been the front line countries bearing tremendous burdens caused by the flight of these refugees, distinguishing themselves as the leaders of an unprecedented humanitarian response to the plight of Indochinese refugees;

(5) largely in response to a lessened commitment among resettlement countries to the refugees of the region, these countries of first asylum have recently taken steps to close refugee camps. Such camp closings would seriously undermine the continuation of a human refugee policy and are inimical to the resolution of refugee problems in the region;

(6) the United States bears a share of the responsibility for the deterioration in the refugee first asylum situation in Southeast Asia because of unnecessarily slow and complex resettlement procedures; prolonged and often questionable adjudications in humanitarian parole, immigration and refugee cases; failure to implement effective policies for the region's "long-stayer" populations; failure to adequately monitor refugee protection and screening systems along the Thai-Cambodian and Thai-Laotian borders; a policy of allocating admissions numbers to "carryover" refugees approved in previous years rather than qualified new cases; and the instability of the Orderly Departure Program (ODP) from Vietnam which has served as the only safe, legal means of departure for refugees from that country, including Amerasians and long-held "re-education camp" prisoners;

(7) the United Nations High Commissioner for Refugees (UNHCR) shares responsibility for the hardening of attitudes in first asylum countries. The UNHCR should be pressed to upgrade its staff presence and level of advocacy to revive the international commitment with regard to the problems facing Indochinese refugees in the region; to pursue voluntary repatriation possibilities, but only in cases where monitoring is available and the safety of the refugees assured; and

(8) given the serious protection problems in Southeast Asian first asylum countries, and the need to preserve first asylum in the region, the United States must renew its commitment to an ongoing, generous refugee resettlement and protection program

for Indochinese refugees, including urgently needed educational programs for refugees along the Thai-Cambodian and Thai-Laotian borders, until the underlying causes of refugee flight are addressed and resolved.

CONGRESSIONAL FINDINGS ON INDOCHINESE REFUGEE PROCESSING

SEC. 703. The Congress finds that—

(1) there have been numerous diplomatic problems arising from inconsistent refugee processing by the Immigration and Naturalization Service, most recently with respect to processing of Cambodian refugees at Khao I Dang, and also to the processing of Lowland Lao;

(2) there have been questionable documentation requirements of Indochinese refugees by the INS, leading to unjust adjudications to the detriment of deserving refugee cases;

(3) there have been historic problems with INS staffing commitments in the region, frequently precipitating delays and necessitating the assignment of temporary duty officers who lack expertise in Indochinese refugee processing;

(4) while the overall approval rates of Indochinese refugees has been acceptable, it has been achieved at the expense of multitudes of rejected cases which are contributing to a growing "long stayer" population in the region;

(5) the INS is an immigration service and is not well-suited to the sensitive area of refugee processing, particularly as it involves the fulfillment of commitments made by the Secretary of State in the conduct of United States foreign policy; and

(6) Given the longstanding problems associated with INS processing, dating back to the disturbing INS performance in 1982-83 which led to the issuance of National Security Decision Directive Number 93 and to new INS processing guidelines, the United States must consider the possibility of denying the INS any further role in the processing of refugees.

REPORTING REQUIREMENT

SEC. 704. The President shall submit a report within 120 days of enactment of this Act assessing the merit of transferring the authority to admit all refugees under the Immigration and Nationality Act from the Attorney General to the Secretary of State.

ALLOCATIONS OF REFUGEE ADMISSIONS.

SEC. 705. (a) Given the existing connection between ongoing resettlement and the preservation of first asylum, and to provide a stable and secure environment for refugees while dialogue is pursued on other long-range solutions, including voluntary repatriation and local settlement, it is the sense of the Congress that—

(1) within the worldwide refugee admissions ceiling determined by the President, the President should allocate—

(A) at least 28,000 admissions from East Asia, first-asylum camps, and

(B) at least 8,500 admissions for the Orderly Departure Program, for each of the fiscal years 1988, 1989, and 1990; and

(2) within the allocation made by the President for the Orderly Departure Program from Vietnam pursuant to paragraph (1)(B), a number of admissions allocated in a fiscal year under priorities II and III of the Program (as defined in the Department of State Bureau of Refugee Programs worldwide processing priorities) and the number of admissions allocated for Amerasians and their immediate family members under priority I, should be at least 1,500.

LONG-STAYER RESETTLEMENT

(b)(1) It is the sense of the Congress that Indochinese refugees who have lived in camps for three years or longer are of special humanitarian concern to the United States and should be considered as eligible for refugee processing. Under the leadership of the United States, renewed international efforts should be made to resettle these long-stayers, as proposed in the Report of the Secretary of State's Indochinese Refugee Panel in April, 1986.

ALLOCATION OF EDUCATIONAL ASSISTANCE FOR THAILAND

SEC. 706. Section 105 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1988 and 1989 may be available for educational programs, projects, or activities along the Thai-Laotian border and the Thai-Cambodian border which are carried out by Thai or other non-governmental organizations in conjunction with relief organizations and civilian camp leadership."

ALLOCATION OF ECONOMIC SUPPORT FUND ASSISTANCE FOR THAILAND

SEC. 707. Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) is amended by adding at the end thereof the following new section:

"SEC. 536. ALLOCATION FOR THAILAND.—(a) The Congress finds that many Thai residents of villages located near the border with Laos and Cambodia have been adversely affected by artillery shelling and refugee migrations.

"(b) Of the amounts authorized to be appropriated to carry out this chapter for the fiscal years 1988 and 1989, $5,000,000 for each such fiscal year may be available to provide financial assistance for Thai villages affected by Indochinese refugee camps."

ALLOCATION OF INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR THAILAND

SEC. 708. Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) is amended by adding at the end thereof the following new section:

"SEC. 546. ALLOCATION FOR THAILAND.—Of the amounts to be appropriated to carry out this chapter for the fiscal year 1988 and 1989, $2,000,000 for each such fiscal years may be available to train and deploy the Royal Thai Army to protect Indochinese refugees and those in refugee-like situations in Thailand.".

POLICY TOWARD PROTECTION OF REFUGEE CAMPS

SEC. 709. It is the sense of the Congress that the international community should increase its efforts to assure that Indochinese refugee camps are protected and that international observers and relief personnel should be present on a twenty-four hours a day basis at camp "Site 2" and any other camp where it is deemed necessary.

McCAIN (AND DOLE) AMENDMENT NO. 887

Mr. McCAIN (for himself and Mr. DOLE) proposed an amendment to the bill S. 1394, supra; as follows:

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

SEC. 517. SENSE OF THE CONGRESS TOWARD A PARTIAL LIFTING OF THE TRADE EMBARGO AGAINST NICARAGUA.

SENSE OF CONGRESS.—It is the sense of Congress that the President should exempt from the trade embargo against Nicaragua those items which would benefit Nicaragua's independent print and broadcast media, private sector and trade union groups, non-governmental service organizations, and the democratic civic opposition.

METZENBAUM (AND OTHERS) AMENDMENT NO. 888

Mr. METZENBAUM (for himself, Mr. DODD, and Mr. KERRY) proposed an amendment to the bill S. 1394, supra; as follows:

On page 58, between lines 22 and 23, insert the following:

(C) CONTINUATION OF SLOVENIAN BROADCASTS.—The voice of America shall use such funds as may be necessary in order to provide, on a daily basis, broadcasts in the Slovenian language.

CONRAD AMENDMENT NO. 889

Mr. CONRAD proposed an amendment to the bill S. 1394, supra; as follows:

On page 111, between lines 16 and 17, insert the following:

SEC. 812. SENSE OF CONGRESS RELATING TO SUPPORT OF MUTUAL DEFENSE ALLIANCES.

(a) FINDINGS.—Congress makes the following findings.

(1) Japan, the member nations of the North Atlantic Treaty Organization (NATO), and other countries rely heavily on the United States to protect their national security under mutual defense alliances.

(2) The United States spends more than $100,000,000,000 annually to provide the defense umbrella for the allies of the United States.

(3) The financial burden of mutual defense assumed by many NATO allies and Japan is not commensurate with their economic resources, and, as a result, the United States is forced to bear a disproportionately large share of the financial burden of supporting such mutual defense.

(4) While the United States is currently spending 6.5 percent of its gross national product on defense, our NATO allies spend an average of 3.5 percent of their gross national products on defense and Japan spends only 1.0 percent of its GNP on defense.

(5) The greatest weakness in the ability of the United States to provide for the mutual defense of the United States and its allies is not the military capability of the United States, but rather the economic vulnerability of the United States.

(6) The level of Federal spending must be reduced in order to reduce the Federal budget deficit and revitalize the economy.

(7) The continued unwillingness of the allies of the United States to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

(b) POLICY.—It is the sense of Congress that—

(1) the President should enter into negotiations with countries which participate in mutual defense alliances with the United

States, especially the member nations of NATO and Japan, for the purpose of reaching an agreement on a more equitable distribution of the burden of financial support for the alliance;

(2) the objective of such negotiations with the member Nations of NATO and Japan should be to establish a schedule of increases in defense spending by our NATO allies and Japan or a system of offsetting payments that is designed to achieve, to the maximum practicable extent, a division of responsibility for defense spending between those allies and the United States that is commensurate with their resources; and

(3) the President should report to Congress, within one year after the date of the enactment of this Act, on the progress of such negotiations.

(4) if, in the judgment of the Congress, the President's report does not reflect substantial progress toward a more equitable distribution of defense expenses among the members of a mutual defense alliance, the Congress should review the extent of the distribution of the mutual defense burden among our allies and consider whether additional legislation is appropriate.

BIDEN AMENDMENT NO. 890

Mr. BIDEN proposed an amendment to the bill S. 1394, supra; as follows:

(1) Participating Agencies.

On page 79:

After line 8, insert the following:

"(8) the Director of the United States Geological Survey; (9) the Secretary of Enemy; and".

On line 8, delete the word "and".

On line 9, change "8" to "10".

(2) Advisory Role.

On page 79:

On line 14, after "Relations" and a semicolon add "the Committee on Commerce, Science and Transportation;"

On line 16, after "Affairs" add a semicolon and "the Committee on Science and Technology;"

On line 18, after "Force" delete the period and add a comma and "along with any other Members designated by the majority and minority leaders of the Senate and the Speaker of the House of Representatives."

(3) Chairman and Vice-Chairman

On page 78:

On line 18, delete the comma and "who shall serve as Chairman".

On line 21, delete the commas and "who shall serve as Vice Chairman and Executive Director for Research".

On line 17, after "of" insert; "the following, from among whom the President shall designate a Chairman and a Vice-Chairman".

(4) Causes of Global Warming.

On page 77:

On line 6, after "may" insert a comma and "in combination with deforestation,".

On line 21, after "pollution" insert "and deforestation".

PRYOR AMENDMENT NO. 891

Mr. PRYOR proposed an amendment to the bill S. 1394, supra; as follows:

On page 111, after line 22, add the following new title:

TITLE VII—MUNITIONS CONTROL ACT OF 1987

SHORT TITLE

SECTION 701. This title may of cited as the "Arms Export Control Enforcement and Coordination Act of 1987".

EXPORT LICENSES

SEC. 702. Section 38 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(g)(1)(A)(i) The Agency shall develop appropriate mechanisms to identify in connection with the export licensing process—

"(I) persons who have been indicted for or convicted of violations of this Act, the Export Administration Act of 1979, the Espionage Act, the Trading with the Enemy Act, the Foreign Assets Control Act, or

"(II) persons who have been indicted for or convicted of conspiracy to violate any of the statutes described in this subparagraph, and

"(III) persons who are ineligible to contract with or receive export or import licenses from any agency of the United States Government.

"(ii) The Agency shall require that each applicant for a license to export an item from the United States Munitions List shall identify in his application all parites to the proposed export.

"(B) If the Agency has reasonable cause to believe that an applicant or party to the export has violated any of the status cited in subparagraph (A) or has been indicted for violations of any of the statutes cited in subparagraph (A), the Agency may disapprove the application. The Agency shall consider requests by the Secretary of the Treasury to disapprove any export license application based on these criteria.

"(C) No person may be issued a license to export an item covered by the United States Munitions List if—

"(i) such person or any party to the export has been convicted of violating a statute referred to in subparagraph (A), or such person or any party to the export is at the time of the license review ineligible to contract with or receive export or import licenses from an agency of the United States Government, except as may be determined on a case-by-case basis by the Agency, after consultation with the Secretary of the Treasury, after a thorough review of the circumstances surrounding the conviction or ineligibility to contract and a finding by the Agency that appropriate steps have been taken to mitigate any law enforcement concerns; or

"(ii) such person is a foreign person, except in cases in which an export has been agreed to under Foreign Military Sales authority.

"(2) The agency shall have the authority to require an export license (or other authorization) for any item on the United States Munitions List before it is sold to, provided to, or taken possession by a foreign person or a person acting on behalf of a foreign person.

"(3) The President shall direct the Secretary of State, the Secretary of Defense, and the Secretary of Treasury to detail personnel with appropriate expertise to the Agency to assist in the initial screening of applications for export licenses under this section for the purpose of determining the need for further review of such applications for foreign policy, national security, and law enforcement concerns.

"(4) For purposes of this subsection—

"(A) the term 'Agency' means the United States Government agency charged with administration of this section;

"(B) the term 'foreign person' means any person who is not a citizen or national of the United States or a person lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act, and such term includes foreign corporations and their United States subsidiaries, international organizations, foreign governments, and any agency or subdivision of foreign governments, including diplomatic missions and embassies;

"(C) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization, or group, including governmental entities; and

"(D) the term 'party to an export' means any employee of, consultant to, or agent for the person requesting the export license who is involved in the sales or marketing of items covered by the United States Munitions List, any person that exports or causes to be exported the item or items being exported, and the end user of the item or items."

REGISTRATION

SEC. 703. Section 38(b)(1) of the Arms Export Control Act is amended—

(1) by inserting "(A)" immediately after "(1)"; and

(2) by adding at the end thereof the following new paragraph:

"(B) A copy of each registration made under this paragraph shall be transmitted to the Secretary of the Treasury for review regarding law enforcement concerns. Reports on such concerns shall be made to the Agency as may be deemed necessary."

BINGAMAN (AND DOMENICI) AMENDMENT NO. 892

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 1394, supra; as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. 517. LATIN AMERICAN AND CARIBBEAN DATA BASES.

(a) The Secretary of State, in consultation with the appropriate departments and agencies of the United States, may maintain data bases on the Latin American and Caribbean region. In developing these data bases the State Department shall be required to satisfy the following conditions:

(1) Any new contractual agreement entered into for purposes of this section shall be subject to full and open competition among qualified United States institutions with strong Latin American and Caribbean programs; and

(2) The Secretary of State shall ensure that funds are not awarded to maintain services which are significantly duplicative of existing services.

(b) Contracts made under subsection (a) shall be subject to the availability of appropriations.

ROTH (AND DOLE) AMENDMENT NO. 893

Mr. ROTH (for himself and Mr. DOLE) proposed an amendment to the bill S. 1394, supra; as follows:

SECTION. 1. That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by any provision of law shall be available for undertaking any additional construction activity on any project planned or underway in any Communist-controlled country until 30 days after—

(1) receipt by the Congress of a detailed report submitted by the Secretary of State and approved by the Directors of the Central Intelligence Agency, Defense Intelligence Agency, and National Security Agency, on any such project. Such report shall include—

(A) an evaluation of all security-related factors which must be and are being considered in the planning and implementation of such project; and

(B) how any existing and potential security related issues and problems are being addressed in the planning and implementation of such project; and

(2) receipt by the Congress of a certification made by the President that appropriate and adequate steps have been taken to ensure that the project may proceed without undue risk that American security interests will be compromised thereby.

SEC. 2. Neither the Department of State, nor any other Executive department or agency engaged in negotiations with the government of any Communist-controlled country for the construction of diplomatic or other official facilities in such countries, shall make any binding commitments on behalf of the United States in regard to such projects, or similar projects of such country in the United States, until a report such as is described in Section 1 shall be submitted to the Congress.

CHAFEE (AND OTHERS) AMENDMENT NO. 894

Mr. CHAFEE (for himself, Mr. PELL, Mr. MOYNIHAN, Mr. HEINZ, Mr. CRANSTON, Mr. STAFFORD, Ms. MIKULSKI, Mr. GORE, Mr. MATSUNAGA, Mr. SIMON, Mr. ADAMS, and Mr. MELCHER) as proposed an amendment to the bill S. 1394, supra; as follows:

At the end of the bill, add the following:

(a) Section 245A(a)(2) of the Immigration and Nationality Act is amended by adding at the end thereof the following new subparagraph:

"(D) CONTINUOUS RESIDENCE NOT REQUIRED FOR SPOUSE AND CHILDREN OF QUALIFIED ALIENS.—Subparagraphs (A), (B), and (C) shall not apply to an alien who is the spouse or child of an individual otherwise qualifying for adjustment of status under this subsection."

NATIONAL PROGRAM OF GROUND WATER RESEARCH

BURDICK AMENDMENT NO. 895

(Ordered referred to the Committee on Environment and Public Works)

Mr. BURDICK submitted an amendment intended to be proposed by him to the bill (S. 1105) to authorize a national program of ground water research; as follows:

On page 71, line 10, insert the following new section:

AGRICULTURAL NITROGEN MANAGEMENT

SEC. 302(a). AGRICULTURAL NITROGEN BEST MANAGEMENT TASK FORCE—

(1) PURPOSE.—The purpose of this section is to protect public health and the environment through development of educational programs on agricultural best management practices to minimize nitrogen losses from all potential agricultural sources and practices.

(2) FINDINGS.—The Congress finds that—

(A) efficient plant uptake of nutrients is essential to maximize the farmer's return on investment and to minimize nutrient losses from erosion and leaching;

(B) sound irrigation water management is essential to protecting public health and the environment, as agriculture is the largest single consumer of water in rural America, with irrigation used on more than 41,000,000 acres;

(C) selection of the proper combination of agricultural best management practices will help farmers reduce the effect of agricultural practices on ground and surface water quality through the judicious use of plant nutrients;

(D) technology and education on soil and tissue testing, in managing both economic and environmental concerns of agriculture, deserve renewed emphasis in view of changing farmer needs;

(E) least-cost production strategies continue to offer the best long-term hope for sustaining American agriculture; and

(F) farmers must be fully informed to ensure that nutrient applications are both agronomically and environmentally sound.

(3) ESTABLISHMENT.—The Secretary of Agriculture and the Administrator of the Environmental Protection Agency shall establish an Agricultural Nitrogen Best Management Practices Task Force consisting of—

(A) the Administrator of the Agriculture Research Service;

(B) the Administrator of the Extension Service;

(C) the Chief of the Soil Conservation Service;

(D) the Administrator of the Agriculture Stabilization and Conservation Service;

(E) the Administrator of the Cooperative State Research Service;

(F) the Manager of the National Fertilizer Development Center, Tennessee Valley Authority;

(G) the Chief of the Nonpoint Source Program, Environmental Protection Agency;

(H) the Director of the Office of Ground Water Protection, Environmental Protection Agency;

(I) a representative of the United States Geological Survey;

(J) an individual selected by the Board of Agriculture of the National Research Council of the National Academy of Science;

(K) a representative of fertilizer retailers nationwide, to be selected by the Secretary of Agriculture; and

(L) a representative of farmers nationwide, to be selected by the Secretary of Agriculture.

(4) FUNCTIONS.—The task force shall—

(A) develop agricultural best management practices for agricultural nitrogen utilization in crop production and protection of public health and surface and ground water quality;

(B) develop educational and training material including slide presentations, brochures, and video tapes; and

(C) disseminate the educational materials to American farmers through appropriate means, including—

(i) county Agricultural Soil Conservation Service offices, and county soil and water conservation district offices;

(ii) extension agents; and

(iii) state agencies.

(5) REPORT.—The task force shall report back to Congress 1 year after the date of the enactment of this Act on the progress of its efforts. The report shall include a description of—

(A) the agricultural best management practices developed, with particular emphasis on practices to minimize the impact of agricultural nitrogen on ground water and surface water quality;

(B) material developed to promote agricultural best management practices;

(C) the strategy for dissemination;

(D) the number of farmers exposed to the information; and

(E) the number of farmers adopting agricultural best management practices.

(6) DEFINITIONS.—For the purpose of this section—

(A) the term "agricultural nitrogen" means nitrogen in all forms which may be present and available for crop production (whether natural, physical, man-made, chemical or biological) including nitrogen supplied by leguminous plants (such as soybeans and alfalfa), animal manures, decaying leaves and other vegetation, commercial fertilizers, human and industrial sewage, precipitation, dustfall, soil and soil bacteria; and

(B) the term "agricultural best management practices" means management practices designed to protect public health and to reduce or prevent contamination of ground water and surface water and erosion and runoff from cropland, including, but not limited to, use of conversion tillage, no-till, ridge planting, strip tillage, contour farming, strip cropping, irrigation water management, judicious fertilizer application, slow-release fertilizers, soil and tissue testing and vegetative buffer strips.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as may be necessary for each of the first five fiscal years beginning after the date of the enactment of this Act.

(b) NONPOINT SOURCE MANAGMENT PROGRAMS.—

(1) STATE REPORTS AND MANAGEMENT PROGRAMS.—Section 319(c) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph:

"(3) CONSULTATION REQUIREMENT.—Any approved management program and report required by subsection (b) shall be made available to the Agricultural Nitrogen Best Management Practices Task Force established by section 302(a)(3) of the Ground Water Research Act of 1987.".

(2) REPORTS OF THE ADMINISTRATOR OF EPA.—Section 319(m)(2) of such Act is amended by adding at the end thereof the following new paragraph:

"In preparing reports under this paragraph, the Administrator shall consider the report of the Agricultural Nitrogen Best Management Practices Task Force required under section 302(a)(3) of the Ground Water Research Act of 1987.".

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

PRESSLER AMENDMENT NO. 896

Mr. PRESSLER proposed an amendment to the bill (S. 1394) supra; as follows:

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

SEC. . PURCHASING AND LEASING OF OVERSEAS RESIDENCES.

(a) FINDINGS.—1. The Congress finds that annual lease costs to the U.S. Government for leasing the official residences of U.S. Ambassadors, Deputy Chiefs of Missions, or other principal officers of the U.S. government at the foreign mission posts of the United States exceeded $132 million in Fiscal Year 1987; and

2. This amount represented an increase of 14.8 percent over the previous fiscal year; and

3. Substantial savings to the American taxpayer could result from purchasing rather than leasing such residence where necessary; and

4. Foreign governments prohibit the U.S. Government from purchasing such residences at 26 percent of the locations in which the U.S. maintains an official diplomatic post.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that:

(1) The U.S. Department of State should make every effort to determine whether the purchasing rather than the leasing of the residence of the principal officers of the U.S. Government's overseas missions is in the best economic interest of the U.S. Government; and

(2) The U.S. Department of State should enforce a policy of fully reciprocal treatment towards foreign governments that prohibit the U.S. Government from purchasing foreign residential properties to house U.S. diplomatic personnel in their countries; and

(3) In its Fiscal Year 1989 budget presentations to the Committee on Foreign Relations of the U.S. Senate and the Committee on Foreign Affairs of the U.S. House of Representatives, the U.S. Department of State shall provide sufficient information on the advantages and disadvantages of purchasing rather than leasing such properties to enable the Congress of the United States to determine the specific amount of savings that would or would not be achieved by purchasing such properties. The Department also shall make recommendations to the Congress on the purchasing and leasing of such properties.

MEDICARE CATASTROPHIC ILLNESS COVERAGE

WALLOP AMENDMENT NO. 897

(Ordered to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed by him to the bill (S. 1127) to provide for medicare catastrophic illness coverage, and for other purposes; as follows:

On page 56, strike lines 5 and 6 and insert in lieu thereof the following:

"SCOPE OF BENEFITS FOR CERTAIN INDIVIDUALS COVERED UNDER PARTS A AND B".

On page 56, line 10, strike "shall" and insert in lieu thereof "(and who is an individual described in section 1890(a)) shall".

On page 57, line 4, strike "may" and insert in lieu thereof "(and who is an individual described in section 1890(a)) may".

On page 60, strike lines 1 and 2 and insert in lieu thereof the following:

"SCOPE OF BENEFITS FOR INDIVIDUALS COVERED UNDER PART A ONLY AND CERTAIN INDIVIDUALS COVERED UNDER PARTS A AND B".

On page 60, line 6, strike "shall" and insert in lieu thereof "(or who is covered by such program but is not an indiyidual described in section 1890(a)) shall".

On page 61, line 6, strike "may" and insert in lieu thereof "(or who is covered by such program but is not an individual described in section 1890(a)) may".

On page 62, line 16, strike "in" and all that follows through the period on line 19 and insert in lieu thereof "(or who are covered by such program but are not individuals described in section 1890(a)) in the same manner and to the same extent as those provisions apply to individuals who are covered under both such programs (and who are individuals described in such section).".

On page 66, strike lines 17 and 18 and insert in lieu thereof the following:

"DEDUCTIBLES AND COINSURANCE FOR CERTAIN INDIVIDUALS COVERED UNDER PARTS A AND B".

On page 66, line 22, strike "during" and insert in lieu thereof "(and who is an individual described in section 1890(a)) during".

On page 68, lines 4 and 12, strike "shall" and insert in lieu thereof "(and who is an individual described in section 1890(a)) shall".

On page 71, strike lines 12 and 13 and insert in lieu thereof the following:

"DEDUCTIBLES AND COINSURANCE AMOUNTS FOR INDIVIDUALS COVERED UNDER PART A ONLY AND CERTAIN INDIVIDUALS COVERED UNDER PARTS A AND B".

On page 71, line 18, strike "shall" and insert in lieu thereof "(or who is covered by such program but is not an individual described in section 1890(a)) shall".

On page 72, line 22, strike "shall" and insert in lieu thereof "(or who is covered by such program but is not an individual described in section 1890(a)) shall".

On page 73, line 6, strike "shall" and insert in lieu thereof "(or who is covered by such program but is not an individual described in section 1890(a)) shall".

On page 73, line 14, strike "in" and all that follows through the period on line 16 and insert in lieu thereof "(or who are covered by such program but are not individuals described in section 1890(a)) in the same manner and to the same extent as those provisions apply to individuals covered under both such programs (who are individuals described in such section 1890(a)).".

On page 74, line 23, strike "in" and insert in lieu thereof "(and who is an individual described in section 1890(a)) in".

On page 75, line 20, strike "part B," and insert in lieu thereof "part B (or who is covered by such program but is not an individual described in section 1890(a)),".

On page 76, line 5, strike "shall" and insert in lieu thereof "(and who is an individual described in section 1890(a)) shall".

On page 76, line 13, strike "in" and insert in lieu thereof "(or who is covered by such program but is not an individual described in section 1890(a)) in".

On page 77, line 24, strike "entitlement" and insert in lieu thereof "with respect to an individual described in section 1890(a), entitlement".

On page 81, line 3, strike "incurs" and insert in lieu thereof "(and who is an individual described in section 1890(a)) incurs".

On page 81, line 19, strike "that" and insert in lieu thereof "(and who is an individual described in section 1890(a)) that".

On page 82, line 7, strike "shall" and insert in lieu thereof "(who is an individual described in section 1890(a)) shall".

On page 85, line 25, strike "shall" and insert in lieu thereof "(and who are individuals described in section 1890(a)) shall".

On page 87, line 1, strike "shall" and insert in lieu thereof "(and who are individuals described in section 1890(a)) shall".

On page 87, line 22, strike "for" and insert in lieu thereof "(and will be individuals described in section 1890(a)) for".

On page 88, line 5, strike "to" and insert in lieu thereof "to such".

On page 90, line 3, strike "and".

On page 90, line 5, strike the period and insert in lieu thereof "; and".

On page 90, between lines 5 and 6, insert the following new subparagraph:

"(C) is an individual described in section 1890(a).".

On page 90, line 11, strike "part," and insert in lieu thereof "part (and was an individual described in section 1890(a)),".

On page 94, line 19, strike "for" and all that follows through the period on line 21, and insert in lieu thereof "(and was an individual described in section 1890(a)) for the longer period during the taxable year (or if such period is the same for both spouses, either spouse).".

On page 94, line 24, strike "part," and insert in lieu thereof "part (and are individuals described in section 1890(a) during such year),".

On page 97, line 8, strike "for" and insert in lieu thereof "(and is an individual described in section 1890(a) of such Act) for".

On page 97, line 11, strike "months" and all that follows through "coverage" on line 12, and insert in lieu thereof "number of months".

On page 97, lines 14 and 16, strike "of coverage".

On page 98, line 14, strike "part B," and insert in lieu thereof "part B (and who is an individual described in section 1890(a)),".

On page 101, between lines 3 and 4, insert the following new section:

SEC. 9A. ELECTION TO RECEIVE CATASTROPHIC COVERAGE BENEFITS.

Title XVIII is amended by adding at the end thereof the following new section:

"ELECTION TO RECEIVE CERTAIN BENEFITS UNDER PARTS A AND B

"SEC. 1890. (a) An individual is described in this section for any period of time in which the individual elects in accordance with subsection (b) to pay the appropriate monthly catastrophic coverage premium amount under section 1839(g) and (if required for such individual) applicable supplemental premium under section 1839A.

"(b)(1) An election made under subsection (a) shall be made under procedures established by the Secretary and (subject to paragraph (2)) shall be effective with respect to any calendar year beginning after the date on which the election is made.

"(2)(A) An individual may (in accordance with procedures established by the Secretary) revoke an election made under subsection (a).

"(B) An election made under subsection (a) shall not be effective with respect to any calendar year beginning after the date on which the individual revokes such election under subparagraph (A).".

Add the following language at the end of the bill:

"SEC. 1882. (k) Nothing in this Title shall be construed as to prohibit the offering of a medicare supplemental policy which provides benefits that duplicate any benefits provided by any sections of this title which requires voluntary participation."

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

MOYNIHAN (AND OTHERS) AMENDMENT NO. 898

Mr. MOYNIHAN (for himself, Mr. HELMS, Mr. PELL, and Mr. BYRD) proposed an amendment to the bill S. 1394, supra; as follows:

At the appropriate place insert:

It is the sense of the Senate that the Department of State, in arranging visits of foreign dignitaries to the Capitol shall have in mind that ours is a republican institution which by long established practice, and as a matter of principle, conducts its affairs with a minimum of display. Individual Senators do not have official cars, do not have motorcycle escorts, do not have praetorian guards. The recurrent spectacle of screeching, self-important, heavily armed caravans of limousines, some decoys, bearing foreign visitors is discordant, disruptive, and scarcely a service to the visitors themselves. The Department of State is urged to consider that two unadorned automobiles and no motorcycles would ensure foreign visitors a warm welcome, and make clear to them that they are visiting the representative body of a democratic state, and not some besieged citadal of the fearful tyranny.

KASTEN AMENDMENT NOS. 899 AND 900

Mr. HELMS (for Mr. KASTEN) proposed two amendments to the bill S. 1394, supra; as follows:

AMENDMENT NO. 899

At the appropriate place in the bill, add the following new section:

SEC. . REPORT ON POLICIES PURSUED BY OTHER COUNTRIES IN INTERNATIONAL ORGANIZATIONS.

The last sentence of section 117 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 is amended by inserting before the period the following: ", together with the amount and type of foreign assistance (if any) made available by the United States for the preceding fiscal year to each such country under the Foreign Assistance Act of 1961, the Arms Export Control Act, the Export-Import Bank Act of 1945, and the Peace Corps Act".

AMENDMENT NO. 900

At the appropriate place in the bill, add the following new section:

SEC. . PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE.

(a) FINDINGS.—The Congress makes the following findings:

(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the hiring of personnel within the United Nations Secretariat.

(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the "Group of 18 Experts").

(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze.

(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

(6) According to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance.

(7) Other United States intelligence authorities estimate that as many as one-half of the Soviets and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus in the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the Soviet Consulate in San Francisco, California.

(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(12) As of Septmber 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are "seconded," that is, serve on short, fixed-term contracts.

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

(b) REPORT TO CONGRESS.—(1) The Secretary of State shall report to the Congress not later than 90 days after the date of enactment of this Act and annually thereafter as to the status of secondment within the United Nations by the Soviet Union and Soviet-bloc member-nations.

(2) Such report shall contain as a minimum, a thorough analysis of the following issues:

(A) The number of Soviet and Soviet-bloc nationals who are currently seconded to the United Nations system on short, fixed-term contracts in New York, Geneva, Vienna, and Nairobi, and the percentage such number is to the total number of Soviet and Soviet-bloc nationals so seconded.

(B) The number of Soviet and Soviet-bloc nationals who are currently employed in the United Nations system on long-term contracts.

(C) The measures undertaken by the United States to persuade the United Nations Secretariat to enforce the provisions of the United Nations Charter which specifically govern the behavior and activities of United Nations employees, especially Articles 100 and 101.

(D) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union and other members of the Soviet-bloc to end their abuse of secondment.

(E) The measures undertaken by the United States to challenge Soviet and Soviet-bloc nationals credentials and to deny them entry visas, in order to keep Soviet and Soviet-bloc intelligence operatives out of the United States and United Nations.

(F) The counterintelligence efforts undertaken by the United States to protect United States national security from hostile intelligence activities directed against the United States by Soviet and Soviet-bloc intelligence operatives employed by the United Nations.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress

(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretariat;

(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistence of the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 or fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical representation, such as those of the general service category;

(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

(6) the Soviet Union is hereby condemned for—

(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

(B) its abuse of secondment, and

(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Articles 100, 101, and all other principles of the United Nations Charter to which every other member-nation must adhere.

(d) DEFINITION.—For the purposes of this section, the term "Soviet-bloc" means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.

HUMPHREY AMENDMENT NO. 901

Mr. HUMPHREY proposed an amendment to the bill S. 1394, supra; as follows:

At the end of the bill, add the following new section:

SEC. . AMBASSADOR AT LARGE ON AFGHANISTAN.

(a) FINDINGS.—The Congress finds that the Administration has failed to make Afghanistan a sufficient priority in the conduct of the foreign policy of the United States.

(b) ESTABLISHMENT OF POSITION.—There is established in the Department of State the position of Ambassador at Large on Afghanistan who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES.—The Ambassador at Large on Afghanistan shall coordinate the activities of the United States Government with respect to Afghanistan, shall be the point of contact for Congress on the Afghanistan issue, shall represent the United States in public diplomacy meetings and conferences abroad on the Afghanistan issue, shall maintain contact with the Afghan Resistance Alliance, shall serve as liaison with foreign governments and international organizations on issues and programs regarding the war in Afghanistan.

(d) DURATION OF POSITION.—The Department of State shall retain an Ambassador at Large on Afghanistan until the President certifies to Congress that the following conditions have been met:

(1) the complete withdrawal of all Soviet troops from Afghanistan;

(2) the independent and non-aligned status of Afghanistan;

(3) the self-determination of the people of Afghanistan;

(4) the return of Afghan refugees in safety and honor.

PELL AMENDMENT NO. 902

Mr. PELL proposed an amendment to the bill S. 1394, supra; as follows:

On page 75 between lines 12 and 13, add the following new section:

SECTION 218. AUDIENCE SURVEY OF USIA WORLDNET PROGRAM.

(a) Of the funds authorized to be appropriated for USIA's Worldnet program by section 201(b), not less than $500,000 shall be available only for the purpose of conducting a survey of the number of viewers in Europe who watch the daily passive (non-interactive) shows of USIA's Worldnet program.

(b) Such survey shall be conducted by a company, such as the A.C. Nielson Company, which has a long established reputation for objective estimates of audience size and which has not less than 15 years of substantial experience in estimating audience size.

(c) Not later than 9 months after the date of enactment, the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the House Committee on Foreign Affairs containing:

(1) the best estimate by the company performing the audience survey of the number of persons in Europe who watch, on a daily basis, the passive (non-interactive) shows of USIA's Worldnet program. Such estimate shall include an estimate of the number of persons who watch a part of the daily passive (non-interactive) shows of USIA's Worldnet program and the number of persons who watch such programs in their entirety;

(2) a description of the demographic composition and nationality of the persons watching such programs;

(3) the entire report prepared by the company conducting the survey.

(d) At least 30 days prior to the approval by the Director of the United States Information Agency of a contract with a company conducting the survey required by this section, the Director shall provide the Chairman of the Senate Committee on Foreign Relations and the Chairman of the House Foreign Affairs Committee of the name of the company selected to conduct the survey together with a copy of the proposed contract.

BOSCHWITZ AMENDMENT NO. 903

Mr. HELMS (for Mr. BOSCHWITZ) proposed an amendment to the bill S. 1394, supra; as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. . Sense of Congress Regarding United States Policy Toward Lebanon.

(a) Findings.

The Congress finds that:

(1) After nearly 13 years of civil conflict and foreign intervention, the situation in Lebanon appears no closer to resolution.

(2) Through most of the last dozen years, the Lebanese have managed to continue economic activity sufficient to stave off economic collapse and provide its citizens with basic necessities.

(3) During the past year, however, the collapse in the value of the Lebanese pound from less than 40 to the dollar to nearly 300 has made the importation of wheat, rice and other basic commodities prohibitively expensive.

(4) As a result, for the first time, the Lebanese are faced with the prospect of starvation.

(5) Hizballah and other radical elements are taking advantage of the current economic crisis by providing foreign supplied food. In so doing, they are winning converts to their cause and radicalizing the youth.

(6) It is in the interest of the United States to support the traditional Lebanese free enterprise system of distribution of food which until now has been able to compete successfully with these radical movements.

(b) It is the sense of the Congress that the United States should base its policy toward Lebanon on the following principles:

(1) Preservation of the unity of Lebanon.

(2) Withdrawal of all foreign forces from Lebanon.

(3) Recognition of and respect for the territorial integrity of Lebanon.

(4) Reassertion of Lebanese sovereignty throughout the nation and recognition that it is the responsibility of the Government of Lebanon for its safekeeping.

(5) Reestablishment of the authority of the Government of Lebanon throughout the nation is a prerequisite for a lasting solution to the problem of international terrorism emanating from Lebanon.

(c) It is the further sense of Congress that the provision of at least 200,000 tons of wheat and 30,000 tons of rice through PL-480, title I and section 416 of the Agriculture Act of 1949 to the Government of Lebanon is in the interest of the United States. Provision of this assistance will meet the United States policy objective of strengthening the Central Government as well as helping alleviate a serious hunger problem.

HELMS AMENDMENT NO. 904

Mr. HELMS proposed an amendment to the bill S. 1394, supra; as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. . U.S. Department of State Freedom of Expression Act of 1987.

(a) This section may be cited as the "United States Department of State Freedom of Expression Act of 1987."

(b) FINDING. Congress finds that the United States Department of State on September 15, 1987, declared itself to be a temporary foreign diplomatic mission for the purpose of denying free speech to American citizens who planned to protest the tyranny of the Soviet regime.

(c) PROHIBITION. It is not in the national security interest of the United States for the Department of State to declare, and it shall not declare, itself to be a foreign diplomatic mission.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on product substitution in Department of Defense contracting.

These hearings will take place on Thursday, October 15, 1987, at 10 a.m., and on Friday, October 16, 1987, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee staff at 224-9157.

Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on the Federal Government's handling of Soviet and Communist-bloc defectors.

These hearings will take place on Thursday, October 8, 1987, at 9:30 a.m., Friday, October 9, 1987, at 9:30 a.m., and Wednesday, October 21, 1987, in room 342 of the Dirksen Senate Office Building. For additional information, please contact Eleanore Hill or John Sopko of the subcommittee staff at 224-3721.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the information of the public and my colleagues in the Senate that H.R. 2566, a bill to extend the term of the Delta Region Preservation Commission has been added to the list of bills to be considered at the hearing of the Subcommittee on Public Lands, National Parks and Forests. This measure passed the House on September 29, 1987.

Those wishing information on this hearing should contact Tom Williams at 224-7145 or Beth Norcross at 224-7933 of the subcommittee staff.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the public and my colleagues in the Senate that another day of hearings before the full committee on Energy and Natural Resources has been scheduled on S. 1217, a bill to amend the Mineral Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the coastal plain of the Arctic National Wildlife Refuge, of Alaska, for oil and gas exploration, development and production.

The hearing will be held on October 22, 1987 beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing information on this hearing should contact Tom Williams at 224-7145 of the committee staff.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AVIATION

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on October 7, 1987, to resume hearings on S. 1600, legislation establishing an independent Federal Aviation Administration.

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

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, October 7, 1987, in open session to receive testimony on armaments cooperation within the NATO alliance.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, October 7, 1987, to conduct a hearing on "Poverty and Policy."

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. PELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, October 7, to mark up clean air legislation.

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

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, October 7, 1987, at 2 p.m. to mark up farm credit legislation.

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

ADDITIONAL STATEMENTS

MR. BYRT WAMMACK—PLANNER OF THE YEAR

● Mr. DeCONCINI. Mr. President, I rise today to recognize Mr. Byrt Wammack, formerly a community planner with the Army Corps of Engineers who has been named as "Planner of the Year" by that agency for his outstanding efforts in Clifton, AZ. Today, Byrt is being honored by his former colleagues in a ceremony in Los Angeles and I wanted to take a moment this morning to show my appreciation for his service to my constituents and my State.

Many of my colleagues are familiar with Clifton and the troubles that have beset this small copper mining community in southeastern Arizona. In 1983, while in the midst of a labor dispute involving its largest employer, Clifton was devastated by the most severe flooding to ever occur in the State of Arizona. Almost $20 million in flood damages were incurred and the physical destruction of this community was overwhelming.

Agencies at all levels of government came to the aid of this beleagured community, including the Corps of Engineers. Byrt, noting the severity of the devastation and the urgency of the situation, took it upon himself to coordinate the actions of all of these agencies in their efforts to help Clifton recover from this low point in its long and proud history. This unusual display of leadership and commitment to public service is indicated by the support of the ultimate flood control plan by all of the parties involved, including this Senator. Byrt earned the trust and respect of Clifton and, most importantly, revived their confidence and showed them that they could recover from this devastation and once again become a thriving community.

Mr. President, I am happy to say that today Clifton is well on its way to that end. The corps has approved the flood control plan, my colleagues and I from Arizona are pursuing the necessary funding to proceed with this project, and, in my opinion, there is a general feeling of optimism and hope for what their future holds by the residents of Clifton. Byrt's dedication and leadership has resulted in the success of our efforts to help Clifton. He not only provided Clifton with an effective flood control solution, he provided them with the tools and the skills for future economic development and growth.

I know that the residents of Clifton are appreciative of Byrt's efforts on their behalf and for that I am grateful. Many times elected officials are given credit for the hard work of dedicated public servants such as Byrt. I am the beneficiary of his good work and I, therefore, wanted to recognize the achievements of this outstanding young man.●

FRAUD OF THE DAY—PART III

● Mr. HEINZ. Mr. President, when I spoke yesterday about Customs fraud, I also addressed the issue of the Customs Service budget. I argued that it was unrealistic to expect a significant increase in funds allocated to the Customs Service. Today, I want to discuss the very real limitations on Customs enforcement efforts even if the budget were adequate. The reality is that many perpetrators of fraud would con-

tinue to escape without any real punishment.

Today's fraud illustrates these limitations. It does not focus on a particular case or a specific company. Instead, it involves the entire photo album industry, and makes clear the way in which a private right of action could have a decisive role in helping the Customs Service fight fraud.

In 1985, Korea exported 1.859 million dozen photo albums to the United States. After an antidumping investigation, during which none of the information provided by Korean manufacturers could be verified, the Department of Commerce found a dumping margin of 64.8 percent. In 1986, after the implementation of the anitdumping duty order, imports of photo albums from Korea dropped 98 percent to 35,391 dozen. One would normally conclude from that that the problem of photo albums dumping and subsided.

The facts, however, show quite a different story. The domestic industry immediately began noticing that photo album imports from Asian countries other than South Korea were increasing dramatically. After January 1986, exports of photo albums from Korea to Taiwan rose 560 percent, from 265,498 dozen to 1.952 million dozen. Exports to Singapore rose 489 percent, to 2.51 million dozen. That means that Singapore was importing 10 photo albums per resident in 1986.

At the same time, Taiwan and Singapore increased their photo album exports to the United States by 1,300 and 860 percent, respectively. It seems to me that these are persuasive figures that something funny has been going on—most likely that Korean producers were transshiping to the United States through Singapore and Taiwan in order to avoid the dumping duties.

In pursuit of these not-so-elusive albums, one prosecution has occurred. MBI, a Korean company which manufactures photo albums, pleaded guilty in December 1986, to fraudulently transshipping photo albums and received $5,000 in criminal fines. Customs' efforts to obtain a large civil penalty have been thwarted thus far by the defendant's appeal of Customs' ruling that a substantial transformation did not occur in the country from where the albums were shipped That ruling is based on ample precedent, but the system permits a defendant—in this case one which pleaded guilty and was convicted—to tie up civil litigation indefinitely. The net result is that MBI has effectively gotten away away with its crime and is free to continue it through other countries and other ports of entry.

Subsequent efforts to enforce the dumping duty order more broadly have run up against real limitations in Customs resources, the perceived extent of its legal authority to investigate allegedly sham assembly operations in the United States and in third countries, lack of cooperation by third country governments and producers in Customs' enforcement activities, and the relatively low priority the Justice Department gives prosecutions of this nature.

Recently Customs has been making a determined effort to surmount these difficulties, has suspended liquidation of all entries of photo albums and has seized at least one additional shipment in a different port. Even so, simply keeping up with an operation that is constantly shifting from country to country and port to port well beyond the service's capacity.

Mr. President, last month I wrote a column on this case that appeared in the New York Times. I ask that that article be printed in the RECORD at the conclusion of my remarks today.

Mr. President, there is no question in my mind that if a private right of action existed today in cases like this one—where again, the foreign party pleaded guilty to criminal fraud—U.S. companies would have a valuable tool to assist the Customs Service's efforts to see that people comply with the law.

The column follows:

[From the New York Times, Aug. 21, 1987]

A HUGE CUSTOMS SCAM VICTIMIZES UNCLE SAM

(By John Heinz)

WASHINGTON.—Nobody enjoys a good snapshot more than the people of Singapore. Last year alone, enough photo albums were imported into Singapore to supply 10 to every man, woman and child in that country. Singaporeans are not just camera happy; they must be ecstatic.

But Singaporeans are not nearly the shutterbugs they appear to be. In fact, the flood of photo albums is just part of a grand scheme that makes a mockery of United States trade laws. Other nations are funneling these albums through Singapore to the United States in order to circumvent trade quotas imposed on those countries. In short, it is customs fraud.

In industry after industry, customs fraud is being perpetrated on such a huge scale by many of our trading partners that Federal enforcement agencies cannot keep up with it.

An amendment that is attached to the omnibus trade bill, however, permits those who have been victimized by customs fraud to sue for monetary damages in the United States Court of International Trade. The measure is patterned after remedies that have long been available under antitrust and securities laws. Although many unscrupulous foreign exporters are jittery about the amendment, it is doubtful that a single photographer in Singapore has even noticed.

Customs fraud is increasing. Items ranging from photo albums to steel to coffee are being laundered from one country to another, intentionally mislabeled and sent on to the United States. The practice costs the United States billions of dollars, hundreds of thousands of jobs and a lot of pride.

The Customs Service estimates that about 10 percent of all imports are fraudulent. In fiscal years 1984 and 1985, only 27 percent of the textile and apparel imports involved in customs fraud were even detected, according to customs officials.

A study by the National Treasury Employees Union concludes that such fraud costs America $19 billion a year in lost sales, $8 billion to $12 billion of our gross national product, $1.5 billion to $2.2 billion in Federal taxes and $2 billion in customs revenue. It also results in the loss of 500,000 jobs a year, the union study says. The phantom photo albums are just part of a much bigger problem.

There is compelling evidence that South Korean photo albums are being transshipped to America through third countries such as Singapore in order to circumvent a 1986 United States antidumping order. That order charged that South Korea's photo albums were being unfairly dumped at 65 percent below their cost of production. As a result, we imposed offsetting antidumping duties.

South Korean album exports to the United States subsequently declined from 22.32 million in 1985 to 424,692 in 1986. But at the same time, South Korean album exports to Singapore shot up 480 percent, while shipments to Taiwan increased 560 percent. The two countries, in turn, increased their 1986 photo album exports to the United States by 800 percent and 1,300 percent, respectively.

Despite labels and other identifying marks showing that the products came from Singapore, Taiwan and Hong Kong, laboratory tests have proved that the photo albums were actually made in South Korea. Other evidence suggests that even some albums labeled "Made in the USA" are actually products of South Korea.

Yet no effective action has been taken against this evasion of our laws as the American photo album industry watches its sales dwindle. The domestic industry's right to sue could not be clearer.

Executives of the American photo album industry, however, have only met frustration in their attempts to stop this practice. Customs officials assert that they are spread too thin to catch every fraudulent shipment. Our inability to enforce the antidumping order makes it virtually meaningless.

Nor is the problem limited to Singapore photo albums, or even to false listings of country of origin. Filing false tariff numbers, counterfeiting foreign export visas and providing inaccurate values of shipments are other common methods of operation for crooked traders.

The amendment to the trade bill gives aggrieved companies a way to defend themselves against unfairly traded imports. It puts teeth in the customs laws, and it gives victims of customs fraud the same legal recourse that victims of securities fraud have.●

INFORMED CONSENT: NORTH CAROLINA

● Mr. HUMPHREY. Mr. President, I bring to your attention the issue of informed consent. As hundreds of letters to my office testify, there is no State in our Nation that is free from the effects of abortion. These letters tell a consistent story of how women have been denied the facts about abortion that would have enabled them to

make an informed choice. Understandably, many of these women are bitter and even angry that they were not told that their abortions could cause lingering effects such as sterility, nightmares, or depression.

I ask my colleagues to help alleviate this unjust situation and join in supporting my informed consent legislation, S. 272 and S. 273. The bills would afford women the information they deserve when it comes to abortion, namely, the facts. Medical personnel would be required to inform those considering abortion about the risks, effects, and alternatives before they could proceed. Such information is already required for virtually every other medical procedure.

Mr. President, informed consent is a matter of justice, and again I urge my colleagues to support S. 272 and S. 273. I also ask that two letters from North Carolina in support of informed consent be entered into the RECORD.

The letters follow:

NORTH CAROLINA,
January 31, 1987.

DEAR HONORABLE SIR: I must tell you that after my high school sweet heart and I were engaged that we committed sin and the consequences were my becoming pregnant. We immediately got married (months earlier than originally set.) He was in his first year in colleage and we had talked it over and decided to have an abortion. I was 12 weeks so everything had to move quickly. We married one day and had the abortion the next. His counselor had given him the name of a clinic that helped people to get abortions (which were legal if there was a threat to the mother's health.) The truth was we didn't want to be embarrassed and people find out what this fine "christian" couple had done. Also we were afraid he'd have to drop out of colleague if we had children so soon. Anyway we rationalized and set up an appointment with the clinic (psychologist prepared to tell him my "nerves" wouldn't take it) it was simply inconvenient and embarrassing the doctor said ok and set up an immediate appointment with a clinic abortionist doctor. I believed that it was only a fetus which I thought was only a blob not yet alive as a little baby. No one counseled me or even told me this but this was my opinion. At no time did I know more nor did anyone inform me that any doctor or anyone in form me that this "fetus" had arms and legs and a heart. I would have never gone through with it. I just didn't understand. I had no counseling.

I was okay for a while but years later guilt came and I had a hard time accepting what we'd done. We could have a happy 16 yr. old today if we'd only been counseled. I still have times of tears when I looked at my other three children and see how precious they are.

Counseling is so necessary it could actually save someone from a nervous breakdown later if she'd found out what a "fetus" really was and what God would consider an abortion. I never realized I was actually having our baby killed!

Please do whatever possible to make sure women have to be formed on what abortion is-murder. At least make sure women have a chance to understand what she has inside her before deciding whether or not she wants to go through with this.

Thank so much for your work and dedication to this cause. May God richly bless you.

Sincerely,

Sad but forgiven!

NORTH CAROLINA,
February 12, 1987.

DEAR SENATOR: Your proposal to have informed consent bill is needed if the country continues to legalize abortions. Of course, my prayer is that we will soon make it illegal.

My daughter was pregnant out of wed lock and had an abortion without realizing the consequences. If she had more information and had to wait longer, it may not have happened. She has married now and can't have a child.

Sincerely,

W. R. DUKE, Jr.●

JOE PISCOPO LEADS THE PARADE

● Mr. LAUTENBERG. Mr. President, I would like to salute an outstanding New Jerseyan and a great performer, Joe Piscopo.

Almost everyone has recognized Joe's face on television. A native of Passaic, NJ, for five seasons, Joe performed in the renowned reportory group appearing on NBC Television's "Saturday Night Live." But before joining the cast of SNL, Joe performed as a standup comic and worked in many television commercials.

From his brilliant characterizations of Frank Sinatra and "60 Minutes's" Andy Rooney, to his numerous commercials, Piscopo has established a comedic style all his own. Throughout his career, Joe has proven his versatility and creativity as an actor and a comedian. Joe received awards for his memorable multiperformances in Miller Lite Beer commercials.

Mr. President, in New Jersey, Piscopo is to comedy, what Springsteen is to rock 'n roll. Joe may have hit the big time, but he is still a boy from New Jersey at heart. He is proud of our State and we are proud of him.

Joe Piscopo is being honored this year as the grand marshal of the annual Columbus Day Parade in Newark, NJ, on October 11. In what promises to be one of the largest Columbus Day parades in the Nation, I am proud to serve alongside Joe in this important celebration of our "first" Italian-American, Christopher Columbus.●

CONGRESSIONAL BLACK CAUCUS AWARDS DINNER

● Mr. SIMON. Mr. President, the Congressional Black Caucus recently completed its 17th annual legislative weekend here in Washington. Under the stewardship of my friend, the Honorable MERVYN DYMALLY of California; the distinguished gentleman from California, the Honorable JULIAN DIXON; and my friend and former colleague in the other body, the Honorable MICKEY LELAND from Texas—this has been one of the most successful legislative weekends since the caucus was created in 1970. The Congressional Black Caucus, now 23 members strong, chose for its 1987 legislative theme: "Educating the Black Child: Our Past and Our Future."

I join the Congressional Black Caucus in this salute and commitment to addressing the educational needs of black children, elementary and secondary students and dwindling numbers of them who reach and complete a higher education. I especially want to commend Representative AUGUSTUS F. HAWKINS who Chairs the Education and Labor Committee in the other body. He has been a leader in education and employment legislation in the Congress. During the 100th Congress, he has succeeded in engineering through the committee and the other Chamber, H.R. 5, the School Improvement Act of 1987—a legislative masterpiece. In an April 22, 1987, editorial, the Washington Post characterized the bill as "an education bill without losers." That bill is also one which principally concentrates limited Federal chapter 1 funds on the school districts and those schools with the students in greatest need of help.

One of the highlights of this 17th renewal of the caucus' legislative weekend was an address at the Congressional Black Caucus awards dinner by Marian Wright Edelman, president of the Children's Defense Fund. Her address captured not only the essence of the problems facing the Congress, the States and local school districts as we seek to improve quality, ensure accountability and enhance achievement, but she also provided a much needed prescription for overcoming the problems and formulating a solution.

Mrs. Edelman outlines the following steps:

The first step is to remember and teach them that black folk have never been able to take anything for granted in America and we had better not start now in these waning Reagan years of budget deficits and looming economic recession.

The second step is to teach them the importance of getting a good education.

The third step is to tell them that forming families is serious business and requires a measure of thoughtful planning and economic stability.

The fourth step is to set goals and work quietly and systematically toward them.

The fifth step is knowing the difference between substance and style.

The sixth step is valuing family life.

The seventh step is to vote and use our political and economic power.

Remember your roots, your history, and the forebears' shoulders on which you stand.

The last step is to keep dreaming and aiming high.

Mr. President, I ask that the entirety of Mrs. Edelman's remarks be printed in the RECORD and I urge my colleagues to read her thoughtful words.

The remarks follow:

PRESENTATION BY MARIAN WRIGHT EDELMAN, PRESIDENT, CHILDREN'S DEFENSE FUND, SEPTEMBER 26, 1987

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair" ("A Tale of Two Cities" Book 1, Chapter 1).

"You have no right to enjoy a child's share in the labors of your fathers unless your children are to be blest by your labors." (Frederick Douglass, "The Meaning of July Fourth for the Negro").

For many of you sitting in this room, it is the best of times. Black per capita income is at an all-time high and many of you have moved up the corporate ladder even if the ladders you are on frequently don't reach towards the pinnacle of corporate power. Black purchasing power, now at $200 billion, exceeds the gross national product of Australia and New Zealand combined. But it has not yet been translated into commensurate black economic influence and benefit. Black elected officials are more numerous than ever (6,681 in 1987, a 350 percent increase since 1970). But white economic power still controls our city tax bases. The amassing of committee and subcommittee chairmanships (8 full House Committee chairs including the Select Committee, and 18 subcommittee chairs) by members of this Congressional Black Caucus is impressive by any standards although the main political game in town is cutting the budget deficit. Spelman College, my alma mater, looks towards its future with a stronger endowment and student body than ever before while many other black colleges are struggling mightly to survive.

Bill Cosby is America's favorite Daddy and Michael Jackson and Whitney Houston dot the top ten charts. Black leadership has permeated a range of mainstream institutions. Bill Gray chairs the House Budget Committee, Frank Thomas heads the Ford Foundation, and Cliff Wharton heads TIAA-CREF. A. Barry Rand is in charge of marketing at Xerox. Anita De Frantz is America's representative to the Olympic Committee, and Richard Knight is the city manager of Dallas.

I am proud of these and many similar accomplishments and applaud the black middle class for whom the times are good tonight. We've worked hard to get where we are. However, we have to work harder still to stay there and to move ahead.

But there is another black community that is not riding high tonight and that is going down and under. If you and I don't build a bridge back to them and throw out some strong lifelines to our childen and youths and families whom poverty and unemployment and hopelessness are engulfing, they're going to drown, pull many of us down with them, and undermine the black future that our forebears dreamed, struggled, and died for.

I am grateful, therefore, that the Congressional Black Caucus has focused attention this year on Educating the Black Child. Just as Martin Luther King, Jr. and others accepted the challenge of their time, so the challenge of our time is educating all of our children in mind, in body, and in soul if we are to preserve and strengthen the black future.

It is the worst of times for poor black babies born within a mile of this hotel and in many inner cities around the country who have less of a chance of living to the first year of life than a baby born in Costa Rica. Black babies are still twice as likely to die in the first year of life than white babies.

It is the worst of times for black youth and young adults trying to form families without decent skills or jobs and without a strong value base. Young marriages have essentially stopped in the black community. Sixty percent of all black babies today born to never married single mothers; 90 percent of those born to black teens are born to unmarried mothers. One out of two children in a female-headed household is poor. Two out of three (67.1 percent) children in black female-headed households are poor. If that household is headed by a mother younger than 25, three out of four are poor. Even when teen pregnancy results in marriage, young two-parent families are almost three times as likely to be poor as those with parents 25 to 44 years of age.

A significant cause of this black family problem lies in young black men's eroding employment and wage base. Only 26.5 percent of all black male teens were employed in 1986 and 61.3 percent of those 20 to 24 years old. And even when they are lucky enough to work they frequently can't earn enough to lift a family out of poverty. Between 1973 and 1984, the average real (inflation-adjusted) annual earnings among males ages 20 through 24 fell by nearly 30 percent (from $11,572 to $8,072 in 1984 dollars). This sharp drop affected virtually all groups of young adult males—whether white, black, or Hispanic—although young black men suffered the most severe losses (nearly 50 percent). So the links between teen pregnancy and poverty are related not just to age and single parenthood but also to the poor skills and employment experience young parents seek to bring to the work force and to the lower wages young workers are paid.

To combat the poverty which is engulfing half of the black babies born today—half of our future as a black community—we must all work to prevent too early sexual activity and pregnancy and encourage our boys and girls to wait until they have the education and economic stability to form lasting families. If the share of single births in the black community grows at the rate of the last decade, by the year 2000, only one black baby in five will be born to a married woman. And if you don't care about these babies unselfishly you'd better care selfishly, for the future black voting and economic base upon which much of our leadership status rests resides in the health and education of the black child and the strength of the black family.

Not only are too many black babies and youths fighting poverty and sickness and homelessness and too little early childhood stimulation and weak basic skills preparation, they are also fighting AIDS and other sexually transmitted diseases; drug, tobacco, and alcohol addiction and crime which hopelessness and the absence of constructive alternatives and support systems in their lives leave them prey to. A black baby is seven or eight times more likely to be an AIDS victim than a white baby and minority teens [15 to 19] are the highest risk group for a range of sexually transmitted diseases. A black youth is five times more likely than a white youth to end up in an institution and is nearly as likely to be in prison as he is to be in college. Between 1979 and 1985 the number of black youth in juvenile detention facilities rose by 40 percent while the number of black youth entering college immediately after high school graduation fell by four percent. More black males go to prison each year than go to college. There are more black drug addicts than there are black doctors or lawyers.

Now some of you sitting here will ask what this has to do with you. You struggled and beat the odds and those folks who haven't made it could do the same. Others of you will rightfully say you're already doing your bit for the race by achieving yourself and by contributing to black organizations. Still others place the blame for growing black family proverty and weakening community bonds and support systems on urbanization and the continuing racial discrimination in national life which devalues black talent and curbs black opportunity.

As many nuggets of truth as each of these views may contain, I will simply say that unless the black middle class begins to exert more effective and sustained leadership within and without the black community on behalf of black children and families both as personal role models and value instillers and as persistent advocates for national, state and local policies—funded policies—that assure our children the health and child care, education, housing, and jobs they need to grow up into self-sufficient adults, to form healthy families, and to carry on the black tradition of achievement, then all of our Mercedeses and Halston frocks will not hide our essential failure as a generation of black haves who did not protect the black future during our watch.

Just as our nation is committing moral and economic suicide by permitting one in four of its preschool children to be poor, one in five to be at risk of being a teen parent, one in six to have no health insurance, and one in seven to face dropping out of school at a time when the pool of available young people to support an aging population and form a strong workforce is shrinking, so we are committing racial suicide by not sounding the alarm and protecting our own children from the poverty that ravages their dreams. For America will not treat our children fairly unless we make it.

We must recapture and care about our lost children and help them gain the confidence, self-esteem, values, and real world opportunities—education, jobs, and higher education which they need to be strong future guardians of the black community's heritage.

How do we do this? There are nine steps we must take if we are to help our children:

The first step is to remember and teach them that black folk have never been able to take anything for granted in America and we had better not start now in these waning Reagan years of budget deficits and looming economic recession. Frederick Douglass put it bluntly: "Men may not get all they pay for in this world, but they must certainly pay for all they get." So you make sure that you are ready to do your part to help yourself and black children and to hold public and private sector officials accountable for

doing their part in fostering health, education, and fair employment policies that are essential to black family survival.

Tell our children they're not going to jive their way up the career ladder. They've got to work their way up—hard and continuously. Too many young people want a fast elevator straight to the top floor and resist walking up the stairs or stopping on the floors of achievement between the bottom and top. Tell them to do their homework, pay attention to detail, and take care and pride in their work. People who are sloppy in little things tend to be sloppy in big things. Tell them to be reliable, to stick with something until they finish and resist jumping from pillar to post. And tell them to take the initiative in creating their own opportunity. They can't wait around for other people to discover them or to do them a favor.

The second step is to teach them the importance of getting a good education. While not a guarantee of success, education is a precondition to survival in America today. At a time when a smaller proportion of black high school graduates go on to college than ten years ago, we need to tell all of our children that college pays. In 1986, the average unemployment rate among black college graduates under 25 was 13.2 percent—more than one in every eight. Among young black high school graduates, it was 26.6 percent—more than one in four. College doubles their chance of getting a job. And we need to insist that they get a liberal education and learn how to think so that they can navigate an ever changing job market.

The third step is to tell them that forming families is serious business and requires a measure of thoughtful planning and economic stability. In 1986, one in every five black families with children under 18 had someone unemployed. Of those 44 percent were single parents with no one at work. Among black married couples with children, only 18 percent had no one working.

That is the crucial point. Education alone, although of enormous value in itself, cannot guarantee a young black adult the income needed to raise children in economic safety today. But two black adults, both working, have the safety net of the second income when unemployment strikes. Remember, that's the only safety net President Reagan hasn't found a way to cut yet.

All these figures are from 1986, the fourth year of a long period of economic recovery. When the next recession arrives—and it will—the black unemployment rates will soar. Since this recession will come at a time when we have an extraordinary budget deficit, there is a great danger that the American voters will buy the argument that we must cut government spending in order to reduce interest rates and stimulate the economy. If this happens, there will be many unemployed teachers, nurses, employment counselors, and government workers of all sorts.

There is a warning here that relates to steps one and two. Just as black penetration into civil and social service professional jobs occurs, the growth and security of such jobs fall. Just as blacks rise to senior ranks in industrial and industrial union jobs, steel and auto manufacturing industries enter a steep decline. The economic goal posts keep shifting. How then, do we work towards a full share in the power to set the goals in place, and not just the right to run the race?

The fourth step is to set goals and work quietly and systematically towards them. So often we feel we have to talk loud rather than act effectively. So often we get bogged down in our ego needs and lose sight of our broader community goals. T.S. Eliot in his play "The Cocktail Party" said that "half the harm that is done in this world is due to people who want to feel important." Wanting to feel important is good, but not at the expense of *doing* important deeds—even if we don't get the credit. You can get a mighty lot done in this world if you don't mind doing the work and letting other people take the credit. You know what you do and the Lord knows what you do and that's all that matters.

The fifth step is knowing the difference between substance and style. Too many of us think success is a Saks Fifth Avenue charge card or a "bad" set of wheels or coming to this Black Caucus dinner. Now these are things to enjoy, but they are *not* life goals. I was watching one of President Johnson's inaugural balls on television with a black college president's wife in Mississippi when Mrs. Hamer, that great lady of the Mississippi civil rights movement who lacked a college degree, but certainly not intelligence or clear purpose, came onto the screen. The college president's wife moaned: "Oh my, there's Miz Hamer at the President's ball and she doesn't even have on a long dress." My response was: "That's alright. Mrs. Hamer with no long gown is there and you and I with our long gowns are not." So often we miss the real point—we buy BMWs and fur coats before we think about whether we're going to drive and wear them is worthwhile. Nobody ever asks about what kind of car Ralph Bunche drove or designer suit Martin Luther King, Jr., bought. Don't confuse style with meaning. Get your insides in order and your direction clear first and then worry about your clothes and your wheels. You may need them less.

The sixth step is valuing family life. We must build on the strong black tradition of family and teach our children to delay family formation until they are economically and emotionally stable and ready to raise the new generation of black children and leaders. Black and white men must support their children as best they can and not have them until they are ready to take responsibility for them. We must strengthen family rituals: prayers if we are religious, regular family meals, and participation in school work and in non-school activities. Our children need constructive alternatives to the street. We must *do* things with our children. Listen to them. Be moral examples for them. If we cut corners, they will too. If we lie, they will too. If we spend all our money on our backs and wheels and tithe no portion of it for our colleges, churches, and civic causes, they won't either.

We must join together as an entire community to establish an ethic of achievement and self-esteem in poor and middle class black children. They can do science and math as well as basketball and football, computers as well as cotillions, reading along with reggae, if we expect these accomplishments of them, support them in their learning processes, and help them in setting priorities. They need strong consistent adult buffers to withstand the negative messages of the external world that values them less than white or middle class children.

When I, like many of you, was growing up in my small segregated southern town, the whole outside world, the law of the land, local officials, the media, almost everybody outside our own community told black children we weren't worth much or were second rate. But we didn't believe it because our parents said it wasn't so. Our preachers said it wasn't so. Our caring teachers said it wasn't so. And they nurtured us as a community, shielded us against the constant psychological battery of our daily environment and made us understand that we could make it—had to make it—but in order to do so, we had to struggle to make our own opportunities in order to help change America. And we went on to college—poor and black—and tried to carry out their other lesson to give some of what they gave us back in service to others left behind. Service, they taught, is the rent you pay for living. Where is our buffer today for the black and poor children who are daily wounded by a national administration who would rather judge than help the poor? Where are the strong local officials and community voices and hands shielding and fighting for the poor children in our city streets against the ravages of drugs and crime? Where are the role modelling, mentoring, and tutoring programs that help black children overcome the pernicious undercurrents of many, even our purported friends, who really think black children lack the potential of other children? What activities are your churches and sororities and fraternities sponsoring to keep children busy and off the streets?

The seventh step is to vote and use our *political and economic power.* Only 51 percent of all voting age blacks voted in the 1980 election and only 53 percent in the 1984 election. Seventy percent of 18- to 25-year-old black youths did not vote in the last election. People who do not vote have no line of credit with people who are elected and pose no threat to those who act against our interests. Don't even pretend that you care about the black community, about poor children, about your nation, even about your own future, if you don't exercise the political leverage Medgar Evers and others died to make sure we had. And run for political office. And when you win don't forget that you are the means to serve others well and not the end.

No one running for president or any office should get black community support unless they have a well thought-out set of policies designed to lift the black child and family. Similarly, we need to use our economic power for the benefit of black families particularly in industries where we constitute a large market share.

Two last steps and I'm done.

Remember your roots, your history, and the forebears' shoulders on which you stand. And pass them on to your children and to other black children whose parents may not be able to. As a black community today there is no greater priority than assuring the rootedness of all of our children—poor, middle class, and Ivy League. Young people who do not know where they come from and the struggle it took to get them where they are now will not know where they are going or what to do for anyone besides themselves if and when they finally arrive somewhere. And if they run into bad weather on the way, they will not have the protective clothing to withstand the wind and the rain, lightning and thunder that have characterized the black sojourn in America. They need the anchor and rightful pride of a great people that produced a Harriet Tubman and Sojourner Truth and Frederick Douglass from slavery, a Benjamin Mays and Martin Luther King, Jr. and Fannie Lou Hamer from segregation, people second to none in helping transform America from a theoretical to a more living democracy.

The last step is to keep dreaming and aiming high. At a time when so many in public and private life seem to be seeking the lowest common denominator of public and personal conduct, I hope you will dream and set new examples of service and courage.

Dr. Benjamin Mays, a former president of Morehouse College and role model for me said: "It must be borne in mind that the tragedy of life doesn't lie in not reaching your goal. The tragedy lies in having no goal to reach. It is not a calamity to die with dreams unfulfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideal, but it is a disaster to have no ideal to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for. Not failure, but low aim, is sin." We must aim high for our children and teach them to aim high.

I'd like to end with part of a prayer for children written by Ina Hughes of South Carolina.

We pray for children
who spend all their allowance before Tuesday,
who throw tantrums in the grocery store and pick at their food,
who like ghost stories,
who shove dirty clothes under the bed, and never rinse out the tub,
who get visits from the tooth fairy,
who don't like to be kissed in front of the carpool,
who squirm in church and scream in the phone,
whose tears we sometimes laugh at and whose smiles can make us cry.
And we pray for those
whose nightmares come in the daytime,
Who will eat anything,
Who have never seen a dentist,
who aren't spoiled by anybody,
who go to bed hungry and cry themselves to sleep,
who live and move, but have no being.
We pray for children who want to be carried and for those who must,
For those we never give up on and for those who don't get a second chance,
For those we smother . . . and for those who will grab the hand of anybody kind enough to offer it.

Please offer your hands to them. Let your Amen be in your committed actions to help black children when you leave here. They desperately need your help on a one-to-one basis and in the political arena. We must all work to redirect the nation's foolish priorities which favor bombs and missiles over babies and mothers upon whom our real national and community security rest.●

NOMINATION OF JUDGE ROBERT BORK

● Mr. BOSCHWITZ. Mr. President, I ask that that testimony of Jewel LaFontant, given before the Judiciary Committee in support of Judge Bork be entered into the RECORD.

Mr. President, this is remarkable testimony given by this Nation's first Deputy Soliciter General who was a woman. She worked for Judge Bork during his time as Solicitor General.

Since so many people have questioned Judge Bork's attitude on issues regarding women, I felt this testimony would be helpful to insert into the RECORD.

As the testimony indicates, only one Senator was present throughout her testimony. It is indeed regretful that others did not hear it.

The testimony follows:

STATEMENT OF JEWEL LAFONTANT

The CHAIRMAN. Thank you, Mr. Randolph. Ms. LaFontant?

Ms. LAFONTANT. Good afternoon, Mr. Chairman and Members of the Committee.

Judge Bork has asked me to appear on his behalf. I have reviewed most of the relevant court cases; I have read his writings; and I have watched and listened to his testimony as well as that of many witnesses who have appeared before your. There has been a thorough discussion of the cases in which he has been involved and an unending criticism of much of his writings. I must say that I don't recognize the Judge Bork I know from so much of what has been said by his opponents here.

You see, I knew him well. Let me tell you about the heart of the man. In 1973 after I left the United Nations, I came to the Office of the Solicitor General. I was a rarity, if not an oddity: there never had been a woman, black or white, Deputy Solicitor General of these United States. And my presence here is due to the high regard I have for Judge Bork, based upon my personal experiences with him.

Judge Bork placed me in charge of the entire Civil Division where I reviewed hundreds and hundreds of cases that had been determined first in the United States district courts and then in the United States courts of appeal. I say I was an oddity—and it's not just my assessment; it appeared that there was also the perception of the staff in the offices of the SG. You see, attempts were made to isolate me. On one occasion, a secretary who had warmed up to me after a few months after my arrival, she said: I am going to tell you something, Mrs. LaFontant, that you are not going to like—the other deputies meet regularly, and you are not included. How do you know this, I asked. She continued: I was told to call the deputies in to a meeting and the names were called, and I said: "And Mrs. LaFontant?" The response was: oh, no, just the men. The response could have been: oh, no, just the whites.

I immediately reported this to Solicitor General Bork, and it is an understatement to say that he was appalled. And though he is usually a calm and even-tempered person, he exhibited strongly his dismay and sputtered his unhappiness about this attempt to exclude me and to discriminate against me. The very next day was the beginning of my attending so many briefings—I was bombared with meetings—that I wondered to myself whether I had been wise in complaining in the first place.

But those meetings were very important, not only because the current cases were discussed, the relevant law reviewed, but the cases for argument before the Supreme Court were assigned at those meetings, and those in charge of assigning have the pick of the cases to present to the various lawyers.

By being kept out of these discussions, my education of course was being limited, to say the least, and I was not given the choice cases to argue.

But Judge Bork handled this in his usual low-key, quiet but determined and fair manner—no confrontation, no embarrassing accusations—things just changed. He had seen to it that I was treated the same as the others.

And during my entire tenure there, Judge Bork exhibited complete fairness and openness. He was always open for debate—actually enjoyed the give and take of debate. He believes, and has said: intellect and discussion matter, and can change the world. He doesn't have a closed mind.

Bob Bork's devotion to women's rights was further exhibited in his support of the Federal Women's Program of the entire Department of Justice. In fact, the Federal Women's Program was founded in my quarters of the Solicitor General's Office, and I became its first chair, which could not have happened without the blessing and encouragement of Judge Bork.

The purpose of the Federal Women's Program was the elimination of sexism, to enlarge the recruitment and promotion of women. It seemed there was an invisible ceiling at about Grade 12 for women when I was here. Our group studies and tracked women and men from their entry into the Department and throughout their careers, and found that women with the same or similar credentials as men could not rise above Grade 12. We sensitized, through written and verbal contact, the department heads to the discrimination against women at the Department of Justice, and held what was called "women's exposition" at the Justice Department each year for several days, and included all agencies of government and even the surrounding business and civil community. We put in place programs to combat the sexism that was rampant. Our efforts played no small role in opening the doors of opportunity for women and improving the status of women. We take some credit for increasing the number of female employees, as well as an improvement in their overall distribution to more responsible positions.

I do believe that Bob Bork, by putting the weight of his office behind this program, caused the department heads to sit up and take notice.

All of my life I have been involved in civil rights organizations, having served for many years as secretary of the Chicago branch of the NAACP, on the board of directors of the American Civil Liberties Union and its legal redress committee, and as chairman of the Illinois Advisory Committee of the United States Civil Rights Commission, as well as being a commissioner of the Martin Luther King Holiday Commission. I have no hesitancy in supporting Judge Bork's nomination to the Supreme Court.

Not only is he a supporter of equal treatment for women. I sincerely believe that he is devoid of racial prejudice, or else I would not be here.

But what I like about him further is that he can be persuaded. In his 1963 "New Republic" article, he opposed the public accommodations provision of the proposed 1964 Civil Rights Act, but ten yeas afterwards, in '73, while I was in the Solicitor General's Office, he changed his mind. He admitted he was wrong, and he has been severely criticized for his change of heart. To me that is a sign of true intellect, that you can admit you made a mistake. Bork said: "I was on the wrong track, the civil rights statute has worked very well. Were it to be proposed today. . ."—and he was talking in 1973—"I would support it."

Judge Bork's commitment to and great and unusual respect for precedent was made clear to me when he was Solicitor General.

He preached the importance of the stability of the law. He stated at these hearings that he would respect precedent. I believe him.

When he states he now accepts Brandenburg, I believe him. Recently I asked Judge Bork a question: Is a case that was decided by a 5-to-4-vote, such as Roe versus Wade, just as much a precedent as one that was determined by a 9-to-0 vote? His response was: you bet you. He is no ideologue, but an objective clearthinking jurist who, in spite of his difference with the rationale of Roe versus Wade, testified along with Archibald Cox against the pro-life bill, or the human life bill proposal that would have made abortion murder, as defining life as beginning at conception.

But no matter how well you know a person, in evaluating the judicial competency and suitability of one who is being considered for appointment to the Supreme Court, there is no looking glass into which we can gaze and with accuracy and credibility determine or predict with certainty how an Associate Justice will perform, reason, decide, and vote in the abstract. The Justices, as I understand the situation, decide cases on the basis of the facts before them, the nuances of the circumstances, and the controlling precedent.

Indeed, no attempt should be made to really obtain prior commitments as to how he will vote. It's inappropriate to attempt to fetter the judicial freedom of a jurist by seeking or demanding to know how he will decide issues and cases in the future.

I see that my time is up. I have submitted a paper. I'd like at this time to say thank you very much, and I am open to questions.

Senator HUMPHREY. Ms. LaFontant, if you are nearly finished, why don't you go ahead and complete your statement, if you wish?

Ms. LAFONTANT. Well, there is a notable situation involving the great controversy and debates—I should say thank you very much—there is a notable situation involving the great controversy and debates which arose during confirmation hearings of the nomination of Mr. Justice Hugo Black to the Supreme Court in 1935.

Before the hearings, it was widely published and disseminated that Hugo Black in early life, while an elected official in the political life of Alabama, had been a member of the Ku Klux Klan. When confronted with this allegation, he admitted indeed he had been a member of the Klan. Justifiably, the black community, fair-minded people, were seriously and appropriately concerned about a former member of the Klan becoming a member of the Supreme Court of the United States.

In spite of this prior Klan membership, he was confirmed. And Mr. Justice Black, the former Alabama Senator and former KKK member, once confirmed and sitting, became a champion of the rights and interests of the oppressed and downtrodden and especially of the black citizens of the United States.

Justice Black's opinions were and are among the most liberating in bringing blacks into the mainstream of the American society and releasing them from the shackles and servitudes of an unsavory history and period of segregation and discrimination.

It is certainly within the realm of probability that when confirmed, Mr. Justice Bork could very well emulate the distinguished and liberating career of Mr. Justice Black.

As a woman and a black woman, I have no fear of entrusting my rights and my privilges to Robert Bork as an Associate Judge of the Supreme Court. I believe in him.

I ask this Committee and the Senate without reservation to give this learned jurist, this legal scholar and philosopher, this craftsman of jurisprudence, this man with heart, an opportunity to serve on the highest Court.

Thank you very much.

Senator SPECTER. You have arrived at a time which may be less desirable than ten o'clock at night; you have arrived over the lunch hour. And I just stepped out for a brief bite. It is perhaps an opportunity for Senator Humphrey and myself to make a motion and to decide what the Committee will do here in the absence——

Senator HUMPHREY. I am delighted, whatever it is.

Senator SPECTER [continuing]. In the absence of the Chairman or anybody from the other side of the aisle.

Ms. LaFontant, let me direct my next question to you. I note that your statement recounts Judge Bork's concern about your status as a woman in the Department. And I notice that you refer to your years as Secretary of the Chicago Branch of the NAACP and the Board of Directors of the American Civil Liberties Union.

Ms. LAFONTANT. That should also be the Illinois Division of the American Civil Liberties Union.

Senator SPECTER. It will stand as amended—and a number of other qualifications. And the question I have for you relates to Judge Bork's attitude on the issue of minorities and the Public Accommodations Act, which has been the subject of considerable discussion here, and the opposition that he had early on, his New Hampshire article of 1963. And I would be interested in your view of Judge Bork's sensitivities to the issue of blacks, public accommodations, women. It is probably going to exceed my time, but I think the Chairman will allow you to answer the question.

Ms. LAFONTANT. Thank you. I think the Sixties and Seventies changed America, especially in the civil rights area. The article written by Judge Bork was in 1963. America has changed since then, people have changed, and I believe Judge Bork definitely has changed. After he wrote that article in '73, he said, "I made a mistake. I was on the wrong track."

Senator SPECTER. Did he say that to you?

Ms. LAFONTANT. No. I am quoting from a written statement that he made. But I would say since then he has said he made the mistake, definitely, yes.

Senator SPECTER. Well, I am very much interested in your testimony, and I do not wish to interrupt you and prolong it, but I had thought he might have said something to you personally, or some insights you gleaned personally, which might provide an additional dimension of help to the Committee. That is why I had interrupted you.

Ms. LAFONTANT. Certainly, Judge Bork has said to me he made a mistake, and that he was on the wrong track. And even though I would say personally that I was on the right track long before Judge Bork got on the right track, I do not hold it against him. All my life, I have been involved in the civil liberties area, civil rights area, have argued cases and been active with every organization you can imagine. I just threw out a few of them here. You might hold it against me if I throw out a few more.

So I was on the right track because I had a heritage that has sensitized me, not only because I am black and female, but I had a father and a grandfather who were lawyers and extremely active in the civil rights movement. My father was a great labor lawyer, representing A. Phillip Randolph in the founding of the Brotherhood of Sleeping Car Porters Union.

So I would say since childhood I have been sensitized, I have known the problems, and I was on the right track. Judge Bork was not on the right track in '63, but he recanted, he changed, and in '73, he came out and said it in writing. I talked with him just last month because, when he asked me to come here and testify in his behalf, I flew to Washington to talk with him about some issues that were of concern to me. He reiterated his belief in civil rights, equality for women as well as blacks. And I am sold on the fact that he is completed devoid of racial prejudice. He is not prejudiced against women. I am convinced of it.

I heard his testimony here, and it is like a jury trial. You look at the witness, and you assess him from the way he appears. So that has to be left with you—how did he appear to you. To me, he is an honest, fine man who would not tell me these things if he did not sincerely believe them.

I even asked him a question about affirmative action when I came to visit with him. And his position is that affirmative action is a good thing; it has been good as a remedy, to remedy the wrongs. And he is for it until the imbalance is cured. Now, some people might say, well, that may be forever; but he said he is for affirmative action as a remedy until the imbalance of this discrimination is cured.

Senator SPECTER. Thank you very much, Ms. LaFontant.

Thank you all, and thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Humphrey.

Senator HUMPHREY. Ms. LaFontant, you cited your family history; your grandfather and your father both were involved in civil rights struggles. Tell us about some of these other organizations in which you have served. What are some of the things you have done in this area, in addition to serving as Deputy Solicitor General?

Ms. LAFONTANT. Let me say at this point that I am director of the Southern Christian Leadership Conference.

Senator HUMPHREY. You are a director?

Ms. LAFONTANT. Yes. Of course, I've been active with the Black Bar, National Bar Association which was founded by my father with three other people during a time that Blacks could not join the American Bar Association. I've kept up my activity in that kind of setting also.

Then also I've worked very hard in the majority community of law, of civic affairs, and I'm sure you don't want to have a whole list of all the civic affairs. I'm trying to get them together in my own mind.

Senator HUMPHREY. I would if I had unlimited time, but may I ask, Mr. Chairman, that Ms. LaFontant be offered the opportunity to provide and be directed, in fact, to provide us a more comprehensive list of her affiliations and activities and achievements in this area?

Ms. LAFONTANT. Yes, I could do that at the end of this testimony.

Senator HUMPHREY. Happy to have you.

I've heard, only hearsay, that you were under some pressure not to appear and testify on behalf of Robert Bork, is that correct?

Ms. LAFONTANT. I don't know that I like the word "pressure". Let's say on the Hill we call it lobbying, don't we.

Senator HUMPHREY. You were lobbied——

Ms. LAFONTANT. Yes.

Senator HUMPHREY [continuing]. By some mainline minority groups, is that it? Or do you care to say? Individuals or groups?

Ms. LAFONTANT. Primarily individuals representing various groups, yes.

Senator HUMPHREY. You know these nuances. You mentioned the importance of looking the members of the jury in the eye and the witnesses in the eye, and so on. Certainly we have had an opportunity to do that, and a lot comes out in the way of nuance.

So can you give us a little more detail in the way of nuance about the event that you described when you went to Robert Bork while he was Solicitor General and complained that all of the men deputies were being invited to important meetings but you were being excluded and that furthermore because you were being excluded you were missing out on the details of the department's work and were not being offered an opportunity to argue some of the important cases?

Can you give us a little bit more about that? You went and saw Robert Bork face-to-face or was it a phone call or a letter? How did it work?

Ms. LAFONTANT. No. I went right in to see him. He was that kind of boss, so to speak, that he didn't stand back on ceremony. You didn't have to call and make an appointment. You go into his office, and if the secretary said he was in, you asked to see him, and he let me see him immediately.

At that point, I did not know how important it was that I was not at some meetings since this was my first affair. I just know that I rebel against being left out of anything where I am supposed to be, and I don't carry a chip on my shoulder, but I was aware of the fact that there had never been a Black at the deputy solicitor general's level.

We had had a Black Solicitor General which was Thurgood Marshall, but there had never been a woman, Black or White, and the way I was treated when I first went there—I was aware of the fact that I was being ignored because I had been ignored before.

But it was so important to me to have the opportunity to argue our government's cases in the Supreme Court that I won't say I adjusted, but I tried to put it behind me, the fact that I was being ignored.

But when I was told that I was being isolated and kept out of these meetings and I went to Bob Bork, I really did not know the importance of it. I just knew that this was something that was happening because of my color or because of my sex.

He knew what was happening at that time, and that's why I think he was so upset because he had just come onboard himself. I came in in February of 1973, but Bob Bork did not come until about May.

Senator HUMPHREY. Yes.

Ms. LAFONTANT. So he couldn't believe it. He said, "Are you sure?" And I told him what I had heard and he took care of it right away. No nuances except he is a very straightforward guy. He saw an injustice and decided to correct it.

When we started our Federal Women's Program, he was behind it 110 percent, and actually when we would have our activities, what I call women's expo, Judge Bork actually participated in the program. He lent the weight of his office to this endeavor and we were very grateful for it.

Senator HUMPHREY. Well, even though in the case of rectifying the wrong involving discrimination against you with respect to not being invited to the meetings, even though he was brand new in the job, just getting his feet on the ground, one would think he wasted no time in righting that injustice.

Ms. LAFONTANT. That is right.

Senator HUMPHREY. Well, an old Chinese proverb says—I'm really making this up—but an old Chinese proverb says that actions speak louder than old articles.

Ms. LAFONTANT. And a late convert is sometimes the best.

The CHAIRMAN. Thank you very much. An questions from my colleague from Alabama?

Senator HEFLIN. I will pass.

The CHAIRMAN. Senator Leahy?

Senator LEAHY. I will pass.

The CHAIRMAN. I want to thank you all very much for your being here. Again, thank you for allowing us to take one of the witnesses out of order.●

Mr. BYRD. Mr. President, orders have been entered with respect to the program at the beginning of the day on tomorrow, which I would like to vitiate.

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

ORDERS FOR THURSDAY

RECESS UNTIL 8:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:30 tomorrow morning.

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

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Upon the completion of the two orders for the recognition of the leaders, which would be reduced to 5 minutes each, I ask unanimous consent that Mr. PROXMIRE be recognized for not to exceed 5 minutes; and that Mr. REID be recognized for not to exceed 15 minutes.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at that point, there be a period for morning business not to exceed 5 minutes with statements limited therein to 1 minute each; and that upon the conclusion of the morning business period, the Senate resume consideration of the Foreign Relations authorization bill.

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

ORDER OF PROCEDURE ON THURSDAY

Mr. BYRD. Mr. President, at that point, I will suggest the absence of a quorum. That will be a live quorum. And there will be a motion to instruct the Sergeant at Arms.

I ask unanimous consent that when that motion is made, and if the yeas and nays are ordered thereon, I ask unanimous consent that there be a 30-minute rollcall vote; and that the call for regular order be automatic at the end of 30 minutes.

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

Mr. BYRD. Mr. President, I ask unanimous consent at this time that it be in order to ask for the yeas and nays on the motion to instruct the Sergeant at Arms tomorrow morning.

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

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

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

The yeas and nays were ordered.

PROGRAM

Mr. BYRD. Mr. President, let me just state my intentions. I do not think I am stating any intention here that is adverse to the wishes of the Republican leader and the manager on the other side. It would be my intention on tomorrow upon the completion of the Foreign Relations authorization bill to move to go into executive session to consider the nomination of Mr. Verity. I may be able to do that by unanimous consent in which case there will not be any need for a rollcall vote.

It will be my intention on tomorrow to move to the Verity nomination, and also it may be that I would also tomorrow afternoon go to the prompt payment legislation, on which there has already been a time agreement. I have consulted with the distinguished Republican leader, and I think it is agreeable to him that I do that tomorrow if the situation would appear to be favorable to my doing that.

Mr. President, also in view of the fact that there has already been an order that the Senate go to the catastrophic illness legislation on tomorrow, I ask unanimous consent that the order be changed, and that I be authorized to go to it at such time as I may wish on tomorrow or Friday following consultation with the minority leader.

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

Mr. BYRD. So that then gives us some flexibility on tomorrow on the Verity nomination, on the prompt payment legislation, and on catastrophic illness.

ORDER ON THE ENERGY-WATER APPROPRIATION BILL

Mr. BYRD. Mr. President, I ask unanimous consent that the majority leader may at any time after consultation with the minority leader proceed to take up the appropriation bill on energy-water.

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

Mr. DOLE. Mr. President, if the majority leader will yield, I will try to have that by some time tomorrow. There is no objection on this side. But I need to run the hot line. There are three other appropriation bills. I do not know of any objection to taking them up. There may be amendments, and there may be some debate. Obviously, we will try to have that information in the morning.

Mr. BYRD. Very well. I thank the distinguished Republican leader for his cooperation and helpfulness.

I thank the two managers for their courtesies.

I yield back the time.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. PELL. Mr. President, I move that the Senate stand in recess pursuant to the previous order.

The motion was agreed to; and, at 7:41 p.m., the Senate recessed until Thursday, October 8, 1987 at 8:30 a.m.